

116TH CONGRESS
2D SESSION

H. R. 8352

To advance black families in the 21st Century.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2020

Ms. BASS (for herself, Ms. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. HASTINGS, Ms. JOHNSON of Texas, Mr. RUSH, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE, Mr. DANNY K. DAVIS of Illinois, Mr. MEEKS, Ms. LEE of California, Mr. CLAY, Mr. DAVID SCOTT of Georgia, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. GREEN of Texas, Ms. MOORE, Ms. CLARKE of New York, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, Ms. FUDGE, Mr. RICHMOND, Ms. SEWELL of Alabama, Ms. WILSON of Florida, Mr. PAYNE, Mrs. BEATTY, Mr. JEFFRIES, Mr. VEASEY, Ms. KELLY of Illinois, Ms. ADAMS, Mrs. LAWRENCE, Ms. PLASKETT, Mrs. WATSON COLEMAN, Mr. EVANS, Ms. BLUNT ROCHESTER, Mr. BROWN of Maryland, Mrs. DEMINGS, Mr. LAWSON of Florida, Mr. MCEACHIN, Mr. HORSFORD, Mr. NEGUSE, Ms. OMAR, Ms. PRESSLEY, and Mr. MFUME) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Agriculture, Armed Services, the Budget, Education and Labor, Energy and Commerce, Financial Services, Foreign Affairs, Homeland Security, House Administration, Natural Resources, Oversight and Reform, Rules, Science, Space, and Technology, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To advance black families in the 21st Century.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Jobs and Justice Act
3 of 2020”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

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- Sec. 51301. Short title.
- Sec. 51302. Findings.
- Sec. 51303. Requirements for no-excuse absentee voting, early in-person voting, and plan to ensure polling places implement CDC guidance for Federal elections in 2020.
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TITLE VI—SAFE, ACCOUNTABLE, FAIR, EFFECTIVE JUSTICE

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Sec. 60111. Compilation and publication of criminal offenses to provide fair notice to address over-federalization.

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Sec. 60303. Notification relating to forensic, prosecutorial, or law enforcement misconduct.

Sec. 60304. Remedies.

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Subtitle D—Concentrating Prison Space on Violent and Career Criminals

PART 1—RESTORING ORIGINAL CONGRESSIONAL INTENT TO FOCUS FEDERAL DRUG MANDATORY MINIMUMS ONLY ON MANAGERS, SUPERVISORS, ORGANIZERS, AND LEADERS OF DRUG TRAFFICKING ORGANIZATIONS AND TO AVOID DUPLICATIVE PROSECUTION WITH STATES

Sec. 60401. Focusing the application of Federal mandatory minimums for certain drug offenses to restore original congressional intent respecting the balance of power between the Federal Government and the States.

Sec. 60402. Modification of criteria for “safety valve” limitation on applicability of certain mandatory minimums.

Sec. 60403. Consistency in the use of prior convictions for sentencing enhancements.

Sec. 60404. Eligibility for resentencing based on changes in law.

Sec. 60405. Directives to the Sentencing Commission.

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PART 2—CLARIFICATION OF CONGRESSIONAL INTENT ON CERTAIN RECIDIVIST PENALTIES

Sec. 60407. Amendments to enhanced penalties provision.

PART 3—EXPANDING THE ABILITY TO APPLY FOR COMPASSIONATE
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Sec. 60408. Ability to petition for release to extended supervision for certain prisoners who are medically incapacitated, geriatric, or caregiver parents of minor children and who do not pose public safety risks.

Subtitle E—Encouraging Accountability With Greater Use of Evidence-Based
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Sec. 60501. Eligibility for prejudgment probation.
Sec. 60502. Sentence of probation.
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Sec. 60504. Establishing accountability evidence-based problem-solving court programs.

Subtitle F—Implementing Evidence-Based Practices to Reduce Recidivism

PART 1—REVISION OF STATUTORY SENTENCE CREDITS

Sec. 60601. Delivery and incentives to complete in-prison recidivism reduction programming.
Sec. 60602. Post-sentencing risk and needs assessment system and in-prison recidivism reduction programming.

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TREATMENT

Sec. 60603. Authorizing grants to States for the use of medication-assisted treatment for heroin, opioid, or alcohol abuse in residential substance abuse treatment.
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PART 3—IMPLEMENTING SWIFT, CERTAIN, AND PROPORTIONATE SANCTIONS
FOR VIOLATIONS OF CONDITIONS OF PROBATION OR SUPERVISED RELEASE

Sec. 60605. Graduated sanctioning system.
Sec. 60606. Graduated responses to technical violations of supervision.
Sec. 60607. Targeted and proportional penalties for revocation of probation.
Sec. 60608. Targeted and proportional penalties for violations of supervised release.

PART 4—FOCUS SUPERVISION RESOURCES ON HIGH-RISK OFFENDERS

Sec. 60609. Earned discharge credits for compliant supervisees.
Sec. 60610. Elimination of mandatory revocation for minor drug violations.

PART 5—MAXIMIZING PUBLIC SAFETY RETURNS ON CORRECTIONS DOLLARS

Sec. 60611. Clarification of original congressional intent regarding calculation of good time conduct credit.
Sec. 60612. Analysis of fiscal implications for inclusion in presentence reports.
Sec. 60613. Supporting safe law enforcement.

Subtitle G—Increasing Government Transparency and Accuracy

Sec. 60701. Report on mandatory minimums.

Sec. 60702. Federal defender added as a nonvoting member of the Sentencing Commission.

Sec. 60703. Budget and inmate population impact of legislation on the Federal corrections system.

Sec. 60704. Reports.

DIVISION A—JOBS
TITLE I—MAIN STREET
MARSHALL PLAN
Subtitle A—In General

SEC. 10101. SHORT TITLE.

This subtitle may be cited as the “Improving Corporate Governance Through Diversity Act of 2020”.

SEC. 10102. SUBMISSION OF DATA RELATING TO DIVERSITY BY ISSUERS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(s) SUBMISSION OF DATA RELATING TO DIVERSITY.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘executive officer’ has the meaning given the term in section 230.501(f) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this subsection; and

“(B) the term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.

1 “(2) SUBMISSION OF DISCLOSURE.—Each
2 issuer required to file an annual report under sub-
3 section (a) shall disclose in any proxy statement and
4 any information statement relating to the election of
5 directors filed with the Commission the following:

6 “(A) Data, based on voluntary self-identi-
7 fication, on the racial, ethnic, and gender com-
8 position of—

9 “(i) the board of directors of the
10 issuer;

11 “(ii) nominees for the board of direc-
12 tors of the issuer; and

13 “(iii) the executive officers of the
14 issuer.

15 “(B) The status of any member of the
16 board of directors of the issuer, any nominee
17 for the board of directors of the issuer, or any
18 executive officer of the issuer, based on vol-
19 untary self-identification, as a veteran.

20 “(C) Whether the board of directors of the
21 issuer, or any committee of that board of direc-
22 tors, has, as of the date on which the issuer
23 makes a disclosure under this paragraph,
24 adopted any policy, plan, or strategy to promote
25 racial, ethnic, and gender diversity among—

1 “(i) the board of directors of the
2 issuer;

3 “(ii) nominees for the board of direc-
4 tors of the issuer; or

5 “(iii) the executive officers of the
6 issuer.

7 “(3) ALTERNATIVE SUBMISSION.—In any 1-
8 year period in which an issuer required to file an an-
9 nual report under subsection (a) does not file with
10 the Commission a proxy statement relating to the
11 election of directors or an information statement, the
12 issuer shall disclose the information required under
13 paragraph (2) in the first annual report of issuer
14 that the issuer submits to the Commission after the
15 end of that 1-year period.

16 “(4) BEST PRACTICES.—

17 “(A) IN GENERAL.—The Director of the
18 Office of Minority and Women Inclusion of the
19 Commission shall, not later than the end of the
20 3-year period beginning on the date of the en-
21 actment of this subsection and every three
22 years thereafter, and in consultation with the
23 advisory council established pursuant to sub-
24 paragraph (C), publish best practices for com-
25 pliance with this subsection.

“(B) COMMENTS.—The Director of the Office of Minority and Women Inclusion of the Commission may, pursuant to subchapter II of chapter 5 of title 5, United States Code, solicit public comments related to the best practices published under subparagraph (A).

“(C) ADVISORY COMMITTEE.—The Director of the Office of Minority and Women Inclusion of the Commission shall, pursuant to the Federal Advisory Committee Act, establish an advisory council, that includes issuers and investors, to advise on the best practices published under subparagraph (A).”.

Subtitle B—Infrastructure Spending Bills to Include Development Programs That Recruit and Train Individuals From Communities With High Unemployment Rates

SEC. 10201. FINDINGS.

The Congress finds the following:

(1) America would need to spend approximately \$1.44 trillion over the next 10 years to close the infrastructure gap.

1 (2) The infrastructure workforce is aging at a
2 rate where approximately 3,000,000 workers will
3 need to be replaced over the next 10 years,
4 compounding America's infrastructure crisis.

5 (3) Infrastructure jobs include a wide range of
6 employment opportunities in both the public and pri-
7 vate sectors, including design, construction, oper-
8 ation, governance, and maintenance of America's as-
9 sets.

10 (4) Infrastructure jobs provide competitive
11 wages with low barriers to entry, many of which re-
12 quire on-the-job training in lieu of formal higher
13 education.

14 (5) In spite of rising income inequality, infra-
15 structure jobs paid approximately 30 percent more
16 to low-income individuals than other occupations be-
17 tween the years of 2005 and 2015.

18 (6) In the fourth quarter of 2016, African-
19 Americans and Hispanics between the ages of 25
20 and 34 had the highest unemployment levels at 8.6
21 percent and 5.3 percent, respectively.

22 (7) The unemployment rate for military vet-
23 erans serving in conflicts since September 11, 2001,
24 has remained above the national unemployment rate,
25 with the Federal Reserve of Chicago highlighting

1 how wartime deployment can limit the types of
2 training veterans receive that are transferable to the
3 civilian labor market.

4 (8) The Federal Government should make con-
5 certed efforts, by coordination with State and local
6 governments, workforce development agencies, edu-
7 cational institutions, including Historically Black
8 Colleges and Universities and Hispanic Serving In-
9 stitutions, to recruit, train, and retain America's
10 next generation of infrastructure workers to close
11 the workforce gap.

12 **SEC. 10202. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) any infrastructure spending bill enacted
15 during the 116th Congress should include robust in-
16 vestments in workforce development programs that
17 take meaningful actions to recruit and train individ-
18 uals from communities with high unemployment
19 rates, including African-American communities, His-
20 panic communities, and American Indian tribal
21 areas;

22 (2) any infrastructure spending bill enacted
23 during the 116th Congress should include robust in-
24 vestments in workforce development programs that
25 take meaningful actions to recruit and train unem-

1 ployed veterans that have served in a conflict since
2 September 11, 2001; and

3 (3) any infrastructure spending bill enacted
4 during the 116th Congress should include meaning-
5 ful outreach efforts geared toward underrepresented
6 contractors, including minority- and women-owned
7 businesses, veteran owned small businesses, service-
8 disabled veteran owned small businesses, and
9 offerors that employ veterans on a full-time basis.

10 **Subtitle C—Drinking Water** 11 **Infrastructure for Job Creation**

12 **SEC. 10301. SHORT TITLE.**

13 This subtitle may be cited as the “Drinking Water
14 Infrastructure for Job Creation Act”.

15 **SEC. 10302. FINDINGS.**

16 Congress finds the following:

17 (1) Investments in infrastructure create jobs
18 while fulfilling critical needs in communities
19 throughout the United States.

20 (2) According to the Brookings Institution,
21 nearly 14.5 million workers—11 percent of the U.S.
22 workforce—were employed in infrastructure jobs in
23 2013.

24 (3) According to data from the Brookings Insti-
25 tution, infrastructure occupations often provide more

1 competitive and equitable wages in comparison to all
2 jobs nationally, consistently paying up to 30 percent
3 more to low-income workers.

4 (4) The American Society of Civil Engineers
5 gave the infrastructure of the United States an over-
6 all grade of “D+” in 2017 and estimated that the
7 United States will need to invest \$4.59 trillion by
8 2025 in order to improve the condition of the Na-
9 tion’s infrastructure and bring it to a state of good
10 repair.

11 (5) The American Society of Civil Engineers as-
12 signed a “D” grade to the Nation’s drinking water
13 infrastructure and a “D+” grade to the Nation’s
14 wastewater infrastructure and estimated that the
15 United States will need to invest \$150 billion by
16 2025 to bring them to a state of good repair.

17 (6) According to the American Society of Civil
18 Engineers, there are an estimated 240,000 water
19 main breaks per year in the United States, wasting
20 over two trillion gallons of treated drinking water.

21 (7) In 2016, the U.S. Environmental Protection
22 Agency (EPA) reported that although exposure to
23 lead can cause serious health problems, including
24 damage to the brain and nervous system in children
25 and kidney problems and high blood pressure in

1 adults, an estimated 6.5 to 10 million homes nation-
2 wide receive drinking water through lead service
3 lines.

4 (8) Congress created the Drinking Water State
5 Revolving Funds in 1996 to help eligible public
6 water systems finance infrastructure projects in
7 order to comply with Federal drinking water regula-
8 tions and meet the health objectives of the Safe
9 Drinking Water Act.

10 (9) The EPA is required periodically to conduct
11 a survey of the capital improvement needs of eligible
12 public water systems and distribute funding appro-
13 priated for the Drinking Water State Revolving
14 Funds among the States based on the results of the
15 most recent survey.

16 (10) In March of 2018, the EPA issued the
17 2015 Drinking Water Needs Survey and Assess-
18 ment, which is the most recent survey of the capital
19 improvement needs of eligible public water systems
20 and which estimated that \$472.6 billion in improve-
21 ments are needed for the Nation's drinking water in-
22 frastructure over 20 years in order to ensure the
23 safety of drinking water.

24 (11) In fiscal year 2018, Congress appropriated
25 \$1.163 billion for the Drinking Water State Revolv-

1 ing Funds to enable States to provide grants and fi-
2 nancing assistance to eligible public water systems in
3 order to improve drinking water infrastructure in
4 communities throughout the United States.

5 (12) Past appropriations for the Drinking
6 Water State Revolving Funds are not sufficient to
7 address the tremendous need for investments in
8 drinking water infrastructure in communities
9 throughout the United States.

10 (13) Appropriating \$7.5 billion in fiscal year
11 2019 for the Drinking Water State Revolving
12 Funds, and allowing the funds to remain available
13 for 6 years, will enable States to begin immediately
14 to expand investments in drinking water infrastruc-
15 ture in communities throughout the United States.

16 (14) Restricting appropriations for the Drink-
17 ing Water State Revolving Funds through the use of
18 arbitrary budget caps or sequestration undermines
19 economic recovery and job creation efforts; disrupts
20 planning by States, local communities, and eligible
21 public water systems; and leaves critical infrastruc-
22 ture needs unmet.

23 (15) Emergency supplemental appropriations
24 for the Drinking Water State Revolving Funds, pro-
25 vided in addition to other appropriations and not

1 subject to sequestration, will improve drinking water
2 infrastructure and create jobs throughout the United
3 States without reducing funding for other domestic
4 priorities.

5 (16) An emergency supplemental appropriation
6 of \$7.5 billion for the Drinking Water State Revolv-
7 ing Funds to be made available in fiscal year 2019,
8 and to remain available for 6 years, will allow States
9 to begin immediately to distribute funds to eligible
10 public water systems and allow local communities
11 and eligible public water systems to develop and im-
12 plement plans to improve drinking water infrastruc-
13 ture, thus ensuring an efficient use of funds and
14 timely job creation.

15 **SEC. 10303. SUPPLEMENTAL APPROPRIATIONS FOR THE**
16 **DRINKING WATER STATE REVOLVING FUNDS.**

17 The following sums are appropriated, out of any
18 money in the Treasury not otherwise appropriated, for fis-
19 cal year 2019:

20 **ENVIRONMENTAL PROTECTION AGENCY**
21 **STATE AND TRIBAL ASSISTANCE GRANTS**

22 For an additional amount for capitalization grants
23 under section 1452 of the Safe Drinking Water Act in ac-
24 cordance with the provisions under this heading in title
25 VII of division A of Public Law 111–5, \$7,500,000,000,

1 to remain available through September 30, 2024: *Pro-*
2 *vided*, That the amount under this heading is designated
3 by the Congress as an emergency requirement pursuant
4 to section 251(b)(2)(A) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985, except that such
6 amount shall be available only if the President subse-
7 quently so designates such amount and transmits such
8 designation to the Congress.

9 **SEC. 10304. EXEMPTION FROM SEQUESTRATION.**

10 The appropriation in section 10303 shall be exempt
11 from sequestration under the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 **Subtitle D—Build Local, Hire Local**

14 **SEC. 10401. SHORT TITLE.**

15 This subtitle may be cited as the “Build Local, Hire
16 Local Act”.

17 **SEC. 10402. FINDINGS.**

18 Congress finds that—

19 (1) infrastructure plays a vital role in the lives
20 of all people in the United States;

21 (2) the aging infrastructure of the United
22 States is in need of a significant investment to re-
23 pair, rebuild, and modernize, and in the process, the
24 Federal Government can take necessary steps to ad-
25 dress economic and racial injustices that have lim-

1 ited opportunities for far too many people of the
2 United States;

3 (3) decades of disinvestment and exclusionary
4 policies have isolated many people of color, low-in-
5 come people, and disabled individuals in the United
6 States from opportunity across the urban centers,
7 deindustrialized cities, rural regions, and Tribal
8 areas of the United States, including horribly inad-
9 equately investment to ensure universal access to
10 clean air and water, safe and reliable transportation,
11 affordable housing, quality living wage jobs, high-
12 speed internet, modernized schools, and parks and
13 community facilities;

14 (4) while the construction of the National High-
15 way System remains one of the most transformative
16 achievements in the history of the United States, it
17 came at the expense of many low-income commu-
18 nities as well as minority neighborhoods of all in-
19 come levels that were destroyed by the construction
20 and isolated from the broader community and from
21 economic opportunity;

22 (5) investing in repairing, rebuilding, and mod-
23 ernizing the infrastructure of the United States pre-
24 sents an opportunity to learn from the mistakes of
25 the past and reimagine how communities can design

1 and build infrastructure to be more equitable, help-
2 ing to address structural inequities faced by
3 marginalized communities nationwide, including a
4 lack of good paying jobs, affordable, accessible, and
5 inclusive housing, decaying roads, bridges, and
6 schools, inadequate access to technology, and expo-
7 sure to toxic emissions and poisoned water;

8 (6) accessibility to quality infrastructure, train-
9 ing, and jobs is an issue across the United States,
10 spanning from rural and Tribal areas to urban and
11 suburban areas;

12 (7) transportation infrastructure has a signifi-
13 cant impact on access to jobs, education, healthcare,
14 healthy foods, and other essential services;

15 (8) accessibility to essential services is defined
16 not only by speed, but also by ease of access, which
17 includes the ability to safely and conveniently access
18 services by all modes of travel;

19 (9) with a shortage of construction firms that
20 are ready and able to take on the large-scale infra-
21 structure projects the United States demands, the
22 close to 478,000 specialty trade contractors in small-
23 er minority, women, and disadvantaged businesses
24 could be supported to meet this demand;

1 (10) small businesses and under-represented
2 contractors, including minority-, women-, veteran-
3 owned businesses, and businesses owned by disabled
4 individuals should have the opportunity to rebuild
5 their communities and employ hardworking people of
6 the United States along the way;

7 (11) as of 2018, about $\frac{1}{4}$ of the infrastructure
8 workforce is projected to retire or permanently leave
9 their jobs over the next decade, compounding the in-
10 frastructure crisis in the United States;

11 (12) as of 2019, the Board of Governors of the
12 Federal Reserve System finds that skilled trades and
13 many occupations that do not require a 4-year de-
14 gree are not considered to be at significant risk of
15 automation;

16 (13) infrastructure jobs include a wide range of
17 employment opportunities in both the public and pri-
18 vate sectors, including design, manufacturing, con-
19 struction, operation, governance, and maintenance of
20 infrastructure assets in the United States;

21 (14) more than 1 in 10 jobs in the United
22 States is a transportation- or infrastructure-related
23 job;

24 (15) many infrastructure jobs provide competi-
25 tive wages with low barriers to entry, many of which

1 require on-the-job training in lieu of formal 4-year
2 degree higher education programs;

3 (16) in spite of rising income inequality, infra-
4 structure jobs paid approximately 30 percent more
5 to low income individuals than other occupations in
6 2018;

7 (17) women, people of color, and particularly
8 women of color are underrepresented in construction
9 jobs;

10 (18) while women across all occupations cur-
11 rently make up about 50 percent of the workforce,
12 women in construction and extraction occupations
13 has hovered around 3 percent for the last 3 decades;

14 (19) while Black Americans make up about 12
15 percent of the overall workforce, Black Americans
16 only represent 7 percent of construction and extrac-
17 tion occupations;

18 (20) by focusing on improving workforce devel-
19 opment systems through targeted employment strat-
20 egies, the Federal Government can improve the qual-
21 ity of future projects and better ensure that all com-
22 munities benefit from investments that—

23 (A) protect workers;

24 (B) expand opportunities for advancement;

25 (C) establish strong labor standards; and

1 (D) redress discriminatory policies that
2 have unfairly burdened low-income communities
3 and communities of color with pollution of geo-
4 graphic isolation; and

5 (21) the Federal Government should make con-
6 certed efforts to close the workforce gap, through co-
7 ordination with States and units of local govern-
8 ment, workforce development agencies, national and
9 regional nonprofit intermediaries, labor organiza-
10 tions, and institutions of higher education and other
11 educational institutions, including historically Black
12 colleges and universities and Hispanic-serving insti-
13 tutions, to recruit, train, and retain the next genera-
14 tion of infrastructure workers in the United States,
15 with a focus on—

16 (A) achieving gender, ethnic, racial, and
17 ability diversity; and

18 (B) recruiting and training individuals
19 from communities with high unemployment
20 rates, including African-American communities,
21 Hispanic communities, Indian Tribes, the dis-
22 abled community, and the LGBTQ community.

23 **SEC. 10403. DEFINITIONS.**

24 In this subtitle:

1 (1) COVERED INFRASTRUCTURE PROGRAM.—

2 The term “covered infrastructure program” means
3 any of the following:

4 (A) Direct and guaranteed loans and
5 grants under section 306(a) of the Consolidated
6 Farm and Rural Development Act (7 U.S.C.
7 1926(a)).

8 (B) Distance learning and telemedicine
9 grants under section 2333 of the Food, Agri-
10 culture, Conservation, and Trade Act of 1990
11 (7 U.S.C. 950aaa–2).

12 (C) Broadband loans and loan guarantees
13 under title IV of the Rural Electrification Act
14 of 1936 (7 U.S.C. 950bb et seq.).

15 (D) The community connect grant pro-
16 gram established under title III of the Agri-
17 culture, Rural Development, Food and Drug
18 Administration, and Related Agencies Appro-
19 priations, 2004 (Public Law 108–199; 118
20 Stat. 29).

21 (E) Solid waste management grants under
22 section 310B(b) of the Consolidated Farm and
23 Rural Development Act (7 U.S.C. 1932(b)).

1 (F) A program or project carried out
2 under the Public Works and Economic Develop-
3 ment Act of 1965 (42 U.S.C. 3121 et seq.).

4 (G) Financial assistance for development,
5 implementation, or modification of a State en-
6 ergy conservation plan under section 363 of the
7 Energy Policy and Conservation Act (42 U.S.C.
8 6323).

9 (H) State water pollution control revolving
10 funds established under title VI of the Federal
11 Water Pollution Control Act (33 U.S.C. 1381 et
12 seq.).

13 (I) State drinking water treatment revolv-
14 ing loan funds established under section 1452
15 of the Safe Drinking Water Act (42 U.S.C.
16 300j-12).

17 (J) Grants for construction of health cen-
18 ters provided by the Secretary of Health and
19 Human Services.

20 (K) Grants for construction, renovation, or
21 repair of non-Federal research facilities pro-
22 vided by the Director of the National Institutes
23 of Health.

24 (L) The public transportation security as-
25 sistance grant program under section 1406 of

1 the Implementing Recommendations of the 9/11
2 Commission Act of 2007 (6 U.S.C. 1135).

3 (M) Assistance provided under the Public
4 Housing Capital Fund established under section
5 9(d) of the United States Housing Act of 1937
6 (42 U.S.C. 1437g(d)).

7 (N) The community development block
8 grant program under title I of the Housing and
9 Community Development Act of 1974 (42
10 U.S.C. 5301 et seq.).

11 (O) The Indian housing block grant pro-
12 gram under section 101 of the Native American
13 Housing Assistance and Self-Determination Act
14 of 1996 (25 U.S.C. 4111).

15 (P) The rural water supply program under
16 section 103 of the Rural Water Supply Act of
17 2006 (43 U.S.C. 2402).

18 (Q) Financial assistance provided under
19 the Water Infrastructure Finance and Innova-
20 tion Act (33 U.S.C. 3901 et seq.).

21 (R) Assistance provided under title 23,
22 United States Code.

23 (S) Assistance provided under chapter 53
24 of title 49, United States Code.

1 (T) Programs for civil works projects, in-
2 cluding water resources projects, under the ju-
3 risdiction of the Corps of Engineers.

4 (U) Assistance provided for a freight or
5 passenger rail project under subtitle V of title
6 49, United States Code.

7 (V) Assistance provided for an airport de-
8 velopment project under chapter 471 of title 49,
9 United States Code.

10 (W) Assistance for an environmental clean-
11 up project under the Comprehensive Environ-
12 mental Response, Compensation, and Liability
13 Act of 1980 (42 U.S.C. 9601 et seq.).

14 (X) Assistance provided under section
15 7007 and 7008 of the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C.
17 7707, 7708).

18 (Y) Mutual and self-help housing assist-
19 ance provided under section 523 of the Housing
20 Act of 1949 (42 U.S.C. 1490c).

21 (Z) Site development loans provided under
22 section 524 of the Housing Act of 1949 (42
23 U.S.C. 1490d).

1 (AA) Loan guarantees for rural rental
2 housing provided under section 538 of the
3 Housing Act of 1949 (42 U.S.C. 1490p-2).

4 (BB) Assistance provided by the Commu-
5 nity Development Financial Institutions Fund
6 established under section 104(a) of the Riegle
7 Community Development and Regulatory Im-
8 provement Act of 1994 (12 U.S.C. 4703(a)).

9 (CC) Grants awarded from the Capital
10 Magnet Fund established under section 1339 of
11 the Federal Housing Enterprises Financial
12 Safety and Soundness Act of 1992 (12 U.S.C.
13 4569).

14 (DD) Assistance provided under the Con-
15 nect America Fund of the Federal Communica-
16 tions Commission under subpart D of part 54
17 of title 47, Code of Federal Regulations (or a
18 successor regulation).

19 (EF) The Connect Communities Program
20 under section 10444.

21 (FF) Any similar program, as determined
22 by the Director of the Office of Management
23 and Budget, in consultation with the heads of
24 the relevant Federal agencies.

1 (2) HEAD OF THE RELEVANT FEDERAL AGEN-
 2 CY.—The term “head of the relevant Federal agen-
 3 cy” means the head of a Federal department or
 4 agency that administers or has jurisdiction over a
 5 covered infrastructure program.

6 (3) LOCAL WORKFORCE DEVELOPMENT
 7 BOARD.—The term “local workforce development
 8 board” has the meaning given the term “local
 9 board” in section 3 of the Workforce Innovation and
 10 Opportunity Act (29 U.S.C. 3102).

11 (4) STATE WORKFORCE DEVELOPMENT
 12 BOARD.—The term “State workforce development
 13 board” has the meaning given the term “State
 14 board” in section 3 of the Workforce Innovation and
 15 Opportunity Act (29 U.S.C. 3102).

16 **PART 1—CREATING JOBS AND RAISING THE**
 17 **QUALITY OF LIFE IN EVERY COMMUNITY**

18 **Subpart A—Creating Local Jobs Across the Country**

19 **SEC. 10411. TARGETED HIRING REQUIREMENTS FOR CON-**
 20 **STRUCTION JOBS CREATED BY COVERED IN-**
 21 **FRASTRUCTURE PROGRAMS.**

22 (a) DEFINITION OF LOCAL.—

23 (1) IN GENERAL.—In this section, the term
 24 “local”, with respect to hiring for a project, means
 25 hiring within the geographical boundaries of the

1 area in which the project is located, as determined
2 by the recipient of assistance under a covered infra-
3 structure program, in coordination with the head of
4 the relevant Federal agency, subject to the require-
5 ment that the geographical area shall—

6 (A) include high-poverty, high-unemploy-
7 ment zip codes; and

8 (B) be the size of a county, multi-county,
9 statewide, or multi-State region.

10 (2) SAVINGS PROVISION.—Nothing in para-
11 graph (1) prohibits interstate hiring.

12 (b) REQUIREMENT.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law and to the maximum extent prac-
15 ticable, except to the extent that the head of the rel-
16 evant Federal agency determines otherwise, in the
17 case of any construction project carried out under a
18 covered infrastructure program, the head of the rel-
19 evant Federal agency shall ensure that, of the work-
20 ers hired for the project (including workers hired for
21 related maintenance, service, or operations activities
22 for the project), the applicable percentage described
23 in paragraph (2) are hired through local hiring, in
24 partnership with a registered apprenticeship pro-
25 gram, if applicable, or with a State workforce devel-

1 opment board or local workforce development board,
2 if applicable.

3 (2) APPLICABLE PERCENTAGE.—The applicable
4 percentage referred to in paragraph (1) is—

5 (A) for fiscal year 2021, 10 percent;

6 (B) for fiscal year 2022, 20 percent;

7 (C) for fiscal year 2023, 30 percent;

8 (D) for fiscal year 2024, 40 percent; and

9 (E) for fiscal year 2025 and each fiscal
10 year thereafter, 50 percent.

11 (c) PRIORITY.—In carrying out subsection (b), the
12 head of the relevant Federal agency shall ensure that the
13 entity carrying out the project gives priority to—

14 (1) individuals with a barrier to employment (as
15 defined in section 3 of the Workforce Innovation and
16 Opportunity Act (29 U.S.C. 3102)), including ex-of-
17 fenders and disabled individuals (as defined in sec-
18 tion 10421);

19 (2) veterans (as defined in section 10421); and

20 (3) individuals that represent populations that
21 are traditionally underrepresented in the infrastruc-
22 ture workforce, such as women and racial and ethnic
23 minorities.

24 (d) REPORTS AND OVERSIGHT.—

1 (1) IN GENERAL.—Not less frequently than an-
2 nually, the Secretary of Labor, in consultation with
3 the heads of the relevant Federal agencies, shall—

4 (A) submit to Congress a report on the im-
5 plementation of this section; and

6 (B) make the report under subparagraph
7 (A), including any related data, publicly avail-
8 able on the internet.

9 (2) GAO REVIEW.—Not later than 5 years after
10 the date of enactment of this Act, the Comptroller
11 General of the United States shall—

12 (A) carry out a review of the implementa-
13 tion of this section to determine compliance
14 with this section; and

15 (B) submit to Congress a report on the re-
16 sults of the review under subparagraph (A), in-
17 cluding any suggestions or recommendations for
18 legislative, regulatory, or other changes to im-
19 prove the implementation of this section or
20 compliance with this section.

21 **SEC. 10412. COMPLIANCE WITH COURT ORDERS.**

22 Nothing in this subpart limits the eligibility of an in-
23 dividual or entity to receive assistance made available
24 under a covered infrastructure program if the individual
25 or entity is prevented, in whole or in part, from complying

1 with section 10411(b) because a Federal court issues a
2 final order in which the court finds that a requirement
3 or the implementation of that section is unconstitutional.

4 **Subpart B—Rebuilding Our Infrastructure With**
5 **American Business**

6 **SEC. 10421. DEFINITIONS.**

7 In this subpart:

8 (1) **DISABLED INDIVIDUAL.**—The term “dis-
9 abled individual” means an individual with a dis-
10 ability (as defined in section 3 of the Americans with
11 Disabilities Act of 1990 (42 U.S.C. 12102)).

12 (2) **LGBTQ.**—The term “LGBTQ” means,
13 with respect to an individual, a lesbian, gay, bisex-
14 ual, transgender, or queer individual.

15 (3) **OWNED AND CONTROLLED.**—The term
16 “owned and controlled”, with respect to a business,
17 means—

18 (A) ownership of at least 51 percent of the
19 business, or in the case of any publicly owned
20 business, ownership of at least 51 percent of
21 the stock; and

22 (B) control of the management and daily
23 business operations of the business.

24 (4) **SMALL BUSINESS CONCERN.**—

1 (A) IN GENERAL.—The term “small busi-
2 ness concern” means a small business concern
3 (within the meaning of section 3(a) of the
4 Small Business Act (15 U.S.C. 632(a))).

5 (B) EXCLUSIONS.—The term “small busi-
6 ness concern” does not include any concern or
7 group of concerns controlled by the same so-
8 cially and economically disadvantaged individual
9 or individuals that have average annual gross
10 receipts during the preceding 3 fiscal years in
11 excess of \$23,980,000, as adjusted annually by
12 the head of the relevant Federal agency for in-
13 flation.

14 (5) SOCIALLY OR ECONOMICALLY DISADVAN-
15 TAGED INDIVIDUAL.—The term “socially or eco-
16 nomically disadvantaged individual” means any so-
17 cially and economically disadvantaged individuals
18 within the meaning of section 8(d) of the Small
19 Business Act (15 U.S.C. 637(d)) and relevant sub-
20 contracting regulations issued pursuant to that Act.

21 (6) VETERAN.—The term “veteran” has the
22 meaning given the term in section 101 of title 38,
23 United States Code.

1 **SEC. 10422. INCREASING MEANINGFUL SMALL BUSINESS**
2 **PARTICIPATION.**

3 (a) IN GENERAL.—Except to the extent that the head
4 of the relevant Federal agency determines otherwise—

5 (1) not less than the percentage described in
6 subsection (b) for the applicable fiscal year of the
7 amounts made available for each covered infrastruc-
8 ture program shall be expended through small busi-
9 ness concerns; and

10 (2) not less than the percentage described in
11 subsection (b) for the applicable fiscal year of the
12 total number of projects that receive assistance
13 under each covered infrastructure program shall be
14 subcontracted through a small business concern.

15 (b) PERCENTAGE DESCRIBED.—The percentage re-
16 ferred to in each of paragraphs (1) and (2) of subsection
17 (a) is—

18 (1) for fiscal year 2021, 6 percent;

19 (2) for fiscal year 2022, 12 percent;

20 (3) for fiscal year 2023, 19 percent;

21 (4) for fiscal year 2024, 26 percent; and

22 (5) for fiscal year 2025 and each fiscal year
23 thereafter, 33 percent.

24 (c) REPORT.—Not less frequently than once each fis-
25 cal year, the Administrator of the Small Business Admin-
26 istration, in consultation with the heads of the relevant

1 Federal agencies, shall submit to Congress a report on the
2 implementation of subsection (a).

3 **SEC. 10423. REQUIRING MEANINGFUL PARTICIPATION**
4 **FROM TARGETED BUSINESSES.**

5 (a) IN GENERAL.—Except to the extent that the head
6 of the relevant Federal agency determines otherwise, not
7 less than the percentage described in subsection (b) for
8 the applicable fiscal year of the amounts made available
9 for a covered infrastructure program shall be expended
10 through businesses owned and controlled by—

- 11 (1) socially or economically disadvantaged indi-
12 viduals;
13 (2) women;
14 (3) veterans;
15 (4) LGBTQ individuals;
16 (5) disabled individuals; or
17 (6) ex-offenders.

18 (b) PERCENTAGE DESCRIBED.—The percentage re-
19 ferred to in subsection (a) is—

- 20 (1) for fiscal year 2020, 6 percent;
21 (2) for fiscal year 2021, 12 percent;
22 (3) for fiscal year 2022, 18 percent;
23 (4) for fiscal year 2023, 24 percent; and
24 (5) for fiscal year 2024 and each fiscal year
25 thereafter, 30 percent.

1 (c) REPORT.—Not less frequently than once each fis-
2 cal year, the Secretary of Commerce, in consultation with
3 the Administrator of the Small Business Administration
4 and the heads of the relevant Federal agencies, shall sub-
5 mit to Congress a report on the implementation of sub-
6 section (a).

7 **SEC. 10424. COMPLIANCE WITH COURT ORDERS.**

8 Nothing in this subpart limits the eligibility of an in-
9 dividual or entity to receive assistance made available
10 under a covered infrastructure program if the individual
11 or entity is prevented, in whole or in part, from complying
12 with section 10422(a) or 10423(a), as applicable, because
13 a Federal court issues a final order in which the court
14 finds that a requirement or the implementation of section
15 10422(a) or 10423(a), as applicable, is unconstitutional.

16 **SEC. 10425. EXPANSION OF SMALL BUSINESS ADMINISTRA-**
17 **TION SURETY BOND PROGRAM.**

18 Section 411(a)(1)(A) of the Small Business Invest-
19 ment Act of 1958 (15 U.S.C. 694b(a)(1)(A)) is amended
20 by striking “\$6,500,000” and inserting “\$10,000,000”.

1 **Subpart C—Encouraging the Use of U.S. Employment**
 2 **Plans and Best-Value Contracting Analysis**

3 **SEC. 10431. CREATING A BEST-VALUE ANALYSIS FOR FED-**
 4 **ERAL EXPENDITURES ON INFRASTRUCTURE,**
 5 **USE OF U.S. EMPLOYMENT PLANS, AND PREF-**
 6 **ERENCES FOR REGISTERED APPRENTICE-**
 7 **SHIP PROGRAMS AND NEUTRALITY IN UNION**
 8 **ORGANIZING.**

9 (a) DEFINITIONS.—In this section:

10 (1) COMMITMENT TO HIGH-QUALITY CAREER
 11 AND BUSINESS OPPORTUNITIES.—The term “com-
 12 mitment to high-quality career and business oppor-
 13 tunities” means participation in a registered appren-
 14 ticeship program (as defined in section
 15 10451(a)(2)).

16 (2) U.S. EMPLOYMENT PLAN.—The term “U.S.
 17 Employment Plan” means a plan under which an
 18 entity receiving Federal assistance for a project
 19 under a covered infrastructure program shall—

20 (A) include in a request for proposal an
 21 encouragement for bidders to include, with re-
 22 spect to the project—

23 (i) high-quality wage, benefit, and
 24 training commitments by the bidder and
 25 the supply chain of the bidder for the
 26 project; and

1 (ii) a commitment to recruit and hire
2 individuals described in section 10411(c) if
3 the project results in the hiring of employ-
4 ees not currently or previously employed by
5 the bidder and the supply chain of the bid-
6 der for the project;

7 (B) give preference for the award of the
8 contract to a bidder that includes the commit-
9 ments described in clauses (i) and (ii) of sub-
10 paragraph (A); and

11 (C) ensure that each bidder that includes
12 the commitments described in clauses (i) and
13 (ii) of subparagraph (A) that is awarded a con-
14 tract complies with those commitments.

15 (b) BEST-VALUE FRAMEWORK.—To the maximum
16 extent practicable, a recipient of assistance under a cov-
17 ered infrastructure program is encouraged—

18 (1) to ensure that each dollar invested in infra-
19 structure uses a best-value contracting framework to
20 maximize the local value of federally funded con-
21 tracts by evaluating bids on price and other criteria
22 prioritized in the bid, such as—

23 (A) equity;

24 (B) environmental and climate justice;

25 (C) impact on greenhouse gas emissions;

1 (D) resilience;

2 (E) the results of a 40-year life-cycle anal-
3 ysis;

4 (F) safety;

5 (G) commitment to creating or sustaining
6 high-quality job opportunities affiliated with
7 registered apprenticeship programs (as defined
8 in section 10451(a)(2)) for disadvantaged or
9 underrepresented individuals in infrastructure
10 industries in the United States; and

11 (H) access to jobs and essential services by
12 all modes of travel for all users, including dis-
13 abled individuals (as defined in section 10421);

14 (2) in evaluating bids, to give at least equal
15 weight to the criteria described in paragraph (1) as
16 to past performance; and

17 (3) to ensure community engagement, trans-
18 parency, and accountability in carrying out each
19 stage of the project.

20 (c) PREFERENCE FOR REGISTERED APPRENTICE-
21 SHIP PROGRAMS.—To the maximum extent practicable, a
22 recipient of assistance under a covered infrastructure pro-
23 gram, with respect to the project for which the assistance
24 is received, shall give preference to a bidder that dem-
25 onstrates a commitment to high-quality job opportunities

1 affiliated with registered apprenticeship programs (as de-
2 fined in section 10451(a)(2)).

3 (d) PREFERENCE FOR NEUTRALITY IN UNION ORGA-
4 NIZING.—Notwithstanding any other provision of law, the
5 head of each relevant Federal agency, in consultation with
6 the Secretary of Labor, shall give preference in providing
7 assistance under a covered infrastructure program to an
8 entity that commits to giving preference in awarding con-
9 tracts and subcontracts for projects carried out with that
10 assistance to bidders that have an explicit neutrality policy
11 on any issue involving the organization of employees for
12 purposes of collective bargaining.

13 (e) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
14 standing any other provision of law, in carrying out a
15 project under a covered infrastructure program, each enti-
16 ty that receives Federal assistance shall use a U.S. Em-
17 ployment Plan for each contract of \$5,000,000 or more
18 for the purchase of manufactured goods or of services,
19 based on an independent cost estimate.

20 (f) REPORT.—Not less frequently than once each fis-
21 cal year, the heads of the relevant Federal agencies shall
22 jointly submit to Congress a report describing the imple-
23 mentation of this section.

24 (g) INTENT OF CONGRESS.—

1 (1) IN GENERAL.—It is the intent of Con-
2 gress—

3 (A) to encourage recipients of Federal as-
4 sistance under covered infrastructure programs
5 to use a best-value contracting framework de-
6 scribed in subsection (b)(1) for the purchase of
7 goods and services;

8 (B) to encourage recipients of Federal as-
9 sistance under covered infrastructure programs
10 to use preferences for registered apprenticeship
11 programs and neutrality in union organizing as
12 described in subsections (c) and (d) when evalu-
13 ating bids for projects using that assistance;

14 (C) to require that recipients of Federal
15 assistance under covered infrastructure pro-
16 grams use the U.S. Employment Plan in car-
17 rying out the project for which the assistance
18 was provided; and

19 (D) that full and open competition under
20 covered infrastructure programs means a proce-
21 dural competition that prevents corruption, fa-
22 voritism, and unfair treatment by recipient
23 agencies.

24 (2) INCLUSION.—A best-value contracting
25 framework described in subsection (b)(1) is a frame-

1 work that authorizes a recipient of Federal assist-
 2 ance under a covered infrastructure program, in
 3 awarding contracts, to evaluate a range of factors,
 4 including price, the quality of products, the quality
 5 of services, and commitments to the creation of good
 6 jobs for all people in the United States.

7 **Subpart D—Improving Safety, Connectivity, and**
 8 **Access to Better Opportunities**

9 **SEC. 10441. ACCESSIBILITY DATA PROGRAM.**

10 (a) IN GENERAL.—Not later than 1 year after the
 11 date of enactment of this Act, the Secretary of Transpor-
 12 tation (referred to in this section as the “Secretary”) shall
 13 carry out an accessibility data program (referred to in this
 14 section as the “program”).

15 (b) PURPOSE.—The purpose of the program is to de-
 16 velop or procure an accessibility data set and make that
 17 data set available to each eligible entity selected to partici-
 18 pate in the program to improve the transportation plan-
 19 ning of those eligible entities by—

20 (1) measuring the level of access by multiple
 21 transportation modes to important destinations,
 22 which may include—

23 (A) jobs, including areas with a concentra-
 24 tion of available jobs;

25 (B) health care facilities;

1 (C) child care services;

2 (D) educational and workforce training fa-
3 cilities;

4 (E) affordable and accessible housing;

5 (F) food sources; and

6 (G) connections between modes, including
7 connections to—

8 (i) high-quality transit or rail service;

9 (ii) safe bicycling corridors; and

10 (iii) safe sidewalks that achieve com-
11 pliance with applicable requirements of the
12 Americans with Disabilities Act of 1990
13 (42 U.S.C. 12101 et seq.);

14 (2) disaggregating the level of access by mul-
15 tiple transportation modes by a variety of population
16 categories, which may include—

17 (A) low-income populations;

18 (B) minority populations;

19 (C) age;

20 (D) disability; and

21 (E) geographical location; and

22 (3) assessing the change in accessibility that
23 would result from new transportation investments.

24 (c) ELIGIBLE ENTITIES.—An entity eligible to par-
25 ticipate in the program is—

1 (1) a State (as defined in section 101(a) of title
2 23, United States Code);

3 (2) a metropolitan planning organization; or

4 (3) a rural planning organization.

5 (d) APPLICATION.—To be eligible to participate in
6 the program, an eligible entity shall submit to the Sec-
7 retary an application at such time, in such manner, and
8 containing such information as the Secretary may require,
9 including information relating to—

10 (1) previous experience of the eligible entity
11 measuring transportation access or other perform-
12 ance management experience;

13 (2) the types of important destinations to which
14 the eligible entity intends to measure access;

15 (3) the types of data disaggregation the eligible
16 entity intends to pursue; and

17 (4) a general description of the methodology the
18 eligible entity intends to apply.

19 (e) SELECTION.—The Secretary shall seek to achieve
20 diversity of participants in the program, including—

21 (1) by selecting a range of eligible entities that
22 shall include not less than—

23 (A) 5 States;

24 (B) 10 metropolitan planning organiza-
25 tions, of which—

1 (i) 5 shall each serve an area with a
2 population of not more than 200,000 peo-
3 ple; and

4 (ii) 5 shall each serve an area with a
5 population of 200,000 or more people; and

6 (C) 5 rural planning organizations; and

7 (2) among the eligible entities selected under
8 paragraph (1)—

9 (A) a range of capacity and previous expe-
10 rience with measuring transportation access;
11 and

12 (B) a variety of proposed methodologies
13 and focus areas for measuring level access.

14 (f) DUTIES.—For each eligible entity participating in
15 the program, the Secretary shall—

16 (1) develop or acquire an accessibility data set
17 described in subsection (b); and

18 (2) submit the data set to the eligible entity.

19 (g) METHODOLOGY.—In calculating the measures for
20 the data set under the program, the Secretary shall ensure
21 that methodology is open source.

22 (h) AVAILABILITY.—The Secretary shall make an ac-
23 cessibility data set under the program available to—

1 (1) units of local government within the juris-
2 diction of the eligible entity participating in the pro-
3 gram; and

4 (2) researchers.

5 (i) REPORT.—Not later than 120 days after the last
6 date on which the Secretary submits data sets to the eligi-
7 ble entity under subsection (f), the Secretary shall submit
8 to Congress a report on the results of the program, includ-
9 ing the feasibility of developing and providing periodic ac-
10 cessibility data sets for all States, regions, and localities.

11 (j) PUBLIC AVAILABILITY OF DATA.—The Secretary
12 may make publicly available on the internet the data sets
13 and the report under subsection (i).

14 (k) FUNDING.—The Secretary shall carry out the
15 program using amounts made available to the Secretary
16 for administrative expenses to carry out programs under
17 the authority of the Secretary.

18 **SEC. 10442. ESTABLISHMENT OF PERFORMANCE MEASURES**
19 **FOR TRANSPORTATION ACCESSIBILITY.**

20 (a) CONNECTIVITY AND ACCESSIBILITY PERFORM-
21 ANCE MEASURES.—Section 150 of title 23, United States
22 Code, is amended—

23 (1) in subsection (c)—

24 (A) in paragraph (1), by inserting “and in
25 the case of paragraph (7), not later than 3

1 years after the date of enactment of the Build
 2 Local, Hire Local Act,” after “MAP-21,”; and

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

4 “(7) MULTIMODAL TRANSPORTATION
 5 CONNECTIVITY AND ACCESSIBILITY.—

6 “(A) DEFINITION OF DISADVANTAGED
 7 POPULATION.—In this paragraph, the term ‘dis-
 8 advantaged population’ means a low-income
 9 population, a minority population, or people
 10 with disabilities, as determined by the Sec-
 11 retary.

12 “(B) REGULATIONS.—The Secretary shall
 13 issue such regulations as are necessary to es-
 14 tablish performance measures relating to trans-
 15 portation connectivity and accessibility for
 16 States, metropolitan planning organizations,
 17 and units of local government to improve the
 18 connectivity and accessibility of roadways, pub-
 19 lic transportation infrastructure, pedestrian and
 20 bikeway infrastructure, and other transpor-
 21 tation infrastructure.

22 “(C) INCLUSIONS.—The performance
 23 measures established pursuant to subparagraph
 24 (B) shall include measures to assess—

1 “(i) with respect to the general popu-
2 lation serviced by a transportation sys-
3 tem—

4 “(I) the change in cumulative ac-
5 cess to employment opportunities and
6 other essential services, including edu-
7 cational and workforce training loca-
8 tions, health care facilities, rec-
9 reational assets, and supermarkets
10 and grocers;

11 “(II) multimodal choice and en-
12 hanced interconnections among
13 modes—

14 “(aa) to offer variety of
15 choice between and among
16 modes;

17 “(bb) to provide accessible
18 and reliable transportation for all
19 users; and

20 “(cc) to encourage travel de-
21 mand management among local
22 and statewide employers; and

23 “(III) any other issues the Sec-
24 retary determines to be appropriate;
25 and

1 “(ii) with respect to disadvantaged
2 populations serviced by a transportation
3 system—

4 “(I) transportation accessibility
5 for disadvantaged populations;

6 “(II) change in cumulative acces-
7 sibility for disadvantaged populations
8 to employment opportunities and
9 other essential services, including edu-
10 cational and workforce training loca-
11 tions, health care facilities, rec-
12 reational assets, and supermarkets
13 and grocers; and

14 “(III) any other issues the Sec-
15 retary determines to be appropriate.”;

16 (2) in subsection (d)(1), by striking “and (6)”
17 and inserting “(6), and (7)”; and

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

19 “(f) REPORT ON MULTIMODAL TRANSPORTATION
20 CONNECTIVITY AND ACCESSIBILITY.—Not less frequently
21 than annually—

22 “(1) each State, metropolitan planning organi-
23 zation, and unit of local government shall submit to
24 the Secretary the progress of that entity toward

1 achieving the performance measures under sub-
2 section (c)(7); and

3 “(2) the Secretary shall—

4 “(A) submit to Congress a report that in-
5 cludes the results of the reporting under para-
6 graph (1); and

7 “(B) make publicly available on the inter-
8 net the report under subparagraph (A) and any
9 accompanying data.”.

10 (b) HIGHWAY METROPOLITAN PLANNING COORDINA-
11 TION.—Section 134(h)(2)(B) of title 23, United States
12 Code, is amended by adding at the end the following:

13 “(iii) MULTIMODAL TRANSPORTATION
14 ACCESSIBILITY PERFORMANCE TARGETS.—
15 Selection of performance targets by a met-
16 ropolitan planning organization shall be co-
17 ordinated, to the maximum extent prac-
18 ticable, with the relevant State, local trans-
19 portation planning agencies, and providers
20 of public transportation to ensure consist-
21 ency with section 150(c)(7).”.

22 (c) PUBLIC TRANSPORTATION METROPOLITAN
23 PLANNING COORDINATION.—Section 5303(h)(2)(B) of
24 title 49, United States Code, is amended by adding at the
25 end the following:

1 “(iii) MULTIMODAL TRANSPORTATION
2 ACCESSIBILITY PERFORMANCE TARGETS.—
3 Selection of performance targets by a met-
4 ropolitan planning organization shall be co-
5 ordinated, to the maximum extent prac-
6 ticable, with the relevant State, local trans-
7 portation planning agencies, and providers
8 of public transportation to ensure consist-
9 ency with section 150(c)(7) of title 23.”.

10 **SEC. 10443. TECHNICAL ASSISTANCE PROGRAM.**

11 (a) IN GENERAL.—The Secretary of Transportation
12 (referred to in this section as the “Secretary”), in coordi-
13 nation with the Administrator of the Federal Highway Ad-
14 ministration, the Administrator of the Federal Transit
15 Administration, the Secretary of Housing and Urban De-
16 velopment, and the Secretary of Agriculture shall establish
17 a program (referred to in this section as the “program”)
18 to provide technical assistance to local communities adja-
19 cent to planned or existing transportation infrastructure
20 projects to explore design and policy approaches to create
21 connected, economically prosperous, and environmentally
22 and physically healthy communities that—

23 (1) avoid displacement of the current popu-
24 lation; and

1 (2) maximize high-quality jobs in the United
2 States that pay family-sustaining wages.

3 (b) PURPOSES.—The purposes of the program are—

4 (1) to identify innovative solutions to infra-
5 structure challenges, including reconnecting commu-
6 nities that—

7 (A) are bifurcated by infrastructure such
8 as highways or viaducts;

9 (B) lack safe, reliable, and affordable
10 transportation choices; or

11 (C) have been disconnected due to natural
12 disasters, in particular, communities in areas
13 that are being harmed the most by climate
14 change; and

15 (2) to inform the transportation planning and
16 project life cycle by actively encouraging community
17 input and feedback.

18 (c) APPLICATION.—To be eligible to receive technical
19 assistance under the program, a local community de-
20 scribed in subsection (a) shall submit to the Secretary an
21 application at such time, in such manner, and containing
22 such information as the Secretary may require, includ-
23 ing—

1 (1) a description of the “community team” that
2 will participate in the program, which shall consist
3 of—

4 (A) elected officials;

5 (B) senior transportation professionals;

6 (C) State workforce development boards or
7 local workforce development boards; and

8 (D) a cross-section of residents of the local
9 community;

10 (2) a description of a neighborhood infrastruc-
11 ture challenge, including all modes and users of
12 transportation, in the local community that limits
13 access to social or economic centers or other essen-
14 tial services;

15 (3) an explanation of the goals the local com-
16 munity aims to achieve with assistance under the
17 program; and

18 (4) letters of support from the applicable State
19 department of transportation and other entities,
20 such as community groups, transit agencies, port au-
21 thorities, metropolitan planning organizations, and
22 political subdivisions of State and local governments.

23 (d) PRIORITY.—In selecting local communities to
24 participate in the program, the Secretary shall give pri-

1 ority to a local community that is economically disadvan-
2 tagged.

3 (e) TECHNICAL ASSISTANCE.—The Secretary shall
4 provide to a local community that is selected to participate
5 in the program—

6 (1) technical assistance to inform, prepare, and
7 enable the local community to better engage in—

8 (A) Federal transportation planning;

9 (B) programming and planning to improve
10 resiliency and environmental sustainability and
11 reduce greenhouse gas emissions;

12 (C) the environmental review process
13 under the National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.);

15 (D) life-cycle analysis of a prospective
16 project;

17 (E) Federal assistance programs; and

18 (F) policies that maximize the creation of
19 high-quality jobs in the United States; and

20 (2) technical expertise through representatives
21 from regional and national design, architecture, en-
22 gineering, and planning firms and public, private,
23 and nonprofit land use professionals.

24 (f) FUNDING.—The Secretary shall use not less than
25 10 percent of the amounts made available to carry out

1 section 10444 for each fiscal year to carry out the pro-
2 gram.

3 **SEC. 10444. CONNECT COMMUNITIES PROGRAM.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—The Secretary of Transpor-
6 tation (referred to in this section as the “Sec-
7 retary”), in coordination with the Administrator of
8 the Federal Highway Administration, the Adminis-
9 trator of the Federal Transit Administration, the
10 Secretary of Housing and Urban Development, the
11 Secretary of Labor, the Administrator of the Envi-
12 ronmental Protection Agency, and the Secretary of
13 Agriculture shall carry out a competitive grant pro-
14 gram to be known as the “Connect Communities
15 Program” (referred to in this section as the “pro-
16 gram”) to provide grants for projects to create con-
17 nected, economically prosperous, and environ-
18 mentally and physically healthy communities in—

19 (A) areas that are economically disadvan-
20 taged, including areas that have experienced
21 levels of poverty of 20 percent or more, high
22 levels of outmigration, and high levels of
23 deindustrialization;

1 (B) areas that currently lack accessible
2 and affordable transportation options in terms
3 of—

4 (i) lack of access to jobs and services;

5 and

6 (ii) lack of physical accessibility;

7 (C) neighborhoods bifurcated by large-scale
8 infrastructure projects; or

9 (D) areas that have been negatively im-
10 pacted by climate change.

11 (2) GOALS.—The goals of the program are—

12 (A) to reduce the cost of construction, op-
13 erations, and maintenance of arterial highways;

14 (B) to demonstrate the social, economic,
15 and environmental benefits that result from re-
16 placing a grade-separated facility with an at-
17 grade boulevard;

18 (C) to improve neighborhood connectivity,
19 including the re-establishment of through
20 streets eliminated as a result of the construc-
21 tion of the grade-separated facility;

22 (D) to increase the total acreage of land
23 within the project corridor returned to produc-
24 tive use, including commercial, residential, rec-
25 reational, and habitat restoration uses;

1 (E) to improve the resiliency and reduce
2 the environmental impact of existing infrastruc-
3 ture assets; and

4 (F) to increase the connectivity of dis-
5 advantaged communities to economic oppor-
6 tunity.

7 (b) ELIGIBILITY.—

8 (1) ELIGIBLE ENTITIES.—An entity eligible to
9 receive a grant under the program is—

10 (A) a State (as defined in section 101(a)
11 of title 23, United States Code) or any other
12 territory or possession of the United States;

13 (B) an Indian Tribe;

14 (C) a unit of local government;

15 (D) a political subdivision of a State or
16 local government;

17 (E) a transit agency;

18 (F) a metropolitan planning organization;

19 (G) a nonprofit organization, including a
20 community mission-based organization;

21 (H) a community development financial in-
22 stitution (as defined in section 103 of the Rie-
23 gle Community Development and Regulatory
24 Improvement Act of 1994 (12 U.S.C. 4702));

1 (I) a special purpose district or public au-
2 thority with a transportation function, including
3 a port authority;

4 (J) a Federal land management agency
5 that applies jointly with a State or group of
6 States; or

7 (K) a multistate or multijurisdictional
8 group of entities described in subparagraphs
9 (A) through (J).

10 (2) ELIGIBLE PROJECTS.—A project eligible to
11 be carried out with funds from a grant provided
12 under the program is—

13 (A) a project for community-based redevel-
14 opment, rehabilitation, or replacement of infra-
15 structure, including—

16 (i) the removal of a limited access
17 highway, a viaduct or overpass, an Inter-
18 state route, an interchange, a bridge, or
19 any other principal arterial facility that
20 has—

21 (I) historically had detrimental
22 effects on minority and low-income
23 communities; or

24 (II) created barriers to commu-
25 nity connectivity due to high speeds,

1 grade separations or other design fac-
2 tors; and

3 (ii) if necessary to achieve the pur-
4 poses of the program, road realignment or
5 new construction;

6 (B) a project to prevent the displacement
7 of minority or low-income individuals or busi-
8 nesses during and after redevelopment, rehabili-
9 tation, or replacement of infrastructure;

10 (C) a project for transit-oriented develop-
11 ment in a low-income area or that benefits low-
12 income individuals that includes 1 or more of—

13 (i) transit-supportive, accessible,
14 mixed-use development (including commer-
15 cial development, affordable and accessible
16 housing, and market-rate housing) that is
17 within 2 miles of and accessible to 1 or
18 more public transportation facilities that—

19 (I) achieve compliance with—

20 (aa) applicable requirements
21 of the Americans with Disabil-
22 ities Act of 1990 (42 U.S.C.
23 12101 et seq.); and

24 (bb) the most recent public
25 rights-of-way accessibility guide-

1 lines developed by the Architec-
2 tural and Transportation Bar-
3 riers Compliance Board estab-
4 lished by section 502(a)(1) of the
5 Rehabilitation Act of 1973 (29
6 U.S.C. 792(a)(1)); and

7 (II) are connected with high fre-
8 quency to job centers;

9 (ii) the facilitation of multimodal
10 connectivity and accessibility to employ-
11 ment opportunities and other essential
12 services, including educational and work-
13 force training locations, health care facili-
14 ties, recreational assets, and supermarkets
15 and grocers; and

16 (iii) an increase in access to transit
17 hubs for pedestrian and bicycle traffic;

18 (D) a public transportation project eligible
19 for assistance under chapter 53 of title 49,
20 United States Code, that will achieve the pur-
21 poses of the program, including—

22 (i) an investment in intermodal
23 projects; and

24 (ii) a new fixed guideway capital
25 project or a small start project (as those

1 terms are defined in section 5309(a) of
2 title 49, United States Code), if a grant
3 under the program will expedite the com-
4 pletion of the project and the entry into
5 revenue service of the project;

6 (E) a passenger rail transportation project
7 that achieves the purpose of the program;

8 (F) a project to improve the resiliency of
9 infrastructure against natural disasters;

10 (G) a project to reduce the environmental
11 impact of existing infrastructure assets;

12 (H) a project to bring a community into
13 compliance with the performance measures es-
14 tablished under section 150(c)(7) of title 23,
15 United States Code; and

16 (I) any other project that the Secretary de-
17 termines would achieve the purpose of the pro-
18 gram.

19 (3) ELIGIBLE AREAS.—An eligible project
20 under paragraph (2) shall be carried out in an area
21 or neighborhood described in subparagraphs (A)
22 through (D) of subsection (a)(1).

23 (c) APPLICATIONS.—

24 (1) IN GENERAL.—To be eligible to receive a
25 grant under the program, an eligible entity shall

1 submit to the Secretary an application at such time,
2 in such manner, and containing such information as
3 the Secretary may require, including—

4 (A) a project plan developed with assist-
5 ance under section 10443 or independently, as
6 applicable;

7 (B) a description of how the project meets
8 the criteria described in subsection (d);

9 (C) a certification that the eligible entity
10 has solicited public comments on the project
11 plan that includes—

12 (i) a certification that the eligible en-
13 tity has held 2 or more public hearings, at
14 least 1 of which was held outside of stand-
15 ard business hours in a location that was
16 open and accessible to the community in
17 which the proposed project is located;

18 (ii) a description of the process for re-
19 ceiving public comments, including involve-
20 ment of residents and stakeholders in the
21 community in which the project will occur;

22 (iii) a summary of the comments re-
23 ceived; and

24 (iv) such other information as the
25 Secretary may require;

1 (D) a description of how the grant would
2 be used and the current status of project plan-
3 ning;

4 (E) a description of how the project will
5 address the purposes of the program, including
6 plans to avoid displacement of current residents
7 in the project area;

8 (F) a description of how the eligible entity
9 will prioritize the well-being and advancement
10 of disadvantaged populations through the
11 project and as an outcome of the project;

12 (G) an assessment of—

13 (i) the accessibility of employment op-
14 portunities and other essential services, in-
15 cluding educational and workforce training
16 locations, health care facilities, recreational
17 assets, and supermarkets and grocers,
18 within the area to public transportation fa-
19 cilities and nearby affordable housing; and

20 (ii) how the proposed project will re-
21 late to identified needs in those areas;

22 (H) an assessment of transportation op-
23 tions in the area, including—

24 (i) public transportation options;

1 (ii) options for people with low in-
2 comes, people living in high-poverty areas,
3 elderly people, and people with disabilities;
4 and

5 (iii) any obstacles to providing access
6 to locations that offer employment oppor-
7 tunities and other essential services, in-
8 cluding educational and workforce training
9 locations, health care facilities, recreational
10 assets, and supermarkets and grocers;

11 (I) an assessment of methods for lowering
12 the combined cost of housing and transpor-
13 tation for families in the region, particularly for
14 families that utilize workforce housing and for
15 low-, very low-, and extremely low-income fami-
16 lies;

17 (J) an assessment of how the project will
18 revitalize existing communities, including—

19 (i) the approximate number of jobs
20 the project will create;

21 (ii) the services the project will deliver
22 to workers and the community; and

23 (iii) any antidisplacement efforts that
24 will be included in the project;

1 (K) a plan for evaluating progress in in-
2 creasing opportunities for and improvements to
3 the quality of life for disadvantaged populations
4 and the broader community in which the project
5 is completed; and

6 (L) information about the status of appli-
7 cable Federal environmental reviews and ap-
8 provals for the project, including reviews and
9 approvals under the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

11 (2) MULTIPLE PROJECTS.—An eligible entity
12 may submit an application for multiple projects in 1
13 application.

14 (3) DEFINITION OF WORKFORCE HOUSING.—
15 For the purpose of paragraph (1)(I), the term
16 “workforce housing” means housing, the cost of
17 which does not exceed 30 percent of—

18 (A) the amount equal to 120 percent of the
19 median income in the area, as determined by
20 the Secretary, with appropriate adjustments for
21 the size of the family; or

22 (B) if the Secretary determines that there
23 are unusually high or low incomes in the area,
24 another amount, as determined by the Sec-
25 retary.

1 (d) SELECTION.—

2 (1) IN GENERAL.—The Secretary shall select
3 projects to receive grants under the program based
4 on—

5 (A) how the project will contribute to a
6 state of good repair for infrastructure assets;

7 (B) how the project would increase eco-
8 nomic competitiveness, including the effects of
9 revitalizing communities, neighborhoods, and
10 commercial centers supported by existing infra-
11 structure;

12 (C) how the project will support environ-
13 mental protection, including resiliency, by in-
14 creasing demand for nonmotorized transpor-
15 tation and public transportation;

16 (D) how or whether the project will pre-
17 vent residents in the area from being forcibly or
18 unwillingly displaced;

19 (E) the anticipated effects on quality of
20 life for all residents in the project area;

21 (F) whether the project uses innovative
22 strategies, including innovative technologies, in-
23 novative project delivery, or innovative financ-
24 ing;

25 (G) the extent to which the project—

1 (i) is supported by a broad range of
2 stakeholders;

3 (ii) demonstrates collaboration among
4 neighboring and regional jurisdictions; and

5 (iii) is coordinated with projects with
6 similar objectives, such as projects for eco-
7 nomic development, housing, water and
8 waste infrastructure, power and electric in-
9 frastructure, broadband, and land use
10 plans and policies;

11 (H) how the project will increase non-Fed-
12 eral revenue for transportation infrastructure
13 investment;

14 (I) demonstrated project readiness, includ-
15 ing use of technical assistance under section
16 10443; and

17 (J) the costs and benefits of the project.

18 (2) PRIORITY.—The Secretary shall give pri-
19 ority to projects that have been developed under the
20 technical assistance program under section 10443.

21 (e) DISTRIBUTION OF GRANTS.—

22 (1) IN GENERAL.—In providing grants under
23 the program, the Secretary shall ensure—

24 (A) an equitable geographic distribution of
25 funds; and

1 (B) an appropriate balance in addressing
2 the needs of urban, suburban, rural, and Tribal
3 communities.

4 (2) LIMITATION.—For each fiscal year, the Sec-
5 retary shall ensure that the total amount of funds
6 provided through grants under the program for each
7 State is not more than \$150,000,000.

8 (f) AMOUNT OF GRANT.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2) and subject to subsection (e)(2), a grant
11 provided under the program shall be in an amount
12 that is not less than \$5,000,000.

13 (2) RURAL AND TRIBAL AREAS.—In the case of
14 a project in a rural area (as defined in section
15 101(a) of title 23, United States Code), or in a Trib-
16 al area, a grant provided under the program shall be
17 in an amount that is not less than \$1,000,000.

18 (g) USE OF FUNDS.—

19 (1) IN GENERAL.—Subject to paragraph (2), an
20 eligible entity that receives a grant under the pro-
21 gram may use the grant funds for—

22 (A) development phase activities, including
23 planning, feasibility analysis, revenue fore-
24 casting, environmental review, permitting, pre-

1 liminary engineering and design work, and
2 other preconstruction activities; and

3 (B) construction, reconstruction, rehabili-
4 tation, replacement, acquisition of real property
5 (including land relating to the project and im-
6 provements to land), environmental mitigation,
7 construction contingencies, and acquisition of
8 equipment.

9 (2) LIMITATION.—Not more than 20 percent of
10 the amount of the grant may be used for the activi-
11 ties described in paragraph (1)(A).

12 (h) FEDERAL SHARE.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the Federal share of the cost of a project
15 carried out with a grant under the program shall not
16 exceed 80 percent.

17 (2) HARDSHIP AREAS.—The Federal share of
18 the cost of a project carried out with a grant under
19 the program may be up to 100 percent if the Sec-
20 retary identifies the area in which the project will be
21 carried out as a hardship area, as determined by the
22 Secretary.

23 (i) TIFIA PROGRAM.—On the request of an eligible
24 entity, the Secretary may use 5 percent of the grant for
25 the purpose of paying the subsidy and administrative costs

1 necessary to provide Federal credit assistance under chap-
2 ter 6 of title 23, United States Code, for the project.

3 (j) STANDARDS.—Notwithstanding any other provi-
4 sion of law, a project carried out with a grant under the
5 program shall not be subject to the traffic volume require-
6 ments under section 109(b) of title 23, United States
7 Code.

8 (k) PERFORMANCE MEASURES.—

9 (1) IN GENERAL.—For each year until the
10 project is completed, each eligible entity that re-
11 ceives a grant under the program shall agree to es-
12 tablish, in coordination with the Secretary, perform-
13 ance measures and reporting requirements in addi-
14 tion to measures and requirements under this sec-
15 tion that shall be met at the end of each year in
16 which the eligible entity receives funds under the
17 grant program.

18 (2) VIOLATION OF GRANT AGREEMENT.—If the
19 Secretary determines that an eligible entity has not
20 met the performance measures established under
21 paragraph (1), is not making reasonable progress to-
22 ward meeting those measures, or is otherwise in vio-
23 lation of the grant agreement, the Secretary may—

24 (A) withhold additional financial assistance
25 until the performance measures are met; or

1 (B) terminate the grant agreement.

2 (l) COMMUNITY ADVISORY BOARD.—

3 (1) IN GENERAL.—For each project carried out
4 with a grant under the program, the eligible entity
5 shall form a community advisory board.

6 (2) COMPOSITION.—A community advisory
7 board shall be composed of representatives of—

8 (A) the relevant State and units of local
9 government;

10 (B) the relevant State workforce develop-
11 ment board or local workforce development
12 board;

13 (C) relevant metropolitan planning organi-
14 zations;

15 (D) labor organizations;

16 (E) residents or organizational representa-
17 tion of the area in which the project is occur-
18 ring; and

19 (F) any other relevant representatives im-
20 portant to the implementation of the project,
21 such as a county board of developmental dis-
22 abilities, as determined by the eligible entity, in
23 coordination with the Secretary.

24 (3) DUTIES.—A community advisory board
25 shall, with respect to the applicable project—

1 (A) ensure community engagement, trans-
2 parency, and accountability in carrying out each
3 stage of the project; and

4 (B) track, evaluate, and report progress on
5 clear and meaningful indicators related to—

6 (i) targeted hiring commitments;

7 (ii) quality wage, benefits, and train-
8 ing commitments;

9 (iii) goals for participation by small
10 businesses and businesses in accordance
11 with section 10423(a) in the project;

12 (iv) progress made on the objectives of
13 the program as described in subsection (a);
14 and

15 (v) any other relevant areas, as deter-
16 mined by the eligible entity, in coordina-
17 tion with the Secretary.

18 (4) STIPEND.—The eligible entity may provide
19 a stipend to representatives on the community advi-
20 sory board based on the expressed need of represent-
21 atives, on approval by the Secretary.

22 (m) REPORTS.—

23 (1) IN GENERAL.—Not less frequently than
24 once each year, each eligible entity that receives a
25 grant under the program, in coordination with the

1 applicable community advisory board under sub-
2 section (1), shall submit to the Secretary periodic re-
3 ports on the use of the grant funds.

4 (2) CONTENTS.—A periodic report under para-
5 graph (1) shall include—

6 (A) the amount of Federal funds received,
7 obligated, and expended by the eligible entity
8 under the program;

9 (B) the number of projects that have been
10 put out to bid using the grant funds and the
11 amount of Federal funds associated with each
12 project;

13 (C) the number of projects for which con-
14 tracts have been awarded for the project carried
15 out under the program and the amount of Fed-
16 eral funds associated with the contracts;

17 (D) the number of projects for which work
18 has begun under the contracts referred to in
19 subparagraph (C) and the amount of Federal
20 funds associated with the contracts;

21 (E) the number of projects for which work
22 has been completed under the contracts referred
23 to in subparagraph (C) and the amount of Fed-
24 eral funds associated with the contracts;

1 (F) the number of direct, on-project jobs
2 created or sustained by the Federal funds pro-
3 vided for projects under the program and, to
4 the extent possible, the estimated indirect jobs
5 created or sustained in the associated supplying
6 industries, including—

7 (i) the number of job-years created
8 and the total increase in employment in
9 the project area since the date of enact-
10 ment of this Act; and

11 (ii) information on local hiring, hiring
12 of economically disadvantaged individuals,
13 and hiring of individuals with a barrier to
14 employment (including ex-offenders) and
15 disabled individuals (as defined in section
16 10421), with respect to the project;

17 (G) an analysis of the contracts awarded
18 that indicates participation levels of small busi-
19 nesses and disadvantaged businesses;

20 (H) suggestions for improvements in trans-
21 portation accessibility for disadvantaged popu-
22 lations, based on criteria developed by the Sec-
23 retary; and

24 (I) any other criteria the Secretary deter-
25 mines to be appropriate.

1 (3) REPORT TO CONGRESS.—Each fiscal year,
2 the Secretary shall transmit to Congress the reports
3 received by the Secretary under paragraph (1).

4 (4) GAO REPORT ON INFRASTRUCTURE REMOV-
5 ALS.—Not later than 2 years after the date of enact-
6 ment of this Act, the Comptroller General of the
7 United States shall submit to Congress a report on
8 infrastructure removal, including—

9 (A) an identification of examples of
10 projects to remove infrastructure using assist-
11 ance from a covered infrastructure program;

12 (B) an evaluation of the effect of infra-
13 structure removal projects on the surrounding
14 area, including impacts to the local economy,
15 congestion effects, safety outcomes, and impacts
16 on the movement of freight and people;

17 (C) an analysis of the costs and benefits of
18 removing underutilized infrastructure assets
19 that are nearing the end of the useful life of the
20 assets compared to replacing or reconstructing
21 the assets; and

22 (D) recommendations for integrating the
23 findings and results under subparagraphs (A)
24 through (C) into infrastructure planning and
25 decisionmaking processes.

1 (n) FUNDING.—There is authorized to be appro-
 2 priated to carry out the program \$5,000,000,000 for each
 3 of fiscal years 2021 through 2025.

4 **PART 2—LAUNCHING MIDDLE CLASS CAREER**
 5 **PATHWAYS IN INFRASTRUCTURE**

6 **SEC. 10451. BUILDING AMERICAN INFRASTRUCTURE AND**
 7 **CAREERS PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) WIOA DEFINITIONS.—The terms “career
 10 pathway”, “community-based organization”, “indi-
 11 vidual with a barrier to employment”, “industry or
 12 sector partnership”, “integrated education and
 13 training”, “postsecondary educational institution”,
 14 “recognized postsecondary credential”, and “work-
 15 force development system” have the meanings given
 16 those terms in section 3 of the Workforce Innovation
 17 and Opportunity Act (29 U.S.C. 3102).

18 (2) OTHER DEFINITIONS.—

19 (A) CAREER AND TECHNICAL EDU-
 20 CATION.—The term “career and technical edu-
 21 cation” has the meaning given the term in sec-
 22 tion 3 of the Carl D. Perkins Career and Tech-
 23 nical Education Act of 2006 (20 U.S.C. 2302).

24 (B) ELIGIBLE ENTITY.—The term “eligible
 25 entity” means—

1 (i) a local workforce development
2 board;

3 (ii) a State workforce development
4 board;

5 (iii) an industry or sector partnership,
6 which may be led by any member of such
7 partnership, including—

8 (I) a community-based organiza-
9 tion;

10 (II) a recognized State labor or-
11 ganization, central labor council, or
12 another labor representative, as ap-
13 propriate; or

14 (III) an education or training
15 provider; or

16 (iv) any combination of entities de-
17 scribed in any of clauses (i) through (iii).

18 (C) REGISTERED APPRENTICESHIP PRO-
19 GRAM.—The term “registered apprenticeship
20 program” means an apprenticeship program
21 registered with the Department of Labor or a
22 federally recognized State Apprenticeship Agen-
23 cy and that complies with the requirements
24 under parts 29 and 30 of title 29, Code of Fed-

1 eral Regulations, as in effect on January 1,
2 2019.

3 (D) SECRETARY.—The term “Secretary”
4 means the Secretary of Labor.

5 (E) SUPPORTIVE SERVICES.—The term
6 “supportive services” means services such as
7 transportation, child care, dependent care,
8 housing, and needs-related payments, that are
9 necessary to enable an individual to participate
10 in activities authorized under this subtitle or
11 under the Workforce Innovation and Oppor-
12 tunity Act (29 U.S.C. 3101 et seq.).

13 (F) TARGETED INFRASTRUCTURE INDUS-
14 TRY.—The term “targeted infrastructure indus-
15 try” means an infrastructure industry, includ-
16 ing transportation (including surface, transit,
17 aviation, or railway transportation), construc-
18 tion, energy, water, information technology, or
19 utilities industries, that the eligible entity iden-
20 tifies in accordance with subsection (c)(2)(A).

21 (G) VETERAN.—The term “veteran” has
22 the meaning given such term in section 10421.

23 (H) WORK-BASED LEARNING PROGRAM.—
24 The term “work-based learning program”
25 means a program that provides workers with

1 paid work experience and corresponding class-
2 room instruction, delivered in an employment
3 relationship that both the business and worker
4 intend to be permanent.

5 (b) ESTABLISHMENT OF BUILDING AMERICAN IN-
6 FRASTRUCTURE AND CAREERS PROGRAM.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Sec-
9 retary, in consultation with the Secretary of Trans-
10 portation, the Secretary of Energy, the Secretary of
11 Commerce, the Secretary of Education, the Adminis-
12 trator of the Environmental Protection Agency, and
13 the Chief of Engineers of the Army Corps of Engi-
14 neers, shall establish a program, to be known as the
15 “Building American Infrastructure and Careers Pro-
16 gram”, to provide grants under paragraph (2) to eli-
17 gible entities for the purposes of—

18 (A) promoting careers and quality employ-
19 ment practices in targeted infrastructure indus-
20 tries among individuals with a barrier to em-
21 ployment (including ex-offenders), veterans, or
22 individuals who are traditionally underrep-
23 resented in the targeted infrastructure indus-
24 tries;

1 (B) leveraging the existing capacity of
2 workforce development systems through dem-
3 onstrated partnerships to strategically facilitate
4 and align quality training, including industry or
5 sector partnerships, registered apprenticeship
6 programs, and pre-apprenticeship programs af-
7 filiated with registered apprenticeship pro-
8 grams, and hiring that create a pipeline of
9 qualified workers; and

10 (C) advancing efficiency and performance
11 on projects in targeted infrastructure indus-
12 tries.

13 (2) GRANTS.—

14 (A) IN GENERAL.—The Secretary, in con-
15 sultation with the Secretary of Transportation,
16 the Secretary of Energy, the Secretary of Com-
17 merce, the Secretary of Education, the Admin-
18 istrator of the Environmental Protection Agen-
19 cy, and the Chief of Engineers of the Army
20 Corps of Engineers, shall award grants on a
21 competitive basis to eligible entities that submit
22 an application meeting the requirements under
23 subsection (c) for such eligible entities to, sub-
24 ject to subparagraph (E), carry out a job train-
25 ing program including the activities described in

1 subsection (d) for assisting individuals with a
2 barrier to employment (including ex-offenders),
3 veterans, or individuals who are traditionally
4 underrepresented in the targeted infrastructure
5 industry, in obtaining and maintaining employ-
6 ment in a targeted infrastructure industry.

7 (B) TYPES OF GRANTS.—A grant awarded
8 under this section may be in the form of—

9 (i) an implementation grant, for enti-
10 ties seeking an initial grant under this sec-
11 tion, in order for such entity to establish
12 and carry out a job training program de-
13 scribed in subparagraph (A); or

14 (ii) a renewal grant for entities that
15 have already received an implementation
16 grant under this section for such a job
17 training program, in order for such entity
18 to continue carrying out such job training
19 program.

20 (C) DURATION.—Each grant awarded
21 under this section shall be for a period not to
22 exceed 3 years.

23 (D) AMOUNT.—The amount of a grant
24 awarded under this section may not exceed—

1 (i) for an implementation grant,
2 \$2,500,000; and

3 (ii) for a renewal grant, \$1,500,000.

4 (E) CONSTRUCTION INDUSTRY.—Notwith-
5 standing any other provision in this section, if
6 the targeted infrastructure industry for a grant
7 awarded under this section is the construction
8 industry, the grant shall only be available for
9 the establishment or operation of a pre-appren-
10 ticeship program affiliated with a registered ap-
11 prenticeship program.

12 (3) AWARD BASIS.—

13 (A) GEOGRAPHIC DIVERSITY.—The Sec-
14 retary shall award grants under this section in
15 a manner that ensures geographic diversity in
16 the areas in which activities will be carried out
17 under the grants, including a balance between
18 rural and tribal areas and urban areas.

19 (B) PRIORITY FOR TARGETED HIRING OR
20 U.S. EMPLOYMENT PLAN PROJECTS.—In award-
21 ing grants under this section, the Secretary
22 shall give priority to eligible entities that—

23 (i) ensure that not less than 50 per-
24 cent of the workers hired to participate in
25 the job training program are hired through

1 local hiring in accordance with section
2 10411, including by prioritizing individuals
3 with a barrier to employment (including
4 ex-offenders), disabled individuals as de-
5 fined in section 10421, veterans, and indi-
6 viduals that represent populations that are
7 traditionally underrepresented in the infra-
8 structure workforce; or

9 (ii) ensure the commitments described
10 in clauses (i) and (ii) of section
11 10431(a)(2)(A) with respect to carrying
12 out the job training program.

13 (C) PRIORITY FOR RENEWAL GRANTS.—In
14 awarding renewal grants under this section, the
15 Secretary shall give priority to eligible entities
16 that demonstrate long-term sustainability of an
17 industry or sector partnership.

18 (c) APPLICATION PROCESS.—

19 (1) IN GENERAL.—An eligible entity seeking a
20 grant under this section shall submit to the Sec-
21 retary an application at such time, in such manner,
22 and containing such information as the Secretary
23 may reasonably require, including the contents de-
24 scribed in paragraph (2).

1 (2) CONTENTS.—An application submitted
2 under paragraph (1) shall contain, at a minimum—

3 (A) an identification of the targeted infra-
4 structure industry to be served by the job train-
5 ing program supported by a grant under this
6 section;

7 (B) a description of the individuals with a
8 barrier to employment, veterans, or individuals
9 who are traditionally underrepresented in the
10 targeted infrastructure industry, that will be
11 served by such program, including—

12 (i) an analysis of the labor market in
13 the targeted infrastructure industry;

14 (ii) a description of the barriers to
15 employment that may affect such individ-
16 uals; and

17 (iii) a description of strategies that
18 the program will employ to help such indi-
19 viduals overcome such barriers;

20 (C) a description of the credentials that
21 the program will assist such individuals in ob-
22 taining, which credentials—

23 (i) shall be nationally portable;

24 (ii) shall be recognized postsecondary
25 credentials or, if not available for the in-

1 industry, other credentials determined by the
2 Secretary to be appropriate; and

3 (iii) shall be related to the targeted
4 infrastructure industry; and

5 (D) a description of the services described
6 in subsection (d)(3) that the program will offer
7 to such individuals.

8 (d) ACTIVITIES.—

9 (1) IN GENERAL.—Each job training program
10 supported under this section—

11 (A) shall include—

12 (i) activities designed to achieve the
13 strategic objectives described in paragraph
14 (2); and

15 (ii) the services described in para-
16 graph (3) for individuals with a barrier to
17 employment (including ex-offenders), vet-
18 erans, or individuals who are traditionally
19 underrepresented in the targeted infra-
20 structure industry; and

21 (B) may include a partnership between the
22 eligible entity and an employer to assist such
23 employer in carrying out a work-based learning
24 program, including a registered apprenticeship

1 program or a pre-apprenticeship program affili-
2 ated with a registered apprenticeship program.

3 (2) STRATEGIC OBJECTIVES.—The strategic ob-
4 jectives described in this paragraph are the fol-
5 lowing:

6 (A)(i) Recruiting key stakeholders in the
7 targeted infrastructure industry, which stake-
8 holders may include employers, labor organiza-
9 tions, local workforce development boards, and
10 education and training providers, including pro-
11 viders of career and technical education.

12 (ii) Regularly convening such stakeholders
13 in a collaborative manner that supports the
14 sharing of information, ideas, and challenges,
15 which are common to the targeted infrastruc-
16 ture industry.

17 (B) Identifying the training needs of em-
18 ployers in the targeted infrastructure industry,
19 including—

20 (i) needs for skills critical to competi-
21 tiveness and innovation in such industry;

22 (ii) needs of registered apprenticeship
23 programs, pre-apprenticeship programs af-
24 filiated with registered apprenticeship pro-
25 grams, or other work-based learning pro-

grams that may be supported by a grant
under this section; and

(iii) needs for the alignment of a job
training program supported under this sec-
tion with career pathways.

(C) Facilitating actions, through industry
or sector partnerships, registered apprenticeship
programs, or pre-apprenticeship programs affili-
ated with registered apprenticeship programs,
that lead to economies of scale by aggregating
training and education needs of multiple em-
ployers in the targeted infrastructure industry.

(D) Assisting postsecondary educational
institutions, training institutions, sponsors of
registered apprenticeship programs, and all
other providers of career and technical edu-
cation and training programs that may be re-
ceiving assistance under this section, align cur-
ricula, entrance requirements, and programs to
the targeted infrastructure industry needs and
the credentials described in subsection
(c)(2)(C), particularly for high-skill, high-pri-
ority occupations related to the targeted infra-
structure industry.

1 (E) Providing information on the activities
2 carried out through the job training program
3 supported under this section to the State agen-
4 cy carrying out the State program under the
5 Wagner-Peyser Act (29 U.S.C. 49 et seq.), in-
6 cluding staff of the agency that provide services
7 under such Act, to enable the agency to inform
8 recipients of unemployment compensation of the
9 employment and training opportunities that
10 may be offered through such job training pro-
11 gram supported under this section.

12 (F) Assisting employers in the targeted in-
13 frastructure industry to attract potential work-
14 ers from a diverse jobseeker base, including in-
15 dividuals with a barrier to employment (includ-
16 ing ex-offenders), veterans, or individuals who
17 are traditionally underrepresented in the tar-
18 geted infrastructure industry, by identifying
19 any such barriers, reasons for such underrep-
20 resentation, or related issues for veterans
21 through analysis of the labor market in the tar-
22 geted infrastructure industry and implementing
23 strategies to help such individuals overcome
24 such barriers, reduce such underrepresentation,
25 and address such issues.

1 (3) SERVICES.—

2 (A) IN GENERAL.—Each job training pro-
3 gram supported by a grant under this section
4 shall provide services to individuals with a bar-
5 rier to employment, veterans, or individuals who
6 are traditionally underrepresented in the tar-
7 geted infrastructure industry, which may in-
8 clude—

9 (i) pre-employment services as de-
10 scribed in subparagraph (B); and

11 (ii) employment services as described
12 in subparagraph (C).

13 (B) PRE-EMPLOYMENT SERVICES.—The
14 pre-employment services described in this sub-
15 paragraph may include—

16 (i) skills training, including career
17 and technical education, and integrated
18 education and training, with respect to the
19 targeted infrastructure industry;

20 (ii) initial assessments of such individ-
21 uals;

22 (iii) services to provide work attire
23 and necessary tools for a work site in the
24 targeted infrastructure industry;

(iv) supportive services, such as child care and transportation;

(v) mentoring services; and

(vi) job placement assistance.

(C) EMPLOYMENT SERVICES.—The employment services described in this subparagraph are services provided to individuals with a barrier to employment (including ex-offenders), veterans, or individuals who are traditionally underrepresented in the targeted infrastructure industry, and that are employed in a work-based learning program in the targeted infrastructure industry. A job training program supported by a grant under this section shall provide such services to such individuals during their first 6 months of employment through such program, to assure the individuals succeed in the program. Such services may include—

(i) ongoing case management and services, including the services described in subparagraph (B);

(ii) continued skills training, including career and technical education, integrated education and training, and soft-skills training such as problem solving and lead-

ership training, conducted in collaboration
with the employers of such individuals;

(iii) additional mentorship and retention supports for such individuals; and

(iv) targeted training for the employer participating in the work-based learning program, including for frontline managers, journey level workers (such as mentors) working with individuals with a barrier to employment, veterans, or individuals who are traditionally underrepresented in the targeted infrastructure industry, and human resource representatives of the employer.

(e) EVALUATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, the Secretary of Energy, the Secretary of Commerce, the Secretary of Education, the Administrator of the Environmental Protection Agency, and the Chief of Engineers of the Army Corps of Engineers, shall prepare and submit a report to Congress that evaluates the effectiveness of the grants awarded under this section in advancing the strategic ob-

1 jectives described in subsection (d)(2), and the pur-
2 poses described in subsection (b)(1).

3 (2) DATA.—The report required under para-
4 graph (1) shall provide and analyze each of the fol-
5 lowing:

6 (A) The number of participants in job
7 training programs supported under this section,
8 disaggregated by age, race or ethnicity, gender,
9 status as an individual with a barrier to em-
10 ployment, and income.

11 (B) The percentage of such participants
12 who are in unsubsidized employment prior to
13 enrolling in such program.

14 (C) The median earnings of such partici-
15 pants prior to enrolling in such program.

16 (D) The percentage of such participants
17 who are in unsubsidized employment during the
18 second quarter after exit from such program
19 and salary statistics of such participants, in-
20 cluding mean and median earnings.

21 (E) The percentage of such participants
22 who are in unsubsidized employment during the
23 fourth quarter after exit from such program
24 and the salary statistics of such participants,
25 including mean and median earnings.

1 (F) The percentage of such participants
 2 who obtain a recognized postsecondary creden-
 3 tial, or a secondary school diploma or its recog-
 4 nized equivalent, during participation in or
 5 within 1 year after exit from such program.

6 (G) The percentage of such participants
 7 who, during a program year, are in an edu-
 8 cation or training program that leads to a rec-
 9 ognized postsecondary credential or employment
 10 and who are achieving measurable skill gains
 11 toward such a credential or employment.

12 **SEC. 10452. INFRASTRUCTURE WORKFORCE EQUITY CA-**
 13 **PACITY BUILDING PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 16 ty” means an entity that—

17 (A) has an affiliate network or offices in
 18 not less than 3 communities and across not less
 19 than 2 States;

20 (B) has the programmatic capability to
 21 serve individuals with a barrier to employment
 22 or individuals who are traditionally underrep-
 23 resented in infrastructure industries;

24 (C) has clearly and convincingly dem-
 25 onstrated that it has the capacity to provide

1 technical assistance to entities carrying out job
2 training programs under section 10451; and

3 (D) submits an application in accordance
4 with subsection (c).

5 (2) INDIVIDUAL WITH A BARRIER TO EMPLOY-
6 MENT.—The term “individual with a barrier to em-
7 ployment” has the meaning given such term in sec-
8 tion 3 of the Workforce Innovation and Opportunity
9 Act (29 U.S.C. 3102).

10 (b) CAPACITY BUILDING PROGRAM.—The Secretary
11 shall reserve 10 percent of the amounts appropriated
12 under section 10453 to award grants, contracts, or other
13 agreements or arrangements as the Secretary determines
14 appropriate, to eligible entities for the purpose of building
15 the capacity of entities receiving a grant under section
16 10451 to implement the activities described in subsection
17 (d) of such section to more effectively serve individuals
18 with a barrier to employment, including ex-offenders, vet-
19 erans as defined in section 10421, or individuals who are
20 traditionally underrepresented in the targeted infrastruc-
21 ture industry served through the job training program
22 supported under such section.

23 (c) APPLICATION.—An entity seeking an award under
24 this section shall submit to the Secretary an application

1 at such time, in such manner, and containing such infor-
2 mation as the Secretary may reasonably require.

3 (d) USE OF FUNDS.—An award made under this sec-
4 tion may be used to provide technical assistance to entities
5 receiving a grant under section 10451 in order for such
6 entities to carry out the activities described in subsection
7 (d) of that section. Such technical assistance may include
8 assistance with—

9 (1) the development and training of staff;

10 (2) the provision of outreach, intake, assess-
11 ments, and service delivery;

12 (3) the coordination of services across providers
13 and programs; and

14 (4) the development of performance account-
15 ability measures.

16 (e) AMOUNT.—The amount of a grant awarded under
17 this section may not exceed \$5,000,000.

18 (f) REPORT.—An eligible entity receiving a grant
19 under this section shall, not later than 6 months after the
20 grant is awarded, submit to the Secretary a report that
21 includes—

22 (1) the impact of the technical assistance pro-
23 vided under this section on the outcomes of grants
24 under section 10451; and

1 (2) such other criteria as determined by the
2 Secretary.

3 **SEC. 10453. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out
5 this title \$1,000,000,000 for each of fiscal years 2021
6 through 2025.

7 **PART 3—INVESTING IN HIGH-QUALITY**
8 **AMERICAN JOBS**

9 **SEC. 10461. WAGE RATE.**

10 (a) DAVIS-BACON ACT.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law, for fiscal year 2021 and each fiscal
13 year thereafter, all laborers and mechanics employed
14 by contractors or subcontractors on projects assisted
15 in whole or in part under a covered infrastructure
16 program, including projects described in paragraph
17 (3) assisted in whole or in part under such pro-
18 grams, without regard to the form or type of Fed-
19 eral assistance provided under such program, shall
20 be paid wages at rates not less than those prevailing
21 on projects of a similar character in the locality as
22 determined by the Secretary of Labor in accordance
23 with subchapter IV of chapter 31 of title 40, United
24 States Code (commonly known as the “Davis-Bacon
25 Act”).

1 (2) AUTHORITY.—With respect to the labor
2 standards specified in paragraph (1), the Secretary
3 of Labor shall have the authority and functions set
4 forth in Reorganization Plan Numbered 14 of 1950
5 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
6 title 40, United States Code.

7 (3) REVOLVING LOAN FUNDS.—A project de-
8 scribed in this paragraph is a project, in the case of
9 a covered infrastructure program that capitalizes re-
10 volving loan funds, that is assisted in whole or in
11 part with amounts deposited in the revolving loan
12 fund, including loan repayments and interest earned.

13 (b) SERVICE EMPLOYEES.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, for fiscal year 2021 and each fiscal
16 year thereafter, all service employees, including serv-
17 ice employees that are operations workers or mainte-
18 nance workers, employed by contractors or sub-
19 contractors on projects assisted in whole or in part
20 under a covered infrastructure program, without re-
21 gard to the form or type of Federal assistance pro-
22 vided under such program, shall be paid a wage and
23 fringe benefits that are not less than the minimum
24 wage and fringe benefits determined in accordance
25 with paragraphs (1) and (2), respectively, of section

1 6703 of title 41, United States Code, for service em-
2 ployees engaged in the performance of a contract or
3 subcontract to which chapter 67 of title 41, United
4 States Code, applies.

5 (2) DEFINITION OF SERVICE EMPLOYEE.—In
6 this subsection, the term “service employee” has the
7 meaning given such term in section 6701 of title 41,
8 United States Code.

9 **SEC. 10462. RAISE LABOR STANDARDS, IMPROVE WORKING**
10 **CONDITIONS, AND STRENGTHEN WORKERS’**
11 **BARGAINING POWER.**

12 (a) DEFINITIONS.—In this section—

13 (1) the term “covered award” means an award
14 of not less than \$500,000 made to an entity under
15 a covered infrastructure program by the head of the
16 relevant Federal agency; and

17 (2) the term “covered subaward” means a
18 subaward of not less than \$500,000 made to an en-
19 tity under a covered infrastructure program by an-
20 other entity receiving a covered award.

21 (b) REQUIRED PRE-GRANT, LOAN, OR CONTRACT
22 AWARD ACTIONS.—

23 (1) DISCLOSURES.—The head of a relevant
24 Federal agency shall require an entity applying for
25 a covered award—

1 (A) to represent, to the best of the entity's
2 knowledge and belief, whether there has been
3 any administrative merits determination, arbitral
4 award or decision, or civil judgment, as defined
5 in guidance issued by the Secretary of
6 Labor, rendered against the entity in the preceding
7 3 years for violations of—

8 (i) the Fair Labor Standards Act of
9 1938 (29 U.S.C. 201 et seq.);

10 (ii) the Occupational Safety and
11 Health Act of 1970 (29 U.S.C. 651 et
12 seq.);

13 (iii) the Migrant and Seasonal Agricultural
14 Worker Protection Act (29 U.S.C.
15 1801 et seq.);

16 (iv) the National Labor Relations Act
17 (29 U.S.C. 151 et seq.);

18 (v) subchapter IV of chapter 31 of
19 title 40, United States Code (commonly
20 known as the “Davis-Bacon Act”);

21 (vi) chapter 67 of title 41, United
22 States Code (commonly known as the
23 “Service Contract Act”);

24 (vii) Executive Order 11246 (42
25 U.S.C. 2000e note; relating to equal em-

1 ployment opportunity), including any
2 amendment to such Executive order;
3 (viii) section 503 of the Rehabilitation
4 Act of 1973 (29 U.S.C. 793);
5 (ix) section 4212 of title 38, United
6 States Code;
7 (x) the Family and Medical Leave Act
8 of 1993 (29 U.S.C. 2601 et seq.);
9 (xi) title VII of the Civil Rights Act of
10 1964 (42 U.S.C. 2000e et seq.);
11 (xii) the Americans with Disabilities
12 Act of 1990 (42 U.S.C. 12101 et seq.);
13 (xiii) the Age Discrimination in Em-
14 ployment Act of 1967 (29 U.S.C. 621 et
15 seq.);
16 (xiv) Executive Order 13658 (79 Fed.
17 Reg. 9851; relating to establishing a min-
18 imum wage for contractors);
19 (xv) subsection (h) of this section; or
20 (xvi) equivalent State laws, as defined
21 in guidance issued by the Secretary of
22 Labor; and
23 (2) to require any applicant for a covered
24 subaward from the entity—

1 (A) to represent to the best of the appli-
2 cant's knowledge and belief, whether there has
3 been any administrative merits determination,
4 arbitral award or decision, or civil judgment, as
5 defined in guidance issued by the Secretary of
6 Labor, rendered against the applicant in the
7 preceding 3 years for violations of any of the
8 labor laws listed in paragraph (1); and

9 (B) to update such information not less
10 than every 6 months for the duration of the
11 covered subaward.

12 (c) PRE-AWARD CORRECTIVE MEASURES.—The head
13 of a relevant Federal agency shall, prior to awarding a
14 covered award, provide an entity that makes a disclosure
15 under subsection (b)(1) an opportunity to report any steps
16 taken to correct a violation of or improve compliance with
17 the labor laws listed in subsection (b)(1), including any
18 agreements entered into by the entity with an enforcement
19 agency.

20 (d) DISCLOSURE OF VIOLATIONS.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary of Labor shall establish a website that—

24 (A) is available to the public at no cost;

1 (B) indicates each violation disclosed under
2 subsection (b) or (e)(1) with respect to an enti-
3 ty applying for, or receiving, a covered award or
4 covered subaward until such violation is cor-
5 rected and the entity is in compliance with all
6 labor laws listed in subsection (b)(1); and

7 (C) is designed to enable interested parties
8 to easily identify entities applying for, or receiv-
9 ing, covered awards or covered subawards that
10 are in violation of any labor laws listed in sub-
11 section (b)(1) and steps taken by such entities
12 to correct the violations or improve compliance
13 with such laws.

14 (2) FULFILLING REPORTING REQUIREMENTS.—

15 The Secretary of Labor, in consultation with the Di-
16 rector of the Office of Management and Budget and
17 the heads of the relevant Federal agencies, shall in-
18 clude on the website established under paragraph (1)
19 the ability for all entities that apply for or receive
20 covered awards or covered subawards to fulfill re-
21 porting requirements under this section.

22 (3) AGENCY COOPERATION.—The heads of the
23 relevant Federal agencies shall provide the Secretary
24 of Labor with the data necessary to maintain the
25 website established under paragraph (1).

1 (e) POST-AWARD GRANT, LOAN, OR CONTRACT AC-
2 TIONS.—

3 (1) INFORMATION UPDATES.—The head of a
4 relevant Federal agency shall require each entity re-
5 ceiving a covered award or covered subaward to, not
6 later than once every 6 months, update the informa-
7 tion provided under paragraph (1) or (2), as applica-
8 ble, of subsection (b).

9 (2) CORRECTIVE ACTIONS.—

10 (A) ENTITY AWARDED ASSISTANCE.—The
11 head of a relevant Federal agency, in consulta-
12 tion with the Labor Compliance Advisor des-
13 ignated by such head under subsection (f) and
14 in coordination with the heads of the other rel-
15 evant Federal agencies as applicable, shall de-
16 termine whether any information provided
17 under paragraph (1) by an entity receiving a
18 covered award warrants corrective action. Such
19 action—

20 (i) may include—

- 21 (I) an agreement requiring ap-
22 propriate remedial measures;
23 (II) compliance assistance;
24 (III) resolving issues to avoid
25 further violations;

1 (IV) the decision not to exercise
2 an option on assistance awarded or to
3 terminate the assistance awarded; or

4 (V) in coordination with the
5 heads of the other relevant Federal
6 agencies, the decision to debar or sus-
7 pend the entity from future participa-
8 tion in any of the covered infrastruc-
9 ture programs; and

10 (ii) shall include disclosure on the
11 website established under subsection (d).

12 (B) SUBAWARDS.—An entity that receives
13 a covered award, in consultation with head of
14 the relevant Federal agency and the Labor
15 Compliance Advisor designated by such head
16 under subsection (f), shall determine whether
17 any information provided under subsection
18 (b)(2) by a recipient of a covered subaward
19 warrants corrective action, including remedial
20 measures, compliance assistance, and resolving
21 issues to avoid further violations.

22 (3) DEPARTMENT OF LABOR INVESTIGA-
23 TIONS.—The Secretary of Labor shall, as appro-
24 priate, inform the heads of the relevant Federal
25 agencies of investigations by the Secretary of entities

1 receiving covered awards or covered subawards for
2 purposes of determining the appropriateness of ac-
3 tions described in subparagraphs (A) and (B) of
4 paragraph (2).

5 (f) LABOR COMPLIANCE ADVISORS.—

6 (1) IN GENERAL.—Each head of a relevant
7 Federal agency shall designate a senior official to
8 serve as the Labor Compliance Advisor for the agen-
9 cy.

10 (2) DUTIES.—The Labor Compliance Advisor
11 shall—

12 (A) meet quarterly with the Deputy Sec-
13 retary, Deputy Administrator, or equivalent of-
14 ficial of the agency with regard to matters cov-
15 ered under this section;

16 (B) work with officials of the agency to
17 promote greater awareness and understanding
18 of—

19 (i) the labor laws listed in subsection
20 (b)(1), including recordkeeping, reporting,
21 and notice requirements under such laws;
22 and

23 (ii) best practices for compliance with
24 such laws;

1 (C) advise the head of the relevant Federal
2 agency whether agreements are in place or are
3 otherwise needed to address appropriate reme-
4 dial measures, compliance assistance, steps to
5 resolve issues to avoid violations of the labor
6 laws listed in subsection (b)(1), or other related
7 matters concerning entities applying for or re-
8 ceiving covered awards or covered subawards;

9 (D) coordinate assistance for entities that
10 apply for or receive covered awards or covered
11 subawards that are seeking help in addressing
12 and preventing violations of such labor laws;

13 (E) in consultation with the Secretary of
14 Labor or other relevant enforcement agencies,
15 provide assistance to the head of the relevant
16 Federal agency regarding appropriate actions to
17 be taken in response to violations, by entities
18 applying for or receiving covered awards or cov-
19 ered subawards, of the labor laws listed in sub-
20 section (b)(1) identified prior to or after receipt
21 of such awards, and to address complaints in a
22 timely manner, by—

23 (i) providing assistance to officials of
24 the agency in reviewing the information
25 provided under subsections (b) and (e)(1),

1 or other information indicating a violation
2 of such a labor law, in order to assess the
3 serious, repeated, willful, or pervasive na-
4 ture of such violation and evaluate steps
5 entities applying for or receiving covered
6 awards or covered subawards have taken to
7 correct violations of or improve compliance
8 with such laws;

9 (ii) helping officials of the agency de-
10 termine the appropriate response to ad-
11 dress violations of the labor laws listed in
12 subsection (b)(1), or other information in-
13 dicating such violations, particularly seri-
14 ous, repeated, willful, or pervasive viola-
15 tions, including agreements requiring ap-
16 propriate remedial measures, decisions not
17 to award assistance or exercise an option
18 on an award of assistance, termination of
19 an award of assistance, or referral of de-
20 tails to be posted on the website estab-
21 lished under subsection (d);

22 (iii) providing assistance to officials of
23 the agency in receiving and responding to,
24 or making referrals of, complaints alleging
25 violations of the labor laws listed in sub-

1 section (b)(1) by entities applying for or
2 receiving covered awards or covered sub-
3 awards;

4 (iv) supporting officials of the agency
5 in the coordination of actions taken pursu-
6 ant to this section to ensure agency-wide
7 consistency, to the extent practicable; and

8 (v) as appropriate, sending informa-
9 tion to agency suspension and debarment
10 officials in accordance with agency proce-
11 dures;

12 (F) consult with the head of the relevant
13 Federal agency, and the Secretary of Labor as
14 necessary, in the development of regulations,
15 policies, and guidance addressing compliance
16 with the labor laws listed in subsection (b)(1)
17 by entities applying for or receiving covered
18 awards or covered subawards;

19 (G) make recommendations to the head of
20 the relevant Federal agency to strengthen agen-
21 cy management of compliance with such labor
22 laws by entities applying for or receiving cov-
23 ered awards or covered subawards;

24 (H) publicly report, on an annual basis, a
25 summary of actions taken by the head of the

1 relevant Federal agency to promote greater
2 compliance with the labor laws listed in sub-
3 section (b)(1), including the head's response to
4 serious, repeated, willful, or pervasive violations
5 of such labor laws; and

6 (I) participate in the interagency meetings
7 regularly convened by the Secretary of Labor
8 under subsection (g)(2).

9 (g) MEASURES TO ENSURE GOVERNMENT-WIDE
10 CONSISTENCY.—Not later than 1 year after the date of
11 enactment of this Act, the Secretary of Labor shall—

12 (1) develop a process—

13 (A) for the Labor Compliance Advisors
14 designated under subsection (f) to consult with
15 the Secretary of Labor in carrying out the re-
16 sponsibilities of such Advisors under subsection
17 (f)(2)(E); and

18 (B) by which the head of the relevant Fed-
19 eral agencies and Labor Compliance Advisors
20 may give appropriate consideration to deter-
21 minations and agreements made by the Sec-
22 retary of Labor and such heads;

23 (2) regularly convene interagency meetings of
24 Labor Compliance Advisors to share and promote

1 best practices for improving compliance with the
2 labor laws listed in subsection (b)(1); and

3 (3) designate an appropriate contact within the
4 Department of Labor with whom the heads of the
5 relevant Federal agencies may consult with respect
6 to requirements and activities under this section.

7 (h) WORKFORCE DIVERSITY PROGRAMS.—

8 (1) IN GENERAL.—The head of a relevant Fed-
9 eral agency, in coordination with the Secretary of
10 Labor, shall require each entity that has not less
11 than 50 employees and receives a covered award or
12 covered subaward to develop and maintain a work-
13 force diversity program in accordance with this sub-
14 section to ensure equal employment opportunity
15 through the recruitment, selection, and advancement
16 of individuals who are qualified for the applicable
17 position and who are individuals with a barrier to
18 employment (including ex-offenders), racial or ethnic
19 minorities, women, disabled individuals, or veterans.

20 (2) STRUCTURE OF WORKFORCE DIVERSITY
21 PROGRAMS.—A workforce diversity program required
22 under paragraph (1) of an entity described in such
23 paragraph shall include programs, policies, practices,
24 and procedures that fulfill the purposes of this sub-

1 section. Such programs, policies, practices, and pro-
2 cedures shall—

3 (A) contain a diagnostic component that
4 includes more than 1 quantitative analysis de-
5 signed to evaluate the composition of the work-
6 force of the entity and compare such composi-
7 tion to the composition of other relevant
8 workforces;

9 (B) include action-oriented programs, such
10 as programs for training and outreach;

11 (C) include internal auditing and reporting
12 systems as a means of—

13 (i) measuring the entity's progress to-
14 ward achieving a diverse workforce; and

15 (ii) monitoring and examining employ-
16 ment decisions and compensation systems
17 to evaluate the impact of those systems on
18 diverse applicants and employees;

19 (D) be incorporated into the entity's per-
20 sonnel policies, practices, and procedures;

21 (E) be updated annually for the duration
22 of the project assisted by the covered award or
23 covered subaward; and

1 (F) be readily available for reporting to the
2 Secretary for the purposes of compliance re-
3 view.

4 (3) DESIGNATION OF RESPONSIBILITY.—An en-
5 tity described in paragraph (1) shall provide for the
6 implementation of the workforce diversity program
7 required under such paragraph by—

8 (A) assigning responsibility and account-
9 ability to an official of the entity; and

10 (B) providing the assigned official with the
11 authority, resources, and support of and access
12 to top management of the entity to ensure the
13 effective implementation of such program.

14 (4) IDENTIFICATION OF PROBLEM AREAS.—

15 (A) IN GENERAL.—An entity described in
16 paragraph (1) shall perform an in-depth anal-
17 ysis of the employment process of the entity to
18 determine—

19 (i) whether impediments to equal em-
20 ployment opportunity exist in such process;
21 and

22 (ii) if such impediments exist, the as-
23 pects of such process in which such im-
24 pediments exist.

1 (B) EVALUATIONS.—An analysis under
2 subparagraph (A) shall include an analysis of—

3 (i) whether, across different positions
4 of the entity, there are problems of utiliza-
5 tion or distribution of individuals who are
6 qualified for such positions and are individ-
7 uals with a barrier to employment (includ-
8 ing ex-offenders), racial or ethnic minori-
9 ties, women, disabled individuals, or vet-
10 erans;

11 (ii) personnel activity to determine
12 whether there are selection disparities,
13 which such analysis may include an anal-
14 ysis of the number of applications and
15 interviews, hires, terminations, promotions,
16 and other personnel actions of the entity;

17 (iii) compensation systems to deter-
18 mine whether there are disparities in com-
19 pensation;

20 (iv) selection, recruitment, referral,
21 and other personnel procedures to deter-
22 mine whether such procedures result in
23 disparities in the employment or advance-
24 ment of individuals who are qualified for
25 the applicable position and are individuals

1 with a barrier to employment (including
2 ex-offenders), racial or ethnic minorities,
3 women, disabled individuals, or veterans;
4 and

5 (v) any other issue that may impact
6 the success of the workforce diversity pro-
7 gram required of the entity under para-
8 graph (1).

9 (5) ACTION-ORIENTED PROGRAMS.—An entity
10 described in paragraph (1) shall develop and execute
11 action-oriented programs designed to—

12 (A) correct any problem areas identified
13 under this subsection; and

14 (B) attain established goals and objectives
15 that—

16 (i) require the entity to follow dif-
17 ferent procedures than those procedures
18 that may have previously produced inad-
19 equate results; and

20 (ii) demonstrate the entity has made
21 good faith efforts to remove identified bar-
22 riers to workforce diversity, expand em-
23 ployment opportunities, and produce meas-
24 urable results to achieve improved work-
25 force diversity.

1 (6) INTERNAL AUDIT AND REPORTING SYS-
2 TEM.—An entity described in paragraph (1) shall
3 develop and implement an auditing system that peri-
4 odically measures the effectiveness of the workforce
5 diversity program developed and maintained by the
6 entity under such paragraph. Such system shall in-
7 clude requirements for the entity to—

8 (A) monitor records of all personnel activ-
9 ity, including referrals, placements, transfers,
10 promotions, terminations, and compensation, at
11 all levels of employment with the entity to en-
12 sure the workforce diversity program is carried
13 out in accordance with the purposes of this sub-
14 section;

15 (B) require internal reporting on a sched-
16 uled basis as to the degree to which equal em-
17 ployment opportunity and organizational objec-
18 tives are attained;

19 (C) review the results of reports required
20 under this subsection with all levels of manage-
21 ment of the entity; and

22 (D) advise top management of the entity
23 of the effectiveness of the program and submit
24 recommendations to improve unsatisfactory per-
25 formance with respect to the program.

1 (7) COMPLIANCE STATUS.—

2 (A) IN GENERAL.—In determining whether
3 an entity described in paragraph (1) has com-
4 plied with the requirements for the workforce
5 diversity program under this subsection, the
6 head of the relevant Federal agency, in coordi-
7 nation with the Secretary of Labor, shall—

8 (i) review the nature and extent of the
9 entity's good faith in carrying out activities
10 under paragraphs (4), (5), and (6), and
11 the appropriateness of those activities to
12 identify equal employment opportunity
13 problems; and

14 (ii) analyze statistical data and other
15 non-statistical information to indicate
16 whether employees and applicants of the
17 entity are being treated without regard to
18 their race, color, religion, sex, sexual ori-
19 entation, gender identity, national origin,
20 or disability status.

21 (B) TECHNICAL ASSISTANCE.—The head
22 of the relevant Federal agency, in coordination
23 with the Secretary of Labor, may provide tech-
24 nical assistance to an entity described in para-
25 graph (1) to assist such entity in achieving

1 compliance with the requirements under this
2 subsection, which may include an agreement be-
3 tween the head of the relevant Federal agency
4 and the entity requiring appropriate remedial
5 measures.

6 (C) CORRECTIVE ACTION.—If an entity de-
7 scribed in paragraph (1) remains in noncompli-
8 ance with the requirements under this sub-
9 section following technical assistance under sub-
10 paragraph (B), the head of the relevant Federal
11 agency, in coordination with the Secretary of
12 Labor and the heads of the other relevant Fed-
13 eral agencies as applicable, may take corrective
14 action against the entity. Such action may in-
15 clude—

16 (i) the decision not to exercise an op-
17 tion on assistance awarded or to terminate
18 the assistance awarded; or

19 (ii) in coordination with the heads of
20 the other relevant Federal agencies, the de-
21 cision to debar or suspend the entity from
22 future participation in any of the covered
23 infrastructure programs.

24 (i) PAYCHECK TRANSPARENCY.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (3), each head of a relevant Federal agency
3 shall require entities receiving a covered award or a
4 covered subaward to provide each individual de-
5 scribed in paragraph (2) with a document for each
6 pay period containing information concerning, with
7 respect to such individual for such pay period—

8 (A) hours worked, including overtime
9 hours worked;

10 (B) pay, including any additions made to
11 or deductions made from pay; and

12 (C) job classification.

13 (2) INDIVIDUALS DESCRIBED.—An individual
14 described in this paragraph is any individual per-
15 forming work on a project for an entity, receiving a
16 covered award or covered subaward, that is required
17 to maintain wage records with respect to such indi-
18 vidual under—

19 (A) the Fair Labor Standards Act of 1938
20 (29 U.S.C. 201 et seq.);

21 (B) subchapter IV of chapter 31 of title
22 40, United States Code (commonly referred to
23 as the “Davis-Bacon Act”);

1 (C) chapter 67 of title 41, United States
2 Code (commonly known as the “Service Con-
3 tract Act”); or

4 (D) any applicable State law.

5 (3) EXCEPTIONS.—

6 (A) EMPLOYEES EXEMPT FROM OVERTIME
7 REQUIREMENTS.—A document provided under
8 paragraph (1) to an individual who is exempt
9 under section 13 of the Fair Labor Standards
10 Act of 1938 (29 U.S.C. 213) from the overtime
11 compensation requirements under section 7 of
12 such Act (29 U.S.C. 207) shall not be required
13 to include a record of the hours worked by the
14 individual if the entity receiving the covered
15 award or covered subaward informs the indi-
16 vidual of the status of such individual as ex-
17 empt from such overtime compensation require-
18 ments.

19 (B) SUBSTANTIALLY SIMILAR STATE
20 LAWS.—The requirements under this subsection
21 shall be deemed to be satisfied if the entity re-
22 ceiving the covered award or covered subaward
23 complies with State or local requirements that
24 the Secretary of Labor has determined are sub-

1 stantially similar to the requirements under this
2 subsection.

3 (4) INDEPENDENT CONTRACTORS.—If an entity
4 receiving a covered award or covered subaward
5 treats an individual performing work on a project
6 assisted by such award or subaward as an inde-
7 pendent contractor, and not as an employee, of the
8 entity, the entity shall provide the individual a docu-
9 ment informing the individual of the status of the
10 individual as an independent contractor.

11 (j) NOTICE OF HIRE.—

12 (1) IN GENERAL.—Each head of a relevant
13 Federal agency shall require entities receiving a cov-
14 ered award or a covered subaward to provide each
15 individual described in subsection (i)(2), at the time
16 of hiring, a written notice containing each of the fol-
17 lowing:

18 (A) The name of the entity, including any
19 name used by the entity in conducting business.

20 (B) The physical address of the entity's
21 main office or principal place of business, and
22 a mailing address, if different from such phys-
23 ical address.

24 (C) The telephone number of the entity.

1 (D) The date on which the individual will
2 regularly receive a paycheck from the entity.

3 (E) The individual's rate of pay, and the
4 basis of that rate, including (as applicable)—

5 (i) by the hour, shift, day, week, sal-
6 ary, piece, or commission;

7 (ii) any allowances claimed as part of
8 the minimum wage, including tips and
9 meal or lodging allowances; and

10 (iii) overtime rate of pay, including
11 any exemptions from overtime pay.

12 (F) The individual's job classification, and
13 the prevailing wage for the corresponding class
14 of laborers and mechanics employed on projects
15 of a similar character in the locality in which
16 the work is to be performed.

17 (2) ENFORCEMENT.—

18 (A) FINE.—

19 (i) IN GENERAL.—The head of a rel-
20 evant Federal agency may assess a civil
21 fine, subject to clause (ii), of \$500 against
22 an entity that knowingly violates para-
23 graph (1) for each individual to whom the
24 entity failed to notify in violation of such
25 paragraph.

1 (ii) INFLATION.—The head of a rel-
2 evant Federal agency shall, for each year
3 beginning 1 year after the date of enact-
4 ment of this Act, adjust the amount under
5 clause (i) for inflation.

6 (B) REBUTTABLE PRESUMPTION.—The
7 failure to provide a notice in compliance with
8 paragraph (1) shall be a rebuttable presumption
9 that an entity required to provide such notice
10 knowingly violated such paragraph.

11 (k) NEUTRALITY.—

12 (1) ALLOWABLE COSTS.—Except as provided in
13 paragraph (2), an entity receiving a covered award
14 or covered subaward may use the assistance of such
15 award or subaward for costs incurred in maintaining
16 satisfactory relations between the entity and employ-
17 ees of the entity on a project assisted by the award
18 or subaward, including costs of shop stewards, labor
19 management committees, employee publications, and
20 other related activities.

21 (2) LIMITATION ON FEDERAL ASSISTANCE.—

22 (A) IN GENERAL.—No Federal assistance
23 made available under a covered award or cov-
24 ered subaward may be used for costs incurred
25 in—

1 (i) activities undertaken to persuade
2 employees of any entity to exercise or not
3 to exercise, or concerning the manner of
4 such employees in exercising or not exer-
5 cising, the right to organize and bargain
6 collectively through representatives of the
7 employees' own choosing; or

8 (ii) any other activities that are sub-
9 ject to the requirements under section
10 203(b) of the Labor-Management Report-
11 ing and Disclosure Act of 1959 (29 U.S.C.
12 433(b)).

13 (B) EXAMPLES.—Examples of costs pro-
14 hibited under subparagraph (A) include the
15 costs of—

16 (i) preparing and distributing mate-
17 rials for a purpose described in subpara-
18 graph (A);

19 (ii) hiring or consulting legal counsel
20 or consultants for such purpose;

21 (iii) meetings held for such purpose
22 (including paying the salaries of the
23 attendees at such meetings); and

24 (iv) planning or conducting activities
25 for such purpose during work hours by

1 managers, supervisors, or labor organiza-
2 tion representatives.

3 (l) COMPLAINT AND DISPUTE TRANSPARENCY.—

4 (1) IN GENERAL.—

5 (A) AWARDS.—Each head of a relevant
6 Federal agency shall require entities receiving a
7 covered award to agree that any decision to ar-
8 bitrate the claim of an employee or independent
9 contractor performing work for a project as-
10 sisted by the award that arises under title VII
11 of the Civil Rights Act of 1964 (42 U.S.C.
12 2000e et seq.) or any tort related to or arising
13 out of sexual assault or sexual harassment may
14 only be made with the voluntary consent of the
15 employee or independent contractor after the
16 dispute arises.

17 (B) SUBAWARDS.—Each head of a relevant
18 Federal agency shall require that an entity cov-
19 ered under subparagraph (A) incorporate the
20 requirement under such subparagraph into each
21 subaward made for a project assisted by the
22 award at any tier under the award.

23 (2) EXCEPTION FOR EMPLOYEES AND INDE-
24 PENDENTS CONTRACTORS.—

1 (A) IN GENERAL.—The requirements
2 under paragraph (1) shall not apply with re-
3 spect to an employee or independent contractor
4 who—

5 (i) is covered by a collective bar-
6 gaining agreement negotiated between the
7 entity receiving an award or subaward and
8 a labor organization representing the em-
9 ployee or independent contractor; or

10 (ii) except as provided in subpara-
11 graph (B), entered into a valid agreement
12 to arbitrate claims described in such para-
13 graph before the entity received the award
14 or subaward described in such paragraph.

15 (B) APPLICABILITY.—The requirements
16 under paragraph (1) shall apply with respect to
17 an employee or independent contractor of an
18 entity receiving a covered award or covered
19 subaward—

20 (i) if the entity receiving the award or
21 subaward is permitted to change the terms
22 of the agreement described in subpara-
23 graph (A)(ii) with the employee or inde-
24 pendent contractor; or

1 (ii) in the event such agreement is re-
2 negotiated or replaced after the entity re-
3 ceives the award or subaward.

4 (m) DEFINITIONS.—In this section:

5 (1) DISABLED INDIVIDUAL.—The term “dis-
6 abled individual” has the meaning given such term
7 in section 10421.

8 (2) INDIVIDUAL WITH A BARRIER TO EMPLOY-
9 MENT.—The term “individual with a barrier to em-
10 ployment” has the meaning given such term in sec-
11 tion 3 of the Workforce Innovation and Opportunity
12 Act (29 U.S.C. 3102).

13 (3) VETERAN.—The term “veteran” has the
14 meaning given such term in section 10421.

15 **SEC. 10463. BUY AMERICA BUREAU.**

16 (a) DEFINITIONS.—In this section:

17 (1) BUY AMERICA LAW.—The term “Buy Amer-
18 ica law” means—

19 (A) section 313 of title 23, United States
20 Code;

21 (B) section 5323(j) of title 49, United
22 States Code;

23 (C) section 22905(a) of title 49, United
24 States Code;

1 (D) section 50101(a) of title 49, United
2 States Code;

3 (E) section 608 of the Federal Water Pol-
4 lution Control Act (33 U.S.C. 1388); and

5 (F) section 1452(a)(4) of the Safe Drink-
6 ing Water Act (42 U.S.C. 300j–12(a)(4)).

7 (2) DIRECTOR.—The term “Director” means
8 the Director of the Buy America Bureau established
9 by subsection (b).

10 (b) ESTABLISHMENT.—There is established in the
11 Department of Commerce an office, to be known as the
12 “Buy America Bureau”.

13 (c) LEADERSHIP.—The Buy America Bureau shall be
14 headed by a Director, who shall—

15 (1) be appointed by the Secretary of Commerce;
16 and

17 (2) report to the Secretary of Commerce.

18 (d) DUTIES.—The Director shall—

19 (1) establish a program to certify and conduct
20 oversight of third-party auditors that work with enti-
21 ties that receive assistance under a covered infra-
22 structure program to ensure compliance with Buy
23 America laws;

1 (2) establish guidelines for ensuring trans-
2 parency in the Buy America auditing process under
3 paragraph (1), including—

4 (A) the use of and fulfillment of requests
5 pursuant to section 552 of title 5, United
6 States Code (commonly known as the “Freedom
7 of Information Act”); and

8 (B) the disclosure of information relating
9 to a Buy America audit by third-party auditors
10 under paragraph (1);

11 (3) establish guidelines to support the establish-
12 ment, strengthening, and oversight of compliance
13 with Buy America laws, taking into consideration
14 and seeking to maximize the direct and indirect do-
15 mestic jobs benefitted or created;

16 (4) establish a clearinghouse website to make
17 publicly available information on—

18 (A) Buy America audits conducted by
19 third-party auditors under paragraph (1);

20 (B) third-party auditors that have received
21 a certification from the Director under para-
22 graph (1); and

23 (C) requested waivers of Buy America laws
24 under covered infrastructure programs; and

25 (5) submit to Congress an annual report on—

1 (A) waivers from a Buy America law that
2 have been requested;

3 (B) waivers from a Buy America law that
4 have been granted; and

5 (C) any supply chain gaps in the United
6 States that may need to be addressed to im-
7 prove compliance with Buy America laws with-
8 out a waiver.

9 **Subtitle E—Transportation**
10 **Infrastructure for Job Creation**

11 **SEC. 10501. SHORT TITLE.**

12 This subtitle may be cited as the “Transportation In-
13 frastructure for Job Creation Act”.

14 **SEC. 10502. FINDINGS.**

15 Congress finds the following:

16 (1) Investments in infrastructure create jobs
17 while fulfilling critical needs in communities
18 throughout the United States.

19 (2) According to the Brookings Institution,
20 nearly 14.5 million workers—11 percent of the U.S.
21 workforce—were employed in infrastructure jobs in
22 2013.

23 (3) According to data from the Brookings Insti-
24 tution, infrastructure occupations often provide more
25 competitive and equitable wages in comparison to all

1 jobs nationally, consistently paying up to 30 percent
2 more to low-income workers.

3 (4) The American Society of Civil Engineers
4 gave the infrastructure of the United States an over-
5 all grade of “D+” in 2017 and estimated that the
6 United States will need to invest \$4.59 trillion by
7 2025 in order to improve the condition of the Na-
8 tion’s infrastructure and bring it to a state of good
9 repair.

10 (5) The American Society of Civil Engineers as-
11 signed a “D” grade to the Nation’s roads, a “C+”
12 grade to the Nation’s bridges, and a “D–” grade
13 to the Nation’s transit systems and estimated that
14 the United States will need to invest \$2.04 trillion
15 by 2025 to bring the Nation’s surface transportation
16 infrastructure to a state of good repair.

17 (6) BUILD is a nationwide competitive grant
18 program that creates jobs by funding investments in
19 transportation infrastructure by States, local govern-
20 ments, and transit agencies.

21 (7) BUILD is formally known as the Better
22 Utilizing Investments to Leverage Development
23 (BUILD) Transportation Grants program and was
24 previously known as the Transportation Investment

1 Generating Economic Recovery (TIGER) grant pro-
2 gram.

3 (8) BUILD funds projects that will have a sig-
4 nificant impact on the Nation, a metropolitan area,
5 or a region.

6 (9) In distributing grants under BUILD, the
7 Secretary of Transportation is required to ensure an
8 equitable geographic distribution of funds, a balance
9 in addressing the needs of urban and rural areas,
10 and investments in a variety of modes of transpor-
11 tation.

12 (10) TIGER or BUILD received an appropria-
13 tion of \$600,000,000 in fiscal year 2014, an appro-
14 priation of \$500,000,000 in fiscal year 2015, an ap-
15 propriation of \$500,000,000 in fiscal year 2016, an
16 appropriation of \$500,000,000 in fiscal year 2017,
17 and an appropriation of \$1,500,000,000 in fiscal
18 year 2018.

19 (11) Past appropriations for TIGER and
20 BUILD are not sufficient to address the need for in-
21 vestments in transportation infrastructure in com-
22 munities throughout the United States as the
23 amounts only fund a small fraction of the transpor-
24 tation infrastructure projects for which grant appli-
25 cations have been received.

1 (12) Appropriating \$7.5 billion in fiscal year
2 2019 for BUILD and allowing the funds to remain
3 available for 6 years will enable the Secretary of
4 Transportation to begin immediately to expand in-
5 vestments in transportation infrastructure throughout
6 the United States.

7 (13) Restricting appropriations for BUILD
8 through the use of arbitrary budget caps or seques-
9 tration undermines economic recovery and job cre-
10 ation efforts; disrupts planning by States, local gov-
11 ernments, and transit agencies; and leaves critical
12 infrastructure needs unmet.

13 (14) Emergency supplemental appropriations
14 for BUILD, provided in addition to other appropria-
15 tions and not subject to sequestration, will improve
16 transportation infrastructure and create jobs
17 throughout the United States without reducing
18 funding for other domestic priorities.

19 (15) An emergency supplemental appropriation
20 of \$7.5 billion for BUILD to be made available in
21 fiscal year 2019 and to remain available for 6 years
22 will allow the Secretary of Transportation to begin
23 immediately to organize new competitions for
24 BUILD grants and allow States, local governments,
25 and transit agencies to prepare grant applications,

1 thus ensuring an efficient use of funds and timely
2 job creation.

3 **SEC. 10503. SUPPLEMENTAL APPROPRIATIONS FOR BUILD**
4 **DISCRETIONARY GRANT PROGRAM.**

5 The following sums are appropriated, out of any
6 money in the Treasury not otherwise appropriated, for fis-
7 cal year 2019:

8 DEPARTMENT OF TRANSPORTATION

9 OFFICE OF THE SECRETARY

10 NATIONAL INFRASTRUCTURE INVESTMENTS

11 For an additional amount for “National Infrastruc-
12 ture Investments” in accordance with the provisions under
13 this heading in title I of division K of Public Law 115–
14 31, \$7,500,000,000, to remain available through Sep-
15 tember 30, 2024: *Provided*, That the amount under this
16 heading is designated by the Congress as an emergency
17 requirement pursuant to section 251(b)(2)(A) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985,
19 except that such amount shall be available only if the
20 President subsequently so designates such amount and
21 transmits such designation to the Congress.

22 **SEC. 10504. EXEMPTION FROM SEQUESTRATION.**

23 The appropriation in section 10503 shall be exempt
24 from sequestration under the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 **Subtitle F—Stephanie Tubbs Jones**
2 **Assets for Independence Reau-**
3 **thorization Act**

4 **SEC. 10601. SHORT TITLE; REFERENCE.**

5 (a) SHORT TITLE.—This subtitle may be cited as the
6 “Stephanie Tubbs Jones Assets for Independence Reau-
7 thorization Act of 2020”.

8 (b) REFERENCE.—Except as otherwise expressly pro-
9 vided, wherever in this subtitle an amendment is expressed
10 in terms of an amendment to a section or other provision,
11 the reference shall be considered to be made to that sec-
12 tion or other provision of the Assets for Independence Act
13 (42 U.S.C. 604 note).

14 **SEC. 10602. FINDINGS.**

15 Section 402 is amended—

16 (1) in paragraph (2), by striking “Fully $\frac{1}{2}$ ”
17 and inserting “Almost $\frac{1}{4}$ ”; and

18 (2) in paragraph (4), by striking the first sen-
19 tence and inserting the following: “Traditional pub-
20 lic assistance programs concentrate on income and
21 consumption and have lacked an asset-building com-
22 ponent to promote and support the transition to in-
23 creased economic self-sufficiency.”.

1 **SEC. 10603. SENSE OF CONGRESS.**

2 It is the sense of Congress that a qualified entity con-
3 ducting a demonstration project under the Assets for
4 Independence Act (42 U.S.C. 604 note) should, to the
5 maximum extent practicable, increase—

6 (1) the rate at which the entity matches con-
7 tributions by individuals participating in the project
8 under section 410(a)(1) of such Act; or

9 (2) the number of individuals participating in
10 the project.

11 **SEC. 10604. DEFINITIONS.**

12 Section 404 is amended—

13 (1) by amending paragraph (4) to read as fol-
14 lows:

15 “(4) **HOUSEHOLD.**—The term ‘household’
16 means an individual or group of individuals who live
17 in a single residence. Multiple households may share
18 a single residence.”;

19 (2) in paragraph (5)(A)—

20 (A) by striking clause (iii);

21 (B) by redesignating clauses (iv) through
22 (vi) as clauses (iii) through (v), respectively;
23 and

24 (C) in clause (iv), as redesignated by sub-
25 paragraph (B), by striking “clause (vi)” and in-
26 serting “clause (v)”;

1 (3) in paragraph (7)(A)—

2 (A) by amending clause (ii) to read as fol-
3 lows:

4 “(ii) a State or local government
5 agency (or a public housing agency, as de-
6 fined in section 3(b)(6) of the United
7 States Housing Act of 1937 (42 U.S.C.
8 1437a(b)(6))) or a tribal government (or a
9 tribally designated housing entity, as de-
10 fined in section 4(22) of the Native Amer-
11 ican Housing Assistance and Self-Deter-
12 mination Act of 1996 (25 U.S.C.
13 4103(22)));”; and

14 (B) by striking clause (iii) and inserting
15 the following:

16 “(iii) a credit union designated as a
17 low-income credit union by the National
18 Credit Union Administration (NCUA); or

19 “(iv) an organization designated as a
20 community development financial institu-
21 tion by the Secretary of the Treasury (or
22 the Community Development Financial In-
23 stitutions Fund).”; and

24 (4) in paragraph (8)—

25 (A) in subparagraph (A)—

1 (i) in the first sentence—

2 (I) by inserting “of an eligible in-
3 dividual or the dependent of an eligi-
4 ble individual (as such term is used in
5 subparagraph (E)(ii))” after “ex-
6 penses”; and

7 (II) by inserting “, or to a vendor
8 pursuant to an education purchase
9 plan approved by a qualified entity”
10 before the period;

11 (ii) in clause (i)—

12 (I) in subclause (II), by inserting
13 “or for courses described in subclause
14 (III)” after “eligible educational insti-
15 tution”; and

16 (II) by adding at the end the fol-
17 lowing new subclauses:

18 “(III) PREPARATORY
19 COURSES.—Preparatory courses for
20 an examination required for admission
21 to an eligible educational institution,
22 for successful performance at an eligi-
23 ble educational institution, or for a
24 professional licensing or certification
25 examination.

1 “(IV) ROOM AND BOARD AND
2 TRANSPORTATION.—Room and board
3 and transportation, including com-
4 muting expenses, necessary to enable
5 attendance at courses of instruction at
6 an eligible educational institution or
7 attendance at courses described in
8 subclause (III).”;

9 (iii) by amending clause (ii) to read as
10 follows:

11 “(ii) ELIGIBLE EDUCATIONAL INSTI-
12 TUTION.—The term ‘eligible educational
13 institution’ means—

14 “(I) an institution described in
15 section 101 or 102 of the Higher
16 Education Act of 1965 (20 U.S.C.
17 1001, 1002); or

18 “(II) an area career and tech-
19 nical education school, as defined in
20 section 3(3) of the Carl D. Perkins
21 Career and Technical Education Act
22 of 2006 (20 U.S.C. 2302(3)).”; and

23 (iv) by adding at the end the following
24 new clause:

1 “(iii) EDUCATION PURCHASE PLAN.—

2 The term ‘education purchase plan’ means
3 a plan—

4 “(I) for the purchase of items or
5 services described in subclauses (II)
6 through (IV) of clause (i) from enti-
7 ties other than eligible educational in-
8 stitutions;

9 “(II) that includes a description
10 of the items or services to be pur-
11 chased; and

12 “(III) that includes such infor-
13 mation as a qualified entity may re-
14 quest from the eligible individual in-
15 volved regarding the necessity of the
16 items or services to a course of study
17 at an eligible educational institution
18 or a course described in clause
19 (i)(III).”;

20 (B) in subparagraph (B)—

21 (i) by amending clause (i) to read as
22 follows:

23 “(i) PRINCIPAL RESIDENCE.—The
24 term ‘principal residence’ means a main
25 residence the qualified acquisition costs of

1 which do not exceed 120 percent of the
2 median house price in the area, as deter-
3 mined by the Secretary of Housing and
4 Urban Development for purposes of section
5 203(b) of the National Housing Act (12
6 U.S.C. 1709(b)) for a residence occupied
7 by a number of families that corresponds
8 to the number of households occupying the
9 residence involved.”; and

10 (ii) in clause (iii)—

11 (I) by amending subclause (I) to
12 read as follows:

13 “(I) IN GENERAL.—Subject to
14 subclause (II), the term ‘qualified
15 first-time homebuyer’ means an indi-
16 vidual participating in the project in-
17 volved who—

18 “(aa) has no sole present
19 ownership interest in a principal
20 residence during the 3-year pe-
21 riod ending on the date of acqui-
22 sition of the principal residence
23 to which this subparagraph ap-
24 plies (except for an interest in
25 such principal residence); and

1 “(bb) has no co-ownership
2 interest in a principal residence
3 on the date of acquisition of the
4 principal residence to which this
5 subparagraph applies (except for
6 an interest in such principal resi-
7 dence).”;

8 (II) by redesignating subclause
9 (II) as subclause (III); and

10 (III) by inserting after subclause
11 (I) the following new subclause:

12 “(II) EXCEPTION FOR VICTIMS
13 OF DOMESTIC VIOLENCE.—An indi-
14 vidual participating in the project in-
15 volved who is a recent or current vic-
16 tim of domestic violence (as defined in
17 section 40002(a)(8) of the Violence
18 Against Women Act of 1994 (42
19 U.S.C. 13925(a)(8))) shall not be con-
20 sidered to fail to be a qualified first-
21 time homebuyer by reason of having a
22 co-ownership interest in a principal
23 residence with a person who com-
24 mitted domestic violence against the
25 victim.”;

1 (C) by redesignating subparagraphs (C)
2 and (D) as subparagraphs (D) and (E), respec-
3 tively;

4 (D) by inserting after subparagraph (B)
5 the following new subparagraph:

6 “(C) HOME REPLACEMENT, REPAIR, OR
7 IMPROVEMENT.—Qualified replacement costs or
8 qualified repair or improvement costs with re-
9 spect to a principal residence, if paid from an
10 individual development account directly to the
11 persons to whom the amounts are due. In this
12 subparagraph:

13 “(i) PRINCIPAL RESIDENCE.—The
14 term ‘principal residence’ means—

15 “(I) with respect to payment of
16 qualified replacement costs, a main
17 residence the qualified replacement
18 costs of which do not exceed 120 per-
19 cent of the median house price in the
20 area, as determined by the Secretary
21 of Housing and Urban Development
22 for purposes of section 203(b) of the
23 National Housing Act (12 U.S.C.
24 1709(b)) for a residence occupied by a
25 number of families that corresponds

1 to the number of households occu-
2 pying the residence involved; or

3 “(II) with respect to qualified re-
4 pair or improvement costs, a main
5 residence the value of which does not
6 exceed, on the day before the com-
7 mencement of the repairs or improve-
8 ments, 120 percent of such median
9 house price.

10 “(ii) QUALIFIED REPLACEMENT
11 COSTS.—The term ‘qualified replacement
12 costs’ means the costs (including any usual
13 or reasonable settlement, financing, or
14 other closing costs) of replacing—

15 “(I) a manufactured home that
16 was manufactured, assembled, or im-
17 ported for resale before the initial ef-
18 fectiveness of any Federal manufac-
19 tured home construction and safety
20 standards established pursuant to sec-
21 tion 604 of the National Manufac-
22 tured Housing Construction and Safe-
23 ty Standards Act of 1974 (42 U.S.C.
24 5403); or

1 “(II) a residence that fails to
2 meet local building codes or is not le-
3 gally habitable.

4 “(iii) QUALIFIED REPAIR OR IM-
5 PROVEMENT COSTS.—The term ‘qualified
6 repair or improvement costs’ means the
7 costs of making repairs or improvements
8 (including any usual or reasonable financ-
9 ing costs) that will enhance the habitability
10 or long-term value of a residence.”; and

11 (E) by adding at the end the following new
12 subparagraph:

13 “(F) QUALIFIED TUITION PROGRAMS.—
14 Contributions paid from an individual develop-
15 ment account of an eligible individual directly
16 to a qualified tuition program (as defined in
17 subsection (b) of section 529 of the Internal
18 Revenue Code of 1986), for the purpose of cov-
19 ering qualified higher education expenses (as
20 defined in subsection (e)(3) of such section) of
21 a dependent of such individual (as such term is
22 used in clause (ii) of subparagraph (E)).”.

23 **SEC. 10605. APPLICATIONS.**

24 Section 405 is amended—

1 (1) in subsection (c)(4), by adding at the end
2 the following: “Such funds include funds received
3 under the Community Services Block Grant Act (42
4 U.S.C. 9901 et seq.), the Indian Self-Determination
5 and Education Assistance Act (25 U.S.C. 450b et
6 seq.), the Native American Housing Assistance and
7 Self-Determination Act of 1996 (25 U.S.C. 4101 et
8 seq.), or title I of the Housing and Community De-
9 velopment Act of 1974 (42 U.S.C. 5301 et seq.) (in-
10 cluding Community Development Block Grant Act
11 funds and Indian Community Development Block
12 Grant Act funds), that are formally committed to
13 the project.”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(h) APPLICATIONS FOR NEW PROJECTS AND RE-
17 NEWALS OF EXISTING PROJECTS.—For project years be-
18 ginning on or after the date of the enactment of the Steph-
19 anie Tubbs Jones Assets for Independence Reauthoriza-
20 tion Act of 2020, the preceding provisions of this section
21 shall only apply as follows:

22 “(1) ANNOUNCEMENT OF PROCEDURES.—Not
23 later than 180 days after the date of the enactment
24 of the Stephanie Tubbs Jones Assets for Independ-
25 ence Reauthorization Act of 2020, the Secretary

1 shall publicly announce the procedures by which a
2 qualified entity may submit an application—

3 “(A) to conduct a demonstration project
4 under this title; or

5 “(B) for renewal of authority to conduct a
6 demonstration project under this title.

7 “(2) APPROVAL.—The Secretary shall, on a
8 competitive basis, approve applications submitted
9 pursuant to the procedures announced under para-
10 graph (1), taking into account the assessments re-
11 quired by subsection (c) and giving special consider-
12 ation to the applications described in paragraph (3).

13 “(3) SPECIAL CONSIDERATION.—The applica-
14 tions described in this paragraph are the following:

15 “(A) Applications submitted by qualified
16 entities proposing to conduct demonstration
17 projects under this title that will target the fol-
18 lowing populations:

19 “(i) Individuals who are or have been
20 in foster care.

21 “(ii) Victims of domestic violence (as
22 defined in section 40002(a)(8) of the Vio-
23 lence Against Women Act of 1994 (42
24 U.S.C. 13925(a)(8))).

25 “(iii) Victims of—

1 “(I) a major disaster declared to
2 exist by the President under section
3 401 of the Robert T. Stafford Dis-
4 aster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 5170) or an
6 emergency declared to exist by the
7 President under section 501 of such
8 Act (42 U.S.C. 5191); or

9 “(II) a situation similar to a
10 major disaster or emergency described
11 in subclause (I) declared to exist by
12 the Governor of a State.

13 “(iv) Formerly incarcerated individ-
14 uals.

15 “(v) Individuals who are unemployed
16 or underemployed.

17 “(B) Applications described in subsection
18 (d).

19 “(4) CONTRACTS WITH NONPROFIT ENTI-
20 TIES.—Subsection (f) shall continue to apply.

21 “(5) GRANDFATHERING OF EXISTING STATE-
22 WIDE PROGRAMS.—Subsection (g) shall continue to
23 apply, except that any reference in such subsection
24 to the date of enactment of this Act or to
25 \$1,000,000 shall be deemed to be a reference to the

1 date of the enactment of the Stephanie Tubbs Jones
2 Assets for Independence Reauthorization Act of
3 2020 or to \$250,000, respectively.”.

4 **SEC. 10606. DEMONSTRATION AUTHORITY; ANNUAL**
5 **GRANTS.**

6 Section 406(a) is amended by inserting “(or, in the
7 case of an application approved under section 405(h)(2),
8 not later than 30 days after the date of the approval of
9 such application)” after “the date of enactment of this
10 title”.

11 **SEC. 10607. RESERVE FUND.**

12 Section 407(c) is amended—

13 (1) in paragraph (1)(D), by inserting “or orga-
14 nizations” after “organization”; and

15 (2) by amending paragraph (3) to read as fol-
16 lows:

17 “(3) LIMITATION ON USES.—

18 “(A) IN GENERAL.—Of the amount pro-
19 vided to a qualified entity under section
20 406(b)—

21 “(i) not more than 5.5 percent shall
22 be used for the purpose described in sub-
23 paragraph (A) of paragraph (1);

1 “(ii) not less than 80 percent shall be
 2 used for the purpose described in subpara-
 3 graph (B) of such paragraph; and

4 “(iii) not more than 14.5 percent shall
 5 be used for the purposes described in sub-
 6 paragraphs (C) and (D) of such para-
 7 graph.

8 “(B) JOINT ADMINISTRATION OF
 9 PROJECT.—If two or more qualified entities are
 10 jointly administering a demonstration project,
 11 no one such entity shall use more than its pro-
 12 portional share of the percentage indicated in
 13 subparagraph (A) of this paragraph for the
 14 purposes described in subparagraphs (A)
 15 through (D) of paragraph (1).”.

16 **SEC. 10608. ELIGIBILITY FOR PARTICIPATION.**

17 Section 408 is amended—

18 (1) in subsection (a)—

19 (A) by amending paragraph (1) to read as
 20 follows:

21 “(1) INCOME TESTS.—The household meets ei-
 22 ther of the following income tests:

23 “(A) ADJUSTED GROSS INCOME TEST.—
 24 The adjusted gross income of the household for
 25 the last taxable year ending in or with the pre-

ceding calendar year does not exceed the greater of—

“(i) 200 percent of the Federal poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section, for a family composed of the number of persons in the household at the end of such taxable year; or

“(ii) 80 percent of the median income for the area for such taxable year, as determined by the Secretary of Housing and Urban Development for purposes of section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)), taking into account any family-size adjustment by the Secretary under such section that corresponds to the size of the household at the end of such taxable year.

“(B) MODIFIED ADJUSTED GROSS INCOME TEST.—

“(i) IN GENERAL.—The modified adjusted gross income of the household for the last taxable year ending in or with the

1 preceding calendar year does not exceed
2 the amount described in clause (ii) for the
3 individual whose eligibility is being deter-
4 mined under this section.

5 “(ii) AMOUNT DESCRIBED.—The
6 amount described in this clause for an in-
7 dividual is as follows:

8 “(I) MARRIED FILING JOINT-
9 LY.—\$40,000 for an individual de-
10 scribed in subsection (a)(1) of section
11 1 of the Internal Revenue Code of
12 1986.

13 “(II) SURVIVING SPOUSE.—
14 \$40,000 for an individual described in
15 subsection (a)(2) of such section.

16 “(III) HEAD OF HOUSEHOLD.—
17 \$30,000 for an individual described in
18 subsection (b) of such section.

19 “(IV) SINGLE OR MARRIED FIL-
20 ING SEPARATELY.—\$20,000 for an in-
21 dividual described in subsection (c) or
22 (d) of such section.

23 “(iii) ADJUSTMENT FOR INFLA-
24 TION.—

1 “(I) IN GENERAL.—In the case
 2 of a calendar year described in clause
 3 (i) that is after 2020, the dollar
 4 amounts in clause (ii) shall be the dol-
 5 lar amounts determined under this
 6 clause (or clause (ii)) for the previous
 7 year increased by the annual percent-
 8 age increase (if any) in the consumer
 9 price index (all items; U.S. city aver-
 10 age) as of September of the calendar
 11 year described in clause (i).

12 “(II) ROUNDING.—Any dollar
 13 amount determined under subclause
 14 (I) that is not a multiple of \$100 shall
 15 be rounded to the next greatest mul-
 16 tiple of \$100.”; and

17 (B) in paragraph (2), by adding at the end
 18 the following new subparagraph:

19 “(D) ADJUSTMENT FOR INFLATION.—

20 “(i) IN GENERAL.—In the case of a
 21 calendar year described in subparagraph
 22 (A) that is after 2020, the dollar amount
 23 in such subparagraph shall be the dollar
 24 amount determined under this clause (or
 25 such subparagraph) for the previous year

1 increased by the annual percentage in-
2 crease (if any) in the consumer price index
3 (all items; U.S. city average) as of Sep-
4 tember of the calendar year described in
5 such subparagraph.

6 “(ii) ROUNDING.—Any dollar amount
7 determined under clause (i) that is not a
8 multiple of \$100 shall be rounded to the
9 next greatest multiple of \$100.”;

10 (2) by redesignating subsection (b) as sub-
11 section (c);

12 (3) by inserting after subsection (a) the fol-
13 lowing new subsection:

14 “(b) CALCULATING INCOME OF HOUSEHOLD.—

15 “(1) ADJUSTED GROSS INCOME.—For purposes
16 of subsection (a)(1)(A), the adjusted gross income of
17 a household for a taxable year is the sum of the ad-
18 justed gross incomes of the individuals who are
19 members of the household at the end of such year.

20 “(2) MODIFIED ADJUSTED GROSS INCOME.—
21 For purposes of subsection (a)(1)(B), the modified
22 adjusted gross income of a household for a taxable
23 year is the sum of the modified adjusted gross in-
24 comes of the individuals who are members of the
25 household at the end of such year.”; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) by striking “, including” and all that follows and inserting a period;

(B) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(C) by adding at the end the following new paragraphs:

“(2) INDIVIDUALS WHO MOVE BECAUSE OF MAJOR DISASTERS OR EMERGENCIES OR TO FIND EMPLOYMENT.—

“(A) IN GENERAL.—The regulations promulgated under paragraph (1) shall establish procedures under which an individual described in subparagraph (B) may transfer from one demonstration project under this title to another demonstration project under this title that is being conducted in another community by a qualified entity that agrees to accept the individual into the project. Such regulations shall not permit such a transfer unless such qualified entity has sufficient amounts in its Reserve Fund to make the deposits required by section 410 with respect to the individual.

1 “(B) INDIVIDUAL DESCRIBED.—An indi-
2 vidual described in this subparagraph is an in-
3 dividual participating in a demonstration
4 project under this title who moves from the
5 community in which the project is being con-
6 ducted—

7 “(i) because of—

8 “(I) a major disaster declared to
9 exist in such community by the Presi-
10 dent under section 401 of the Robert
11 T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C.
13 5170) or an emergency declared to
14 exist in such community by the Presi-
15 dent under section 501 of such Act
16 (42 U.S.C. 5191);

17 “(II) a situation similar to a
18 major disaster or emergency described
19 in subclause (I) declared to exist in
20 such community by the Governor of a
21 State; or

22 “(III) a qualifying life event ex-
23 perienced by such individual; or

24 “(ii) in order to secure employment.

1 “(C) QUALIFYING LIFE EVENT DE-
2 FINED.—For purposes of subparagraph
3 (B)(i)(III), the term ‘qualifying life event’—

4 “(i) means an event determined by
5 the Secretary to be similar to an event that
6 would permit the individual to make an
7 election change with respect to a cafeteria
8 plan under section 125 of the Internal
9 Revenue Code of 1986; and

10 “(ii) includes—

11 “(I) a change in the legal marital
12 status of the individual;

13 “(II) a change in the number of
14 dependents of the individual (as such
15 term is used in section 404(8)(E)(ii));

16 “(III) the birth or death of a
17 child of the individual;

18 “(IV) the adoption or placement
19 for adoption of a child by the indi-
20 vidual;

21 “(V) a change in the provider of
22 daycare for a child of the individual,
23 or a significant increase in the cost of
24 such daycare; and

1 “(VI) a change in employment
2 status of the individual, the individ-
3 ual’s spouse, or a dependent of the in-
4 dividual (as such term is used in sec-
5 tion 404(8)(E)(ii)).

6 “(3) RELOCATION TO COMMUNITY WHERE NO
7 PROJECT IS AVAILABLE.—

8 “(A) IN GENERAL.—An individual de-
9 scribed in subparagraph (B) shall be permitted
10 to withdraw funds from the individual develop-
11 ment account of the individual during the 1-
12 year period following the date such individual
13 moves to another community in the same man-
14 ner that an individual is permitted under sec-
15 tion 410(d)(2) to withdraw funds during the 1-
16 year period following the end of a demonstra-
17 tion project.

18 “(B) INDIVIDUAL DESCRIBED.—An indi-
19 vidual described in this subparagraph is an in-
20 dividual who—

21 “(i) moves to a community where no
22 demonstration project under this title is
23 being conducted; or

24 “(ii) after moving to another commu-
25 nity and making such efforts as the Sec-

1 retary may require to transfer to another
2 demonstration project under this title, is,
3 for any reason other than a violation of the
4 requirements of this title or regulations
5 promulgated by the Secretary under this
6 title, not accepted into another demonstra-
7 tion project under this title.

8 “(C) FUNDS REMAINING IN IDA.—Any
9 funds remaining in an individual development
10 account after the end of the 1-year period de-
11 scribed in subparagraph (A) shall be treated in
12 the same manner as funds remaining in an in-
13 dividual development account after the end of
14 the 1-year period described in subsection
15 (d)(2)(A) of section 410 are treated under sub-
16 section (f) of such section.

17 “(4) RELOCATION BY OTHER INDIVIDUALS.—

18 The regulations promulgated under paragraph (1)
19 shall prohibit any individual who is unable to con-
20 tinue participating in a demonstration project under
21 this title for any reason, except for an individual de-
22 scribed in paragraph (2)(B) or (3)(B), from being
23 eligible to participate in any other demonstration
24 project conducted under this title.”.

1 **SEC. 10609. DEPOSITS BY QUALIFIED ENTITIES.**

2 Section 410 is amended—

3 (1) in subsection (a)(2), by inserting “2 times”
4 after “an amount equal to”;

5 (2) in subsection (b), by striking “\$2,000” and
6 inserting “\$5,000”;

7 (3) in subsection (c), by striking “\$4,000” and
8 inserting “\$10,000”;

9 (4) in subsection (d)—

10 (A) by striking “The Secretary shall” and
11 inserting the following:

12 “(1) IN GENERAL.—The Secretary shall”;

13 (B) in paragraph (1), as amended by sub-
14 paragraph (A), by adding at the end the fol-
15 lowing: “The Secretary may waive the applica-
16 tion of the preceding sentence in the case of an
17 individual who has participated in another dem-
18 onstration project under this title (including
19 successful completion after transferring from
20 one project to another project as described in
21 section 408(c)(2)) or an asset-building project
22 similar to the demonstration projects conducted
23 under this title.”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(2) ACCESS FOR 1 YEAR AFTER END OF
2 PROJECT.—

3 “(A) IN GENERAL.—The Secretary shall
4 ensure that an eligible individual is able to
5 withdraw funds from an individual development
6 account of the individual during the 1-year pe-
7 riod following the end of the demonstration
8 project with respect to which deposits were
9 made into such account (whether such project
10 ends by reason of expiration of the authority
11 under section 406(a) of the qualified entity to
12 conduct the demonstration project, termination
13 of such authority under section 413 without
14 transfer to another qualified entity, or other-
15 wise).

16 “(B) APPROVAL OF WITHDRAWALS.—Dur-
17 ing the period described in subparagraph (A),
18 an eligible individual may only make a with-
19 drawal if the withdrawal is approved in writ-
20 ing—

21 “(i) by a responsible official of the
22 qualified entity; or

23 “(ii) by the Secretary, if the Secretary
24 terminated the authority of the qualified
25 entity to conduct the demonstration project

1 under section 413 or the Secretary deter-
 2 mines that the qualified entity is otherwise
 3 unable or unwilling to participate in the
 4 approval process.”; and

5 (5) by adding at the end the following new sub-
 6 section:

7 “(f) UNUSED FUNDS IN IDA.—If funds remain in
 8 an individual development account after the end of the 1-
 9 year period described in subsection (d)(2)(A), such funds
 10 shall be disposed of as considered appropriate by the Sec-
 11 retary or a nonprofit entity (as such term is used in sec-
 12 tion 404(7)(A)(i)) designated by the Secretary.”.

13 **SEC. 10610. REGULATIONS.**

14 Section 411 is amended—

15 (1) in the heading, by inserting “**; REGULA-**
 16 **TIONS**” after “**PROJECTS**”;

17 (2) by striking “A qualified entity” and insert-
 18 ing the following:

19 “(a) LOCAL CONTROL OVER DEMONSTRATION
 20 PROJECTS.—A qualified entity”; and

21 (3) by adding at the end the following new sub-
 22 section:

23 “(b) REGULATIONS.—Subject to subsection (a), not
 24 later than 180 days after the date of the enactment of
 25 the Stephanie Tubbs Jones Assets for Independence Reau-

1 thorization Act of 2020, the Secretary shall promulgate
2 such regulations as the Secretary considers necessary to
3 implement this title. The Secretary may provide that any
4 such regulation takes effect on the date of promulgation,
5 but the Secretary shall accept and consider public com-
6 ments for 60 days after such date.”.

7 **SEC. 10611. ANNUAL PROGRESS REPORTS.**

8 (a) IN GENERAL.—Section 412(b) is amended by
9 striking “subsection (a) to” and all that follows and in-
10 serting “subsection (a) to the Secretary.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply to reports submitted on or after
13 the date of the enactment of this Act.

14 **SEC. 10612. SANCTIONS.**

15 (a) IN GENERAL.—Section 413 is amended—

16 (1) by amending subsection (b)(5) to read as
17 follows:

18 “(5) if, by the end of the 90-day period begin-
19 ning on the date of the termination, the Secretary
20 has not found a qualified entity (or entities) de-
21 scribed in paragraph (3), shall—

22 “(A) make every effort to identify, without
23 conducting a competition (unless the Secretary
24 determines that conducting a competition would
25 be feasible and appropriate), another qualified

1 entity (or entities), in the same or a different
2 community, willing and able to conduct one or
3 more demonstration projects under this title
4 that may differ from the project being termi-
5 nated;

6 “(B) in identifying a qualified entity (or
7 entities) under subparagraph (A), give priority
8 to qualified entities that—

9 “(i) are participating in demonstra-
10 tion projects conducted under this title;

11 “(ii) have waiting lists for participants
12 in such demonstration projects; and

13 “(iii) can demonstrate the availability
14 of non-Federal funds described in section
15 405(c)(4), in addition to any such funds
16 committed to any demonstration projects
17 being conducted by the qualified entity at
18 the time the Secretary considers identi-
19 fying the entity under subparagraph (A),
20 to be committed to the demonstration
21 project (or projects) described in subpara-
22 graph (A) as matching contributions; and

23 “(C) if the Secretary identifies a qualified
24 entity (or entities) under subparagraph (A)—

1 “(i) transfer to the entity (or entities)
 2 control over the Reserve Fund established
 3 pursuant to section 407 with respect to the
 4 project being terminated; and

5 “(ii) authorize the entity (or entities)
 6 to use such Reserve Fund to conduct a
 7 demonstration project (or projects) in ac-
 8 cordance with an application approved
 9 under subsection (e) or (h)(2) of section
 10 405 and the requirements of this title.”;
 11 and

12 (2) by adding at the end the following new sub-
 13 section:

14 “(c) FOCUS ON COMMUNITY OF TERMINATED
 15 PROJECT.—In identifying another qualified entity (or en-
 16 tities) under paragraph (3) or (5) of subsection (b), the
 17 Secretary shall, to the extent practicable, select a qualified
 18 entity (or entities) in the community served by the dem-
 19 onstration project being terminated.”.

20 (b) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendment made by
 22 subsection (a) shall apply to terminations occurring
 23 on or after the date of the enactment of this Act.

24 (2) DISCRETIONARY APPLICATION TO PREVIOUS
 25 TERMINATIONS.—The Secretary of Health and

1 Human Services may apply such amendment to ter-
2 minations occurring within the 1-year period ending
3 on the day before the date of the enactment of this
4 Act. In the case of such an application, any ref-
5 erence in such amendment to the date of the termi-
6 nation is deemed a reference to such date of enact-
7 ment.

8 **SEC. 10613. EVALUATIONS.**

9 Section 414 is amended—

10 (1) by amending subsection (a) to read as fol-
11 lows:

12 “(a) IN GENERAL.—The Secretary may enter into
13 one or more contracts with one or more independent re-
14 search organizations to evaluate the demonstration
15 projects conducted under this title, individually and as a
16 group, including all qualified entities participating in and
17 sources providing funds for the demonstration projects
18 conducted under this title. Such contract or contracts may
19 also provide for the evaluation of other asset-building pro-
20 grams and policies targeted to low-income individuals.”;

21 (2) in subsection (b)—

22 (A) by striking paragraph (3);

23 (B) in paragraph (4), by striking “, and
24 how such effects vary among different popu-
25 lations or communities”;

1 (C) by striking paragraphs (5) and (6);
2 and
3 (D) by redesignating paragraphs (4) and
4 (7) as paragraphs (3) and (4), respectively; and
5 (3) in subsections (b) and (c), by inserting “(or
6 organizations)” after “research organization” each
7 place it appears.

8 **SEC. 10614. COSTS OF TRAINING QUALIFIED ENTITIES.**

9 The Assets for Independence Act (42 U.S.C. 604
10 note) is amended—

11 (1) by redesignating section 416 as section 417;
12 and

13 (2) by inserting after section 415 the following
14 new section:

15 **“SEC. 416. COSTS OF TRAINING QUALIFIED ENTITIES.**

16 “If the Secretary determines that a qualified entity
17 conducting a demonstration project under this title should
18 receive training in order to conduct the project in accord-
19 ance with an application approved under subsection (e) or
20 (h)(2) of section 405 or the requirements of this title, or
21 to otherwise successfully conduct the project, the Sec-
22 retary may use funds appropriated under section 418 to
23 cover the necessary costs of such training, including the
24 costs of travel, accommodations, and meals.”.

1 **SEC. 10615. WAIVER AUTHORITY.**

2 The Assets for Independence Act (42 U.S.C. 604
3 note), as amended by section 14 of this Act, is amended—

4 (1) by redesignating section 417, as so redesign-
5 nated by section 14(1) of this Act, as section 418;
6 and

7 (2) by inserting after section 416 the following
8 new section:

9 **“SEC. 417. WAIVER AUTHORITY.**

10 “In order to carry out the purposes of this title, the
11 Secretary may waive any requirement of this title—

12 “(1) relating to—

13 “(A) the definition of a qualified entity;

14 “(B) the approval of a qualified entity to
15 conduct a demonstration project under this title
16 or to receive a grant under this title;

17 “(C) eligibility criteria for individuals to
18 participate in a demonstration project under
19 this title;

20 “(D) amounts or limitations with respect
21 to—

22 “(i) the matching by a qualified entity
23 of amounts deposited by an eligible indi-
24 vidual in the individual development ac-
25 count of the individual;

1 “(ii) the amount of funds that may be
2 granted to a qualified entity by the Sec-
3 retary; or

4 “(iii) uses by a qualified entity of the
5 funds granted to the qualified entity by the
6 Secretary; or

7 “(E) the withdrawal of funds from an indi-
8 vidual development account only for qualified
9 expenses or as an emergency withdrawal; or

10 “(2) the waiver of which is necessary to—

11 “(A) permit the Secretary to enter into an
12 agreement with the Commissioner of Social Se-
13 curity;

14 “(B) allow individuals to be placed on a
15 waiting list to participate in a demonstration
16 project under this title; or

17 “(C) allow demonstration projects under
18 this title to be targeted to populations described
19 in section 405(h)(3)(A) and to successfully re-
20 cruit individuals from such populations for par-
21 ticipation.”.

22 **SEC. 10616. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 418, as redesignated by section 10615(1) of
24 this subtitle, is amended by inserting after “2003” the fol-

1 lowing: “and \$75,000,000 for each of fiscal years 2021,
2 2022, 2023, 2024, and 2025”.

3 **SEC. 10617. CONFORMING AMENDMENTS.**

4 (a) IN GENERAL.—Section 414(e) is amended by
5 striking “section 416” and inserting “section 418”.

6 (b) TABLE OF CONTENTS.—The table of contents in
7 section 2 of the Community Opportunities, Accountability,
8 and Training and Educational Services Act of 1998 (Pub-
9 lic Law 105–285) is amended as follows:

10 (1) By striking the item relating to section 411
11 and inserting the following new item:

“Sec. 411. Local control over demonstration projects; regulations.”.

12 (2) By striking the items relating to sections
13 415 and 416 and inserting the following new items:

“Sec. 415. No reduction in benefits.

“Sec. 416. Costs of training qualified entities.

“Sec. 417. Waiver authority.

“Sec. 418. Authorization of appropriations.”.

14 **SEC. 10618. GENERAL EFFECTIVE DATE.**

15 The amendments made by sections 10604 through
16 10609 of this subtitle shall apply to project years begin-
17 ning on or after the date of the enactment of this Act.

18 **Subtitle G—Look-back Elimination**

19 **SEC. 10701. SHORT TITLE.**

20 This subtitle may be cited as the “Look-back Elimi-
21 nation Act of 2020”.

1 **SEC. 10702. FINDINGS.**

2 The Congress finds as follows:

3 (1) As part of President Franklin Delano Roo-
4 sevelt's New Deal, the Social Security Act of 1935
5 included the creation of the Aid to Dependent Chil-
6 dren program as a way to provide Federal support
7 to poor children. Over time, this program became
8 the Aid to Families with Dependent Children
9 (AFDC) program and provided assistance to strug-
10 gling families for over 60 years.

11 (2) Part E of title IV of the Social Security Act
12 provides primary Federal funding for child welfare
13 services. Under that part, the Federal Government
14 pays a portion of the cost of providing Federal foster
15 care and adoption assistance benefits for eligible
16 children.

17 (3) In 1996, when Congress replaced the AFDC
18 program with the Temporary Assistance for Needy
19 Families (TANF) program, Congress also fixed the
20 income eligibility requirement for Federal foster care
21 and adoption assistance benefits at a level based on
22 the income thresholds established by the States
23 under their former AFDC programs. This income
24 eligibility requirement is now commonly referred to
25 as the "AFDC look-back standard".

1 (4) At that time, many States had established
2 very strict household income requirements in order
3 for children to be eligible for AFDC benefits. As a
4 result of this very strict requirement, many children
5 in the Federal foster care and adoption assistance
6 programs are ineligible to receive a wide range of
7 Federal benefits, services, and activities. For exam-
8 ple, this outdated, restrictive standard prevents the
9 State of Georgia from providing assistance to more
10 than half of the children in the child welfare system.

11 (5) Forced to adhere to a stagnant standard,
12 States increasingly struggle to administer Federal
13 foster care and adoption assistance programs and
14 provide services to those children most in need. As
15 inflation increases, fewer children are eligible to re-
16 ceive Federal benefits, and States struggle to pro-
17 vide services from other, limited local and State re-
18 sources.

19 (6) Although the AFDC look-back standard still
20 applies to the Federal foster care program, the Fos-
21 tering Connections to Success and Increasing Adop-
22 tions Act of 2008 completely eliminated the AFDC
23 look-back standard in the Federal adoption assist-
24 ance program in 2018.

1 **SEC. 10703. ELIMINATION OF THE AFDC ELIGIBILITY RE-**
2 **QUIREMENT IN THE FOSTER CARE MAINTENANCE PAYMENTS PROGRAM.**

4 (a) IN GENERAL.—Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended—

6 (1) in paragraph (1), by striking “specified”
7 and all that follows and inserting “or caretaker into
8 foster care if the removal and foster care placement
9 met, and continues to meet, the requirements of
10 paragraph (2).”; and

11 (2) by striking paragraphs (3) and (4).

12 (b) CONFORMING AMENDMENT.—Section 470 of
13 such Act (42 U.S.C. 670) is amended by striking “who
14 otherwise would have been eligible for assistance under the
15 State’s plan approved under part A (as such plan was in
16 effect on June 1, 1995)”.

17 **SEC. 10704. SENSE OF THE CONGRESS.**

18 It is the sense of the Congress that—

19 (1) the AFDC eligibility requirement for Federal foster care and adoption assistance benefits
20 should be eliminated and replaced with income eligibility standards that are based on modern, balanced
21 criteria that treat all children equally; and

24 (2) the Secretary of Health and Human Services
25 should collaborate with Members of Congress

1 and child welfare advocates in developing any modi-
2 fied standards.

3 **Subtitle H—Building Up Infra-**
4 **structure and Limiting Disas-**
5 **ters Through Resilience**

6 **SEC. 10801. SHORT TITLE.**

7 This subtitle may be cited as the “Building Up Infra-
8 structure and Limiting Disasters through Resilience Act
9 of 2020” or the “BUILD Resilience Act of 2020”.

10 **SEC. 10802. DEFINITIONS.**

11 For purposes of this subtitle, the following definitions
12 shall apply:

13 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
14 ty” means—

15 (A) a State;

16 (B) a unit of general local government;

17 (C) an Indian tribe; or

18 (D) a regional entity comprised of entities
19 described in subparagraph (A), (B), or (C).

20 (2) **NATIONAL CENTER.**—The term “National
21 Center” means the National Research Center for
22 Resilience established under section 10804.

23 (3) **RESILIENCE.**—The term “resilience” means
24 the ability to prepare and plan for, absorb, recover
25 from, and more successfully adapt to disasters,

1 chronic stresses, and acute shocks, including any
2 hurricane, tornado, storm, high water, recurrent
3 flooding, wind-driven water, tidal wave, tsunami,
4 earthquake, volcanic eruption, fire, landslide,
5 mudslide, snowstorm, or drought.

6 (4) RESILIENCE GRANT.—The term “resilience
7 grant” means a grant awarded under section 10803.

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of Housing and Urban Development.

10 (6) STATE; UNIT OF GENERAL LOCAL GOVERN-
11 MENT; INDIAN TRIBE.—The terms “State”, “unit of
12 general local government”, and “Indian tribe” have
13 the meanings given such terms in section 102 of the
14 Housing and Community Development Act of 1974
15 (42 U.S.C. 5302).

16 **SEC. 10803. COMMUNITY RESILIENCE GRANT PROGRAM.**

17 (a) AUTHORITY.—The Secretary of Housing and
18 Urban Development shall carry out a Community Resil-
19 ience Grant Program under this section to provide assist-
20 ance to communities for increasing resilience to chronic
21 stresses and acute shocks, including improving long-term
22 resilience of infrastructure and housing.

23 (b) GRANTEES.—Grant amounts shall be awarded on
24 a competitive basis, as provided under section 102 of the
25 Department of Housing and Urban Development Reform

1 Act of 1989 (42 U.S.C. 3545), only to eligible entities,
2 within whose boundaries or jurisdictions are located any
3 area for which a major disaster was declared pursuant to
4 section 401 of the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5170), during the
6 5-year period ending upon the date on which the eligible
7 entity submits an application for such a grant.

8 (c) ELIGIBLE ACTIVITIES.—

9 (1) IN GENERAL.—Amounts from a resilience
10 grant may be used only for activities authorized
11 under either section 105 or 108 of the Housing and
12 Community Development Act of 1974 (42 U.S.C.
13 5305, 5308), but not including activities under para-
14 graphs (9) and (10) of such section 105(a).

15 (2) CONSULTATION.—The Secretary shall con-
16 sult with the Administrator of the Federal Emer-
17 gency Management Agency, the Chief of Engineers
18 and Commanding General of the United States
19 Army Corps of Engineers, the Administrator of the
20 Environmental Protection Agency, and the Secretary
21 of Transportation before awarding a resilience grant
22 to ensure that there is no duplication of assistance
23 with respect to activities carried out with amounts
24 provided from a resilience grant.

25 (d) MATCHING REQUIREMENT.—

1 (1) IN GENERAL.—The Secretary shall require
2 each recipient of a resilience grant to supplement
3 the amounts of the grant with an amount of funds
4 from non-Federal sources that is not less than 50
5 percent of the amount of the resilience grant.

6 (2) FORM OF NON-FEDERAL SHARE.—Supple-
7 mental funds provided under paragraph (1) may in-
8 clude any non-monetary, in-kind contributions in
9 connection with activities carried out under the plan
10 approved under subsection (e) for the grant recipi-
11 ent.

12 (e) APPLICATION; SELECTION; SELECTION CRITERIA;
13 PLANS.—

14 (1) APPLICATIONS.—

15 (A) REQUIREMENT.—The Secretary shall
16 provide for eligible entities to submit applica-
17 tions for resilience grants.

18 (B) PLANS FOR USE OF GRANT FUNDS.—
19 The Secretary shall require each application for
20 a resilience grant to include a plan detailing the
21 proposed use of all grant funds, including how
22 the use of such funds will address long-term re-
23 silience of infrastructure and housing.

24 (2) REVIEW AND SELECTION; CRITERIA FOR SE-
25 LECTION.—

1 (A) COMPETITION.—Resilience grants shall
2 be awarded on a competitive basis and the Sec-
3 retary shall establish and utilize a transparent,
4 reliable, and valid system for reviewing and
5 evaluating applications for resilience grants, in
6 accordance with section 102 of the Department
7 of Housing and Urban Development Reform
8 Act of 1989 (42 U.S.C. 3545).

9 (B) CRITERIA.—The Secretary shall estab-
10 lish, by notice, and utilize criteria for selecting
11 applications to be funded under this section,
12 which shall—

13 (i) be based primarily on a determina-
14 tion of greatest need, as such term is de-
15 fined by the Secretary;

16 (ii) provide due consideration to other
17 enumerated factors, including the ability of
18 the plan for use of grant funds required
19 under paragraph (1)(B) to increase an ap-
20 plicant’s resilience, and the capacity of the
21 applicant to successfully implement the ac-
22 tivities described in such plan;

23 (iii) provide that the Secretary shall
24 consider that an application that includes a
25 plan for use of grant funds that consists of

1 a resilience or mitigation plan previously
2 approved by another Federal agency, in-
3 cluding a hazard mitigation plan developed
4 under section 322 of the Robert T. Staf-
5 ford Disaster Relief and Emergency Assist-
6 ance Act (42 U.S.C. 5165), shall be suffi-
7 cient for purposes of paragraph (1)(B) if,
8 together with such plan, the applicant in-
9 cludes a detailed description regarding use
10 of all grant funds provided under this sec-
11 tion;

12 (iv) give consideration to the need for
13 resilience grants to be awarded to eligible
14 entities in each region of the United
15 States; and

16 (v) give consideration to applicants
17 whose plans submitted under paragraph
18 (1)(B) propose innovative approaches to
19 increasing community resilience to extreme
20 weather, including increasing long-term re-
21 silience of infrastructure and housing and
22 economic resilience.

23 (f) ADMINISTRATION; TREATMENT AS CDBG
24 FUNDS.—Except as otherwise provided by this Act,
25 amounts appropriated, revenues generated, or amounts

1 otherwise made available to eligible entities under this sec-
2 tion shall be treated as though such funds were commu-
3 nity development block grant funds under title I of the
4 Housing and Community Development Act of 1974 (42
5 U.S.C. 5301 et seq.).

6 (g) ENVIRONMENTAL REVIEWS.—

7 (1) ASSUMPTION OF RESPONSIBILITIES.—

8 (A) IN GENERAL.—In order to ensure that
9 the policies of the National Environmental Pol-
10 icy Act of 1969 (42 U.S.C. 4321 et seq.), and
11 other provisions of law which further the pur-
12 poses of such Act (as specified in regulations
13 issued by the Secretary) are most effectively im-
14 plemented in connection with the expenditure of
15 funds under this section, and to assure to the
16 public undiminished protection of the environ-
17 ment, the Secretary, in lieu of the environ-
18 mental protection procedures otherwise applica-
19 ble, may under regulations provide for the re-
20 lease of funds for particular projects to recipi-
21 ents of resilience grants who assume all of the
22 responsibilities for environmental review, deci-
23 sionmaking, and action pursuant to such Act,
24 and such other provisions of law as the regula-
25 tions of the Secretary specify, that would apply

1 to the Secretary were the Secretary to under-
2 take such projects as Federal projects.

3 (B) CONSULTATION.—The Secretary shall
4 issue regulations to carry out this paragraph
5 only after consultation with the Council on En-
6 vironmental Quality.

7 (2) SUBMISSION OF CERTIFICATION.—

8 (A) IN GENERAL.—The Secretary shall ap-
9 prove the release of funds for projects subject
10 to the procedures authorized by this subsection
11 only if, at least 15 days prior to such approval
12 and prior to any commitment of funds to such
13 projects other than for purposes authorized by
14 section 105(a)(12) of the Housing and Commu-
15 nity Development Act of 1974 (42 U.S.C.
16 5305(a)(12)), or for environmental studies, the
17 recipient of a resilience grant has submitted to
18 the Secretary a request for such release accom-
19 panied by a certification which meets the re-
20 quirements of paragraph (3).

21 (B) SATISFACTION OF ENVIRONMENTAL
22 LAWS.—The Secretary's approval of any such
23 certification shall be deemed to satisfy the Sec-
24 retary's responsibilities under the National En-
25 vironmental Policy Act of 1969 and such other

1 provisions of law as the regulations of the Sec-
2 retary specify insofar as those responsibilities
3 relate to the releases of funds for projects to be
4 carried out pursuant thereto which are covered
5 by such certification.

6 (3) REQUIREMENTS OF CERTIFICATION.—A
7 certification under the procedures authorized by this
8 subsection shall—

9 (A) be in a form acceptable to the Sec-
10 retary;

11 (B) be executed by the chief executive offi-
12 cer or other officer of the recipient of a resil-
13 ience grant who is qualified under regulations
14 of the Secretary;

15 (C) specify that the recipient of the resil-
16 ience grant has fully carried out its responsibil-
17 ities as described under paragraph (1) of this
18 subsection; and

19 (D) specify that the certifying officer—

20 (i) consents to assume the status of a
21 responsible Federal official under the Na-
22 tional Environmental Policy Act of 1969
23 and each provision of law specified in regu-
24 lations issued by the Secretary insofar as
25 the provisions of such Act or other such

1 provision of law apply pursuant to para-
2 graph (1) of this subsection; and

3 (ii) is authorized and consents on be-
4 half of the recipient of the resilience grant
5 and the certifying office to accept the ju-
6 risdiction of the Federal courts for the
7 purpose of enforcement of his responsibil-
8 ities as such an official.

9 (4) GRANTS TO STATES.—In the case of a resil-
10 ience grant made to a State—

11 (A) the State shall perform those actions
12 of the Secretary described in paragraph (2);
13 and

14 (B) the performance of such actions shall
15 be deemed to satisfy the Secretary's responsibil-
16 ities referred to in subparagraph (B) of such
17 paragraph.

18 (5) IMPLEMENTATION.—The Secretary shall
19 implement this subsection in a manner consistent
20 with the implementation of section 104(g) of the
21 Housing and Community Development Act of 1974
22 (42 U.S.C. 5304(g)).

1 **SEC. 10804. NATIONAL RESEARCH CENTER FOR RESIL-**
2 **IENCE.**

3 (a) ESTABLISHMENT.—The Secretary, acting
4 through the Office of Policy Development and Research,
5 shall—

6 (1) select, on a competitive basis, a single non-
7 profit organization having a national reputation for
8 expertise in resilience research and capacity building
9 to develop a National Research Center for Resil-
10 ience; and

11 (2) subject only to the availability of amounts
12 provided in appropriation Acts, make annual grants
13 of amounts made available pursuant to section
14 10807(b)(1) for the establishment and operation of
15 the National Center.

16 (b) ACTIVITIES.—The National Center shall—

17 (1) collaborate with institutions of higher edu-
18 cation as partners to create a best practices sharing
19 network to support the programs and activities car-
20 ried out with resilience grants;

21 (2) coordinate with any other relevant centers
22 and entities throughout the Federal Government on
23 efforts relating to improving community resilience;

24 (3) collect and disseminate research and other
25 information about evidence-based and promising
26 practices related to resilience to inform the efforts of

1 research partners and to support the programs and
2 activities carried out with resilience grants;

3 (4) increase the public's knowledge and under-
4 standing of effective practices to improve regional
5 and community resilience throughout the United
6 States; and

7 (5) make grants under subsection (d) for Re-
8 gional Centers for Resilience.

9 (c) DISSEMINATION OF PROVEN PRACTICES.—The
10 Secretary shall collect information from the National Cen-
11 ter regarding its activities and research and shall develop,
12 manage, and regularly update an online site to dissemi-
13 nate proven practices for improving community resilience.

14 (d) GRANTS FOR REGIONAL CENTERS FOR RESIL-
15 IENCE.—

16 (1) GRANT PROGRAM.—The National Center
17 shall carry out a program to make grants to institu-
18 tions of higher education, or other non-profit organi-
19 zations, having a national reputation to establish a
20 Regional Center for Resilience in each of the 10 re-
21 gions of the Department of Housing and Urban De-
22 velopment, as that shall serve as regional research
23 partners with recipients of resilience grants that are
24 located in the same geographic region as such insti-
25 tution, in collaboration with the National Center.

1 (2) SUPPORT SERVICES.—A Regional Center
2 for Resilience receiving a grant under this section
3 shall use such grant amounts to—

4 (A) provide research support to recipients
5 of resilience grants, including support services
6 for data collection, general research, and anal-
7 ysis to assess the progress of activities carried
8 out with resilience grants;

9 (B) provide technical assistance to prospec-
10 tive applicants for, and recipients of, resilience
11 grants; and

12 (C) collaborate with and share information
13 with the National Center.

14 **SEC. 10805. ANNUAL PROGRAMS REPORT.**

15 The Secretary shall annually submit to the Congress,
16 and make publicly available, a report on the programs car-
17 ried out under this Act, which shall evaluate the perform-
18 ance of such programs using the program performance
19 metrics established under Executive Order 13576 (76 Fed.
20 Reg. 35297), or any subsequent replacement executive
21 order.

22 **SEC. 10806. GAO REPORTS.**

23 (a) ACCESS TO INFORMATION.—The Comptroller
24 General of the United States shall have access to all infor-

1 mation regarding and generated by the programs carried
2 out under this Act.

3 (b) REPORTS.—Not later than the expiration of the
4 2-year period beginning on the date of the enactment of
5 this Act, and every two years thereafter, the Comptroller
6 General shall submit to the Congress a report analyzing
7 and assessing the performance of the programs carried out
8 under this Act.

9 **SEC. 10807. FUNDING.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this Act
12 \$1,000,000,000 for each of fiscal years 2021 through
13 2025.

14 (b) ALLOCATION.—Of any amounts appropriated for
15 each such fiscal year—

16 (1) 1.0 percent shall be available for grants
17 under section 10804;

18 (2) 0.1 percent shall be available to the Office
19 of Community Planning and Development for nec-
20 essary costs, including information technology costs
21 and salaries and expenses, of administering and
22 overseeing funds made available for grants under
23 sections 10803 and 10804; and

24 (3) the remainder shall be available for resil-
25 ience grants under section 10803.

Subtitle I—Rebuild America’s Schools

SEC. 10901. SHORT TITLE.

This subtitle may be cited as the “Rebuild America’s Schools Act of 2020”.

SEC. 10902. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

(2) BUREAU-FUNDED SCHOOL.—The term “Bureau-funded school” has the meaning given that term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(3) COVERED FUNDS.—The term “covered funds” means funds received—

(A) under part 1 of this subtitle;

(B) from a school infrastructure bond; or

(C) from a qualified zone academy bond

(as such term is defined in section 54E of the Internal Revenue Code of 1986 (as restored by section 10921)).

1 (4) ESEA TERMS.—The terms “elementary
2 school”, “outlying area”, and “secondary school”
3 have the meanings given those terms in section 8101
4 of the Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 7801).

6 (5) LOCAL EDUCATIONAL AGENCY.—The term
7 “local educational agency” has the meaning given
8 that term in section 8101 of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 7801)
10 except that such term does not include a Bureau-
11 funded school.

12 (6) PUBLIC SCHOOL FACILITIES.—The term
13 “public school facilities” means the facilities of a
14 public elementary school or a public secondary
15 school.

16 (7) QUALIFIED LOCAL EDUCATIONAL AGEN-
17 CY.—The term “qualified local educational agency”
18 means a local educational agency that receives funds
19 under part A of title I of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C. 6311 et
21 seq.).

22 (8) SCHOOL INFRASTRUCTURE BOND.—The
23 term “school infrastructure bond” has the meaning
24 given such term in section 54BB of the Internal
25 Revenue Code of 1986 (as added by section 10922).

1 (9) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

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

6 **PART 1—GRANTS FOR THE LONG-TERM**
7 **IMPROVEMENT OF PUBLIC SCHOOL FACILITIES**

8 **SEC. 10911. PURPOSE AND RESERVATION.**

9 (a) PURPOSE.—Funds made available under this part
10 shall be for the purpose of supporting long-term improve-
11 ments to public school facilities in accordance with this
12 subtitle.

13 (b) RESERVATION FOR OUTLYING AREAS AND BU-
14 REAU-FUNDED SCHOOLS.—

15 (1) IN GENERAL.—For each of fiscal years
16 2020 through 2029, the Secretary shall reserve,
17 from the amount appropriated to carry out this
18 part—

19 (A) one-half of 1 percent, to provide assist-
20 ance to the outlying areas; and

21 (B) one-half of 1 percent, for payments to
22 the Secretary of the Interior to provide assist-
23 ance to Bureau-funded schools.

24 (2) USE OF RESERVED FUNDS.—

1 (A) IN GENERAL.—Funds reserved under
2 paragraph (1) shall be used in accordance with
3 sections 10931 through 10934.

4 (B) SPECIAL RULES FOR BUREAU-FUNDED
5 SCHOOLS.—

6 (i) APPLICABILITY.—Sections 10931
7 through 10934 shall apply to a Bureau-
8 funded school that receives assistance
9 under paragraph (1)(B) in the same man-
10 ner that such sections apply to a qualified
11 local educational agency that receives cov-
12 ered funds. The facilities of a Bureau-
13 funded school shall be treated as public
14 school facilities for purposes of the applica-
15 tion of such sections.

16 (ii) TREATMENT OF TRIBALLY OPER-
17 ATED SCHOOLS.—The Secretary of the In-
18 terior shall provide assistance to Bureau-
19 funded schools under paragraph (1)(B)
20 without regard to whether such schools are
21 operated by the Bureau of Indian Edu-
22 cation or by an Indian Tribe. In the case
23 of a Bureau-funded school that is a con-
24 tract or grant school (as that term is de-
25 fined in section 1141 of the Education

1 Amendments of 1978 (25 U.S.C. 2021))
2 operated by an Indian Tribe, the Secretary
3 of the Interior shall provide assistance
4 under such paragraph to the Indian Tribe
5 concerned.

6 **SEC. 10912. ALLOCATION TO STATES.**

7 (a) ALLOCATION TO STATES.—

8 (1) STATE-BY-STATE ALLOCATION.—Of the
9 amount appropriated to carry out this subtitle for
10 each fiscal year and not reserved under section
11 10911(b), each State that has a plan approved by
12 the Secretary under subsection (b) shall be allocated
13 an amount in proportion to the amount received by
14 all local educational agencies in the State under part
15 A of title I of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 6311 et seq.) for the
17 previous fiscal year relative to the total such amount
18 received by all local educational agencies in every
19 State that has a plan approved by the Secretary
20 under subsection (b).

21 (2) STATE RESERVATION.—A State may reserve
22 not more than 1 percent of its allocation under para-
23 graph (1) to carry out its responsibilities under this
24 subtitle, which shall include—

1 (A) providing technical assistance to local
2 educational agencies, including by—

3 (i) identifying which State agencies
4 have programs, resources, and expertise
5 relevant to the activities supported by the
6 allocation under this section; and

7 (ii) coordinating the provision of tech-
8 nical assistance across such agencies;

9 (B) in accordance with the guidance issued
10 by the Secretary under section 10937, devel-
11 oping an online, publicly searchable database
12 that contains an inventory of the infrastructure
13 of all public school facilities in the State (in-
14 cluding the facilities of Bureau-funded schools,
15 as appropriate), including, with respect to each
16 such facility, an identification of—

17 (i) the information described in
18 clauses (i) through (vi) of subparagraph
19 (F);

20 (ii) the age (including an identifica-
21 tion of the date of any retrofits or recent
22 renovations) of—

23 (I) the facility;

24 (II) its roof;

25 (III) its lighting system;

- 1 (IV) its windows;
2 (V) its ceilings;
3 (VI) its plumbing; and
4 (VII) its heating, ventilation, and
5 air conditioning system;
6 (iii) fire safety inspection results; and
7 (iv) the proximity of the facilities to
8 toxic sites or the vulnerability of the facili-
9 ties to natural disasters, including the ex-
10 tent to which facilities that are vulnerable
11 to seismic natural disasters are seismically
12 retrofitted;
13 (C) updating the database developed under
14 subparagraph (B) not less frequently than once
15 every 2 years;
16 (D) ensuring that the information in the
17 database developed under subparagraph (B)—
18 (i) is posted on a publicly accessible
19 State website; and
20 (ii) is regularly distributed to local
21 educational agencies and Tribal govern-
22 ments in the State;
23 (E) issuing and reviewing regulations to
24 ensure the health and safety of students and

1 staff during construction or renovation projects;
2 and

3 (F) issuing or reviewing regulations to en-
4 sure safe, healthy, and high-performing school
5 buildings, including regulations governing—

6 (i) indoor air quality and ventilation,
7 including exposure to carbon monoxide and
8 carbon dioxide;

9 (ii) mold, mildew, and moisture con-
10 trol;

11 (iii) the safety of drinking water at
12 the tap and water used for meal prepara-
13 tion, including regulations that—

14 (I) address the presence of lead
15 and other contaminants in such water;
16 and

17 (II) require the regular testing of
18 the potability of water at the tap;

19 (iv) energy and water efficiency;

20 (v) excessive classroom noise due to
21 activities allowable under section 10931;
22 and

23 (vi) the levels of maintenance work,
24 operational spending, and capital invest-

1 ment needed to maintain the quality of
2 public school facilities; and

3 (G) creating a plan to reduce or eliminate
4 exposure to toxins and chemicals, including
5 mercury, radon, PCBs, lead, vapor intrusions,
6 and asbestos.

7 (b) STATE PLAN.—

8 (1) IN GENERAL.—To be eligible to receive an
9 allocation under this section, a State shall submit to
10 the Secretary a plan that—

11 (A) describes how the State will use the al-
12 location to make long-term improvements to
13 public school facilities;

14 (B) explains how the State will carry out
15 each of its responsibilities under subsection
16 (a)(2);

17 (C) explains how the State will make the
18 determinations under subsections (b) and (c) of
19 section 103;

20 (D) identifies how long, and at what levels,
21 the State will maintain fiscal effort for the ac-
22 tivities supported by the allocation after the
23 State no longer receives the allocation; and

24 (E) includes such other information as the
25 Secretary may require.

1 (2) APPROVAL AND DISAPPROVAL.—The Sec-
2 retary shall have the authority to approve or dis-
3 approve a State plan submitted under paragraph
4 (1).

5 (c) CONDITIONS.—As a condition of receiving an allo-
6 cation under this section, a State shall agree to the fol-
7 lowing:

8 (1) MATCHING REQUIREMENT.—The State shall
9 contribute, from non-Federal sources, an amount
10 equal to 10 percent of the amount of the allocation
11 received under this section to carry out the activities
12 supported by the allocation.

13 (2) MAINTENANCE OF EFFORT.—The State
14 shall provide an assurance to the Secretary that the
15 combined fiscal effort per student or the aggregate
16 expenditures of the State with respect to the activi-
17 ties supported by the allocation under this section
18 for fiscal years beginning with the fiscal year for
19 which the allocation is received will be not less than
20 90 percent of the combined fiscal effort or aggregate
21 expenditures by the State for such purposes for the
22 year preceding the fiscal year for which the alloca-
23 tion is received.

24 (3) SUPPLEMENT NOT SUPPLANT.—The State
25 shall use an allocation under this section only to

1 supplement the level of Federal, State, and local
2 public funds that would, in absence of such alloca-
3 tion, be made available for the activities supported
4 by the allocation, and not to supplant such funds.

5 **SEC. 10913. NEED-BASED GRANTS TO QUALIFIED LOCAL**
6 **EDUCATIONAL AGENCIES.**

7 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 from the amounts allocated to a State under section
10 10912(a) and contributed by the State under section
11 10912(c)(1), the State shall award grants to quali-
12 fied local educational agencies, on a competitive
13 basis, to carry out the activities described in section
14 10931(a).

15 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
16 State may use up to 10 percent of the amount de-
17 scribed in paragraph (1) to make grants to qualified
18 local educational agencies carry out activities to im-
19 prove digital learning in accordance with section
20 10931(b).

21 (b) ELIGIBILITY.—

22 (1) IN GENERAL.—To be eligible to receive a
23 grant under this section a qualified local educational
24 agency—

1 (A) shall be among the local educational
2 agencies in the State with the highest numbers
3 or percentages of students counted under sec-
4 tion 1124(c) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6333(c));

6 (B) shall agree to prioritize the improve-
7 ment of the facilities of public schools that
8 serve the highest percentages of students who
9 are eligible for a free or reduced price lunch
10 under the Richard B. Russell National School
11 Lunch Act (42 U.S.C. 1751 et seq.) (which, in
12 the case of a high school, may be calculated
13 using comparable data from the schools that
14 feed into the high school), as compared to other
15 public schools in the jurisdiction of the agency;
16 and

17 (C) may be among the local educational
18 agencies in the State—

19 (i) with the greatest need to improve
20 public school facilities, as determined by
21 the State, which may include consideration
22 of threats posed by the proximity of the fa-
23 cilities to toxic sites or the vulnerability of
24 the facilities to natural disasters; and

1 (ii) with the most limited capacity to
2 raise funds for the long-term improvement
3 of public school facilities, as determined by
4 an assessment of—

5 (I) the current and historic abil-
6 ity of the agency to raise funds for
7 construction, renovation, moderniza-
8 tion, and major repair projects for
9 schools;

10 (II) whether the agency has been
11 able to issue bonds or receive other
12 funds to support school construction
13 projects; and

14 (III) the bond rating of the agen-
15 cy.

16 (2) GEOGRAPHIC DISTRIBUTION.—The State
17 shall ensure that grants under this section are
18 awarded to qualified local educational agencies that
19 represent the geographic diversity of the State.

20 (c) PRIORITY OF GRANTS.—In awarding grants
21 under this section, the State—

22 (1) shall give priority to qualified local edu-
23 cational agencies that—

1 (A) demonstrate the greatest need for such
2 a grant, as determined by a comparison of the
3 factors described in subsection (b);

4 (B) will use the grant to improve the facili-
5 ties of—

6 (i) elementary schools or middle
7 schools that have an enrollment of stu-
8 dents who are eligible for a free or reduced
9 price lunch under the Richard B. Russell
10 National School Lunch Act (42 U.S.C.
11 1751 et seq.) that constitutes not less than
12 40 percent of the total student enrollment
13 at such schools; or

14 (ii) high schools that have an enroll-
15 ment of students who are eligible for a free
16 or reduced price lunch under such Act that
17 constitutes not less than 30 percent of the
18 total student enrollment at such schools
19 (which may be calculated using comparable
20 data from the schools that feed into the
21 high school); and

22 (C) operate public school facilities that
23 pose a severe health and safety threat to stu-
24 dents and staff, which may include a threat
25 posed by the proximity of the facilities to toxic

1 sites or the vulnerability of the facilities to nat-
2 ural disasters; and

3 (2) may give priority to qualified local edu-
4 cational agencies that—

5 (A) will use the grant to improve access to
6 high-speed broadband sufficient to support dig-
7 ital learning accordance with section 10931(b);

8 (B) serve elementary schools or secondary
9 schools, including rural schools, that lack such
10 access; and

11 (C) meet one or more of the requirements
12 set forth in subparagraphs (A) through (C) of
13 paragraph (1).

14 (d) APPLICATION.—To be considered for a grant
15 under this section, a qualified local educational agency
16 shall submit an application to the State at such time, in
17 such manner, and containing such information as the
18 State may require. Such application shall include, at min-
19 imum—

20 (1) the information necessary for the State to
21 make the determinations under subsections (b) and
22 (c);

23 (2) a description of the projects that the agency
24 plans to carry out with the grant;

1 (3) an explanation of how such projects will re-
2 duce risks to the health and safety of staff and stu-
3 dents at schools served by the agency; and

4 (4) in the case of a local educational agency
5 that proposes to fund a repair, renovation, or con-
6 struction project for a public charter school, the ex-
7 tent to which—

8 (A) the public charter school lacks access
9 to funding for school repair, renovation, and
10 construction through the financing methods
11 available to other public schools or local edu-
12 cational agencies in the State; and

13 (B) the charter school operator owns or
14 has care and control of the facility that is to be
15 repaired, renovated, or constructed.

16 (e) FACILITIES MASTER PLAN.—

17 (1) PLAN REQUIRED.—Not later than 180 days
18 after receiving a grant under this section, a qualified
19 local educational agency shall submit to the State a
20 comprehensive 10-year facilities master plan.

21 (2) ELEMENTS.—The facilities master plan re-
22 quired under paragraph (1) shall include, with re-
23 spect to all public school facilities of the qualified
24 local educational agency, a description of—

1 (A) the extent to which public school facili-
2 ties meet students' educational needs and sup-
3 port the agency's educational mission and vi-
4 sion;

5 (B) the physical condition of the public
6 school facilities;

7 (C) the current health, safety, and environ-
8 mental conditions of the public school facilities,
9 including—

10 (i) indoor air quality;

11 (ii) the presence of hazardous and
12 toxic substances and chemicals;

13 (iii) the safety of drinking water at
14 the tap and water used for meal prepara-
15 tion, including the level of lead and other
16 contaminants in such water;

17 (iv) energy and water efficiency;

18 (v) excessive classroom noise; and

19 (vi) other health, safety, and environ-
20 mental conditions that would impact the
21 health, safety, and learning ability of stu-
22 dents;

23 (D) how the local educational agency will
24 address any conditions identified under sub-
25 paragraph (C);

1 (E) the impact of current and future stu-
2 dent enrollment levels (as of the date of appli-
3 cation) on the design of current and future pub-
4 lic school facilities, as well as the financial im-
5 plications of such enrollment levels;

6 (F) the dollar amount and percentage of
7 funds the local educational agency will dedicate
8 to capital construction projects for public school
9 facilities, including—

10 (i) any funds in the budget of the
11 agency that will be dedicated to such
12 projects; and

13 (ii) any funds not in the budget of the
14 agency that will be dedicated to such
15 projects, including any funds available to
16 the agency as the result of a bond issue;
17 and

18 (G) the dollar amount and percentage of
19 funds the local educational agency will dedicate
20 to the maintenance and operation of public
21 school facilities, including—

22 (i) any funds in the budget of the
23 agency that will be dedicated to the main-
24 tenance and operation of such facilities;
25 and

1 (ii) any funds not in the budget of the
2 agency that will be dedicated to the main-
3 tenance and operation of such facilities.

4 (3) CONSULTATION.—In developing the facili-
5 ties master plan required under paragraph (1), the
6 qualified local educational agency shall consult with
7 teachers, principals and other school leaders, custo-
8 dial and maintenance staff, emergency first respond-
9 ers, school facilities directors, students and families,
10 community residents, and Indian Tribes.

11 (f) SUPPLEMENT NOT SUPPLANT.—A qualified local
12 educational agency shall use a grant received under this
13 section only to supplement the level of Federal, State, and
14 local public funds that would, in the absence of such grant,
15 be made available for the activities supported by the grant,
16 and not to supplant such funds.

17 **SEC. 10914. ANNUAL REPORT ON GRANT PROGRAM.**

18 (a) IN GENERAL.—Not later than September 30 of
19 each fiscal year beginning after the date of the enactment
20 of this Act, the Secretary shall submit to the appropriate
21 congressional committees a report on the projects carried
22 out with funds made available under this part.

23 (b) ELEMENTS.—The report under subsection (a)
24 shall include, with respect to the fiscal year preceding the
25 year in which the report is submitted, the following:

1 (1) An identification of each local educational
2 agency that received a grant under this part.

3 (2) With respect to each such agency, a descrip-
4 tion of—

5 (A) the demographic composition of the
6 student population served by the agency,
7 disaggregated by—

8 (i) race;

9 (ii) the number and percentage of stu-
10 dents counted under section 1124(c) of the
11 Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 6333(c)); and

13 (iii) the number and percentage of
14 students who are eligible for a free or re-
15 duced price lunch under the Richard B.
16 Russell National School Lunch Act (42
17 U.S.C. 1751 et seq.);

18 (B) the population density of the geo-
19 graphic area served by the agency;

20 (C) the projects for which the agency used
21 the grant received under this part;

22 (D) the demonstrable or expected benefits
23 of the projects; and

24 (E) the estimated number of jobs created
25 by the projects.

1 (3) The total dollar amount of all grants re-
2 ceived by local educational agencies under this part.

3 (c) LEA INFORMATION COLLECTION.—A local edu-
4 cational agency that receives a grant under this part
5 shall—

6 (1) annually compile the information described
7 in subsection (b)(2);

8 (2) make the information available to the pub-
9 lic, including by posting the information on a pub-
10 licly accessible agency website; and

11 (3) submit the information to the State.

12 (d) STATE INFORMATION DISTRIBUTION.—A State
13 that receives information from a local educational agency
14 under subsection (c) shall—

15 (1) compile the information and report it annu-
16 ally to the Secretary at such time and in such man-
17 ner as the Secretary may require;

18 (2) make the information available to the pub-
19 lic, including by posting the information on a pub-
20 licly accessible State website; and

21 (3) regularly distribute the information to local
22 educational agencies and Tribal governments in the
23 State.

1 **SEC. 10915. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated
3 \$7,000,000,000 for each of fiscal years 2020 through
4 2029 to carry out this part.

5 **PART 2—SCHOOL INFRASTRUCTURE BONDS**

6 **SEC. 10921. RESTORATION OF CERTAIN QUALIFIED TAX**
7 **CREDIT BONDS.**

8 (a) ALLOWANCE OF CREDIT.—

9 (1) IN GENERAL.—Section 54A of the Internal
10 Revenue Code of 1986, as in effect before repeal by
11 Public Law 115–97, is restored as if such repeal had
12 not taken effect.

13 (2) CREDIT LIMITED TO CERTAIN BONDS.—Sec-
14 tion 54A(d)(1) of such Code, as restored by para-
15 graph (1), is amended by striking subparagraphs
16 (A), (B), and (C).

17 (b) CREDIT ALLOWED TO ISSUER.—

18 (1) IN GENERAL.—Section 6431 of the Internal
19 Revenue Code of 1986, as in effect before repeal by
20 Public Law 115–97, is restored as if such repeal had
21 not taken effect.

22 (2) SCHOOL INFRASTRUCTURE BONDS.—Sec-
23 tion 6431(f)(3) of such Code, as restored by para-
24 graph (1), is amended by inserting “any school in-
25 frastructure bond (as defined in section 54BB) or”
26 before “any qualified tax credit bond”.

1 (c) QUALIFIED ZONE ACADEMY BONDS.—

2 (1) IN GENERAL.—Section 54E of the Internal
3 Revenue Code of 1986, as in effect before repeal by
4 Public Law 115–97, is restored as if such repeal had
5 not taken effect.

6 (2) REMOVAL OF PRIVATE BUSINESS CON-
7 TRIBUTION REQUIREMENT.—Section 54E of the In-
8 ternal Revenue Code of 1986, as restored by para-
9 graph (1), is amended—

10 (A) in subsection (a)(3), by inserting
11 “and” at the end of subparagraph (A), by strik-
12 ing subparagraph (B), and by redesignating
13 subparagraph (C) as subparagraph (B);

14 (B) by striking subsection (b); and

15 (C) in subsection (c)(1)—

16 (i) by striking “and \$400,000,0000”
17 and inserting “\$400,000,000”; and

18 (ii) by striking “and, except as pro-
19 vided” and all that follows through the pe-
20 riod at the end and inserting “, and
21 \$1,400,000,000 for 2020 and each year
22 thereafter.”.

23 (3) CONSTRUCTION OF A PUBLIC SCHOOL FA-
24 CILITY.—Section 54E(d)(3)(A) of the Internal Rev-
25 enue Code of 1986, as restored by paragraph (1), is

1 amended by striking “rehabilitating or repairing”
 2 and inserting “constructing, rehabilitating, retro-
 3 fitting, or repairing”.

4 (d) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply to obligations issued after Decem-
 6 ber 31, 2019.

7 **SEC. 10922. SCHOOL INFRASTRUCTURE BONDS.**

8 (a) IN GENERAL.—The Internal Revenue Code of
 9 1986 is amended by inserting after subpart I (as restored
 10 by section 10921) of part IV of subchapter A of chapter
 11 1 the following new subpart:

12 **“Subpart J—School Infrastructure Bonds**

 “Sec. 54BB. School infrastructure bonds.

13 **“SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.**

14 “(a) IN GENERAL.—If a taxpayer holds a school in-
 15 frastructure bond on one or more interest payment dates
 16 of the bond during any taxable year, there shall be allowed
 17 as a credit against the tax imposed by this chapter for
 18 the taxable year an amount equal to the sum of the credits
 19 determined under subsection (b) with respect to such
 20 dates.

21 “(b) AMOUNT OF CREDIT.—The amount of the credit
 22 determined under this subsection with respect to any in-
 23 terest payment date for a school infrastructure bond is

1 100 percent of the amount of interest payable by the
2 issuer with respect to such date.

3 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

4 “(1) IN GENERAL.—The credit allowed under
5 subsection (a) for any taxable year shall not exceed
6 the excess of—

7 “(A) the sum of the regular tax liability
8 (as defined in section 26(b)) plus the tax im-
9 posed by section 55, over

10 “(B) the sum of the credits allowable
11 under this part (other than subpart C and this
12 subpart).

13 “(2) CARRYOVER OF UNUSED CREDIT.—If the
14 credit allowable under subsection (a) exceeds the
15 limitation imposed by paragraph (1) for such taxable
16 year, such excess shall be carried to the succeeding
17 taxable year and added to the credit allowable under
18 subsection (a) for such taxable year (determined be-
19 fore the application of paragraph (1) for such suc-
20 ceeding taxable year).

21 “(d) SCHOOL INFRASTRUCTURE BOND.—

22 “(1) IN GENERAL.—For purposes of this sec-
23 tion, the term ‘school infrastructure bond’ means
24 any bond issued as part of an issue if—

1 “(A) 100 percent of the available project
2 proceeds of such issue are to be used for the
3 purposes described in section 10931 of the Re-
4 build America’s Schools Act of 2020,

5 “(B) the interest on such obligation would
6 (but for this section) be excludable from gross
7 income under section 10913,

8 “(C) the issue meets the requirements of
9 paragraph (3), and

10 “(D) the issuer designates such bond for
11 purposes of this section.

12 “(2) APPLICABLE RULES.—For purposes of ap-
13 plying paragraph (1)—

14 “(A) for purposes of section 149(b), a
15 school infrastructure bond shall not be treated
16 as federally guaranteed by reason of the credit
17 allowed under section 6431(a),

18 “(B) for purposes of section 148, the yield
19 on a school infrastructure bond shall be deter-
20 mined without regard to the credit allowed
21 under subsection (a), and

22 “(C) a bond shall not be treated as a
23 school infrastructure bond if the issue price has
24 more than a de minimis amount (determined
25 under rules similar to the rules of section

1 1273(a)(3)) of premium over the stated prin-
2 cipal amount of the bond.

3 “(3) 6-YEAR EXPENDITURE PERIOD.—

4 “(A) IN GENERAL.—An issue shall be
5 treated as meeting the requirements of this
6 paragraph if, as of the date of issuance, the
7 issuer reasonably expects 100 percent of the
8 available project proceeds to be spent for pur-
9 poses described in section 10931 of the Rebuild
10 America’s Schools Act of 2020 within the 6-
11 year period beginning on such date of issuance.

12 “(B) FAILURE TO SPEND REQUIRED
13 AMOUNT OF BOND PROCEEDS WITHIN 6
14 YEARS.—To the extent that less than 100 per-
15 cent of the available project proceeds of the
16 issue are expended at the close of the period de-
17 scribed in subparagraph (A) with respect to
18 such issue, the issuer shall redeem all of the
19 nonqualified bonds within 90 days after the end
20 of such period. For purposes of this paragraph,
21 the amount of the nonqualified bonds required
22 to be redeemed shall be determined in the same
23 manner as under section 142.

24 “(e) LIMITATION ON AMOUNT OF BONDS DES-
25 IGNATED.—The maximum aggregate face amount of

1 bonds issued during any calendar year which may be des-
2 ignated under subsection (d) by any issuer shall not exceed
3 the limitation amount allocated under subsection (g) for
4 such calendar year to such issuer.

5 “(f) NATIONAL LIMITATION ON AMOUNT OF BONDS
6 DESIGNATED.—The national qualified school infrastruc-
7 ture bond limitation for each calendar year is—

8 “(1) \$10,000,000,000 for 2020,

9 “(2) \$10,000,000,000 for 2021, and

10 “(3) \$10,000,000,000 for 2022.

11 “(g) ALLOCATION OF LIMITATION.—

12 “(1) ALLOCATIONS.—

13 “(A) STATES.—After application of sub-
14 paragraph (B) and paragraph (3)(A), the limi-
15 tation applicable under subsection (f) for any
16 calendar year shall be allocated by the Sec-
17 retary among the States in proportion to the re-
18 spective amounts received by all local edu-
19 cational agencies in each State under part A of
20 title I of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 6311 et seq.) for
22 the previous fiscal year relative to the total such
23 amount received by all local educational agen-
24 cies in for the most recent fiscal year ending
25 before such calendar year.

1 “(B) CERTAIN POSSESSIONS.—One-half of
2 1 percent of the amount of the limitation appli-
3 cable under subsection (f) for any calendar year
4 shall be allocated by the Secretary to posses-
5 sions of the United States other than Puerto
6 Rico for such calendar year shall be one-half of
7 1 percent.

8 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
9 tion amount allocated to a State or possession under
10 paragraph (1) shall be allocated by the State edu-
11 cational agency (or such other agency as is author-
12 ized under State law to make such allocation) to
13 issuers within such State or possession in accord-
14 ance with the priorities described in section
15 10913(c) the of the Rebuild America’s Schools Act
16 of 2020 and the eligibility requirements described in
17 section 10913(b) of such Act, except that paragraph
18 (1)(C) of such section shall not apply to the deter-
19 mination of eligibility for such allocation.

20 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

21 “(A) IN GENERAL.—One-half of 1 percent
22 of the amount of the limitation applicable under
23 subsection (f) for any calendar year shall be al-
24 located by the Secretary to the Secretary of the

1 Interior for schools funded by the Bureau of In-
2 dian Affairs for such calendar year.

3 “(B) ALLOCATION TO SCHOOLS.—The lim-
4 itation amount allocated to the Secretary of the
5 Interior under paragraph (1) shall be allocated
6 by such Secretary to issuers or schools funded
7 as described in paragraph (2). In the case of
8 amounts allocated under the preceding sen-
9 tence, Indian tribal governments (as defined in
10 section 7701(a)(40)) shall be treated as quali-
11 fied issuers for purposes of this subchapter.

12 “(4) DIGITAL LEARNING.—Up to 10 percent of
13 the limitation amount allocated under paragraph (1)
14 or (3)(A) may be allocated by the State to issuers
15 within such State to carry out activities to improve
16 digital learning in accordance with section 10931(b)
17 of the Rebuild America’s Schools Act of 2020.

18 “(h) INTEREST PAYMENT DATE.—For purposes of
19 this section, the term ‘interest payment date’ means any
20 date on which the holder of record of the school infrastruc-
21 ture bond is entitled to a payment of interest under such
22 bond.

23 “(i) SPECIAL RULES.—

24 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
25 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-

1 ERAL INCOME TAX PURPOSES.—For purposes of this
2 title, interest on any school infrastructure bond shall
3 be includible in gross income.

4 “(2) APPLICATION OF CERTAIN RULES.—Rules
5 similar to the rules of subsections (f), (g), (h), and
6 (i) of section 54A shall apply for purposes of the
7 credit allowed under subsection (a).”.

8 (b) TRANSITIONAL COORDINATION WITH STATE
9 LAW.—Except as otherwise provided by a State after the
10 date of the enactment of this Act, the interest on any
11 school infrastructure bond (as defined in section 54BB of
12 the Internal Revenue Code of 1986, as added by this sec-
13 tion) and the amount of any credit determined under such
14 section with respect to such bond shall be treated for pur-
15 poses of the income tax laws of such State as being exempt
16 from Federal income tax.

17 (c) APPLICATION OF CERTAIN LABOR STANDARDS
18 TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED
19 BONDS.—

20 (1) IN GENERAL.—Subchapter IV of chapter 31
21 of the title 40, United States Code, shall apply to
22 projects financed with the proceeds of—

23 (A) any school infrastructure bond (as de-
24 fined in section 54BB of the Internal Revenue
25 Code of 1986); and

1 (B) any qualified zone academy bond (as
2 defined in section 54E of the Internal Revenue
3 Code of 1986) issued after the date of the en-
4 actment of the American Recovery and Rein-
5 vestment Tax Act of 2009.

6 (2) CONFORMING AMENDMENT.—Section 1601
7 of the American Recovery and Reinvestment Tax
8 Act of 2009 is amended by striking paragraph (3)
9 and redesignating paragraphs (4) and (5) as para-
10 graphs (3) and (4), respectively.

11 (d) CLERICAL AMENDMENTS.—The table of subparts
12 for part IV of subchapter A of chapter 1 of such Code
13 is amended by adding at the end the following:

“SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

14 (e) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to obligations issued after Decem-
16 ber 31, 2019.

17 **SEC. 10923. ANNUAL REPORT ON BOND PROGRAM.**

18 (a) IN GENERAL.—Not later than September 30 of
19 each fiscal year beginning after the date of the enactment
20 of this Act, the Secretary of the Treasury shall submit
21 to the appropriate congressional committees a report on
22 the school infrastructure bond program.

23 (b) ELEMENTS.—The report under paragraph (1)
24 shall include, with respect to the fiscal year preceding the
25 year in which the report is submitted, the following:

1 (1) An identification of—

2 (A) each local educational agency that re-
3 ceived funds from a school infrastructure bond;
4 and

5 (B) each local educational agency that was
6 eligible to receive such funds—

7 (i) but did not receive such funds; or

8 (ii) received less than the maximum
9 amount of funds for which the agency was
10 eligible.

11 (2) With respect to each local educational agen-
12 cy described in paragraph (1)—

13 (A) an assessment of the capacity of the
14 agency to raise funds for the long-term im-
15 provement of public school facilities, as deter-
16 mined by an assessment of—

17 (i) the current and historic ability of
18 the agency to raise funds for construction,
19 renovation, modernization, and major re-
20 pair projects for schools, including the abil-
21 ity of the agency to raise funds through
22 imposition of property taxes;

23 (ii) whether the agency has been able
24 to issue bonds to fund construction
25 projects, including—

1 (I) qualified zone academy bonds
2 under section 54E of the Internal
3 Revenue Code of 1986; and

4 (II) school infrastructure bonds
5 under section 54BB of the Internal
6 Revenue Code of 1986; and

7 (iii) the bond rating of the agency;

8 (B) the demographic composition of the
9 student population served by the agency,
10 disaggregated by—

11 (i) race;

12 (ii) the number and percentage of stu-
13 dents counted under section 1124(c) of the
14 Elementary and Secondary Education Act
15 of 1965 (20 U.S.C. 6333(c)); and

16 (iii) the number and percentage of
17 students who are eligible for a free or re-
18 duced price lunch under the Richard B.
19 Russell National School Lunch Act (42
20 U.S.C. 1751 et seq.);

21 (C) the population density of the geo-
22 graphic area served by the agency;

23 (D) a description of the projects carried
24 out with funds received from school infrastruc-
25 ture bonds;

1 (E) a description of the demonstrable or
2 expected benefits of the projects; and

3 (F) the estimated number of jobs created
4 by the projects.

5 (3) The total dollar amount of all funds re-
6 ceived by local educational agencies from school in-
7 frastructure bonds.

8 (4) Any other factors that the Secretary of the
9 Treasury determines to be appropriate.

10 (c) INFORMATION COLLECTION.—A State or local
11 educational agency that receives funds from a school infra-
12 structure bond shall—

13 (1) annually compile the information necessary
14 for the Secretary of the Treasury to determine the
15 elements described in subsection (b); and

16 (2) report the information to the Secretary of
17 the Treasury at such time and in such manner as
18 the Secretary of the Treasury may require.

19 **PART 3—GENERAL PROVISIONS**

20 **SEC. 10931. ALLOWABLE USES OF FUNDS.**

21 (a) IN GENERAL.—Except as provided in section
22 10932, a local educational agency that receives covered
23 funds may use such funds to—

24 (1) develop the facilities master plan required
25 under section 10913(e);

1 (2) construct, modernize, renovate, or retrofit
2 public school facilities, which may include seismic
3 retrofitting for schools vulnerable to seismic natural
4 disasters;

5 (3) carry out major repairs of public school fa-
6 cilities;

7 (4) install furniture or fixtures with at least a
8 10-year life in public school facilities;

9 (5) construct new public school facilities;

10 (6) acquire and prepare sites on which new
11 public school facilities will be constructed;

12 (7) extend the life of basic systems and compo-
13 nents of public school facilities;

14 (8) reduce current or anticipated overcrowding
15 in public school facilities;

16 (9) ensure the building envelopes of public
17 school facilities protect occupants and interiors from
18 the elements and are structurally sound and secure;

19 (10) improve energy and water efficiency to
20 lower the costs of energy and water consumption in
21 public school facilities;

22 (11) improve indoor air quality in public school
23 facilities;

24 (12) reduce or eliminate the presence of—

1 (A) toxins and chemicals, including mer-
2 cury, radon, PCBs, lead, and asbestos;

3 (B) mold and mildew; or

4 (C) rodents and pests;

5 (13) ensure the safety of drinking water at the
6 tap and water used for meal preparation in public
7 school facilities, which may include testing of the po-
8 tability of water at the tap for the presence of lead
9 and other contaminants;

10 (14) bring public school facilities into compli-
11 ance with applicable fire, health, and safety codes;

12 (15) make public school facilities accessible to
13 people with disabilities through compliance with the
14 Americans with Disabilities Act of 1990 (42 U.S.C.
15 12101 et seq.) and section 504 of the Rehabilitation
16 Act of 1973 (29 U.S.C. 794);

17 (16) provide instructional program space im-
18 provements for programs relating to early learning
19 (including early learning programs operated by part-
20 ners of the agency), special education, science, tech-
21 nology, career and technical education, physical edu-
22 cation, the arts, and literacy (including library pro-
23 grams);

24 (17) increase the use of public school facilities
25 for the purpose of community-based partnerships

1 that provide students with academic, health, and so-
2 cial services;

3 (18) ensure the health of students and staff
4 during the construction or modernization of public
5 school facilities; or

6 (19) reduce or eliminate excessive classroom
7 noise due to activities allowable under this section.

8 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
9 educational agency may use funds received under section
10 10913(a)(2) or proceeds from a school infrastructure bond
11 limitation allocated under section 54BB(g) of the Internal
12 Revenue Code of 1986 (as added by section 10922) to le-
13 verage existing public programs or public-private partner-
14 ships to expand access to high-speed broadband sufficient
15 for digital learning.

16 **SEC. 10932. PROHIBITED USES.**

17 A local educational agency that receives covered
18 funds may not use such funds for—

19 (1) payment of routine and predictable mainte-
20 nance costs and minor repairs;

21 (2) any facility that is primarily used for ath-
22 letic contests or exhibitions or other events for which
23 admission is charged to the general public;

24 (3) vehicles; or

1 (4) central offices, operation centers, or other
2 facilities that are not primarily used to educate stu-
3 dents.

4 **SEC. 10933. GREEN PRACTICES.**

5 (a) IN GENERAL.—In a given fiscal year, a local edu-
6 cational agency that uses covered funds for a new con-
7 struction project or renovation project shall use not less
8 than the applicable percentage (as described in subsection
9 (b)) of the funds used for such project for construction
10 or renovation that is certified, verified, or consistent with
11 the applicable provisions of—

12 (1) the United States Green Building Council
13 Leadership in Energy and Environmental Design
14 green building rating standard (commonly known as
15 the “LEED Green Building Rating System”);

16 (2) the Living Building Challenge developed by
17 the International Living Future Institute;

18 (3) a green building rating program developed
19 by the Collaborative for High-Performance Schools
20 (commonly known as “CHPS”) that is CHPS-
21 verified; or

22 (4) a program that—

23 (A) has standards that are equivalent to or
24 more stringent than the standards of a program
25 described in paragraphs (1) through (3);

1 (B) is adopted by the State or another ju-
2 risdiction with authority over the agency; and

3 (C) includes a verifiable method to dem-
4 onstrate compliance with such program.

5 (b) APPLICABLE PERCENTAGE.—The applicable per-
6 centage described in this subsection is—

7 (1) for fiscal year 2020, 60 percent;

8 (2) for fiscal year 2021, 70 percent;

9 (3) for fiscal year 2022; 80 percent;

10 (4) for fiscal year 2023, 90 percent; and

11 (5) for each of fiscal years 2024 through 2029,
12 100 percent.

13 **SEC. 10934. USE OF AMERICAN IRON, STEEL, AND MANU-**
14 **FACTURED PRODUCTS.**

15 (a) IN GENERAL.—A local educational agency that
16 receives covered funds shall ensure that any iron, steel,
17 and manufactured products used in projects carried out
18 with such funds are produced in the United States.

19 (b) WAIVER AUTHORITY.—

20 (1) IN GENERAL.—The Secretary may waive
21 the requirement of subsection (a) if the Secretary
22 determines that—

23 (A) applying subsection (a) would be in-
24 consistent with the public interest;

1 (B) iron, steel, and manufactured products
2 produced in the United States are not produced
3 in a sufficient and reasonably available amount
4 or are not of a satisfactory quality; or

5 (C) using iron, steel, and manufactured
6 products produced in the United States will in-
7 crease the cost of the overall project by more
8 than 25 percent.

9 (2) PUBLICATION.—Before issuing a waiver
10 under paragraph (1), the Secretary shall publish in
11 the Federal Register a detailed written explanation
12 of the waiver determination.

13 (c) CONSISTENCY WITH INTERNATIONAL AGREE-
14 MENTS.—This section shall be applied in a manner con-
15 sistent with the obligations of the United States under
16 international agreements.

17 (d) DEFINITIONS.—In this section:

18 (1) PRODUCED IN THE UNITED STATES.—The
19 term “produced in the United States” means the fol-
20 lowing:

21 (A) When used with respect to a manufac-
22 tured product, the product was manufactured in
23 the United States and the cost of the compo-
24 nents of such product that were mined, pro-
25 duced, or manufactured in the United States

1 exceeds 60 percent of the total cost of all com-
2 ponents of the product.

3 (B) When used with respect to iron or
4 steel products, or an individual component of a
5 manufactured product, all manufacturing proc-
6 esses for such iron or steel products or compo-
7 nents, from the initial melting stage through
8 the application of coatings, occurred in the
9 United States, except that the term does not in-
10 clude—

11 (i) steel or iron material or products
12 manufactured abroad from semi-finished
13 steel or iron from the United States; and

14 (ii) steel or iron material or products
15 manufactured in the United States from
16 semi-finished steel or iron of foreign origin.

17 (2) MANUFACTURED PRODUCT.—The term
18 “manufactured product” means any construction
19 material or end product (as such terms are defined
20 in part 25.003 of the Federal Acquisition Regula-
21 tion) that is not an iron or steel product, includ-
22 ing—

23 (A) electrical components; and

24 (B) non-ferrous building materials, includ-
25 ing, aluminum and polyvinylchloride (PVC),

1 glass, fiber optics, plastic, wood, masonry, rub-
2 ber, manufactured stone, any other non-ferrous
3 metals, and any unmanufactured construction
4 material.

5 **SEC. 10935. COMPTROLLER GENERAL REPORT.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall submit to the appropriate con-
9 gressional committees a report on the projects carried out
10 with covered funds.

11 (b) ELEMENTS.—The report under subsection (a)
12 shall include an assessment of—

13 (1) the types of projects carried out with cov-
14 ered funds;

15 (2) the geographic distribution of the projects;

16 (3) an assessment of the impact of the projects
17 on the health and safety of school staff and stu-
18 dents; and

19 (4) how the Secretary or States could make
20 covered funds more accessible—

21 (A) to schools with the highest numbers
22 and percentages of students counted under sec-
23 tion 1124(c) of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 6333(c));
25 and

1 (B) to schools with fiscal challenges in
2 raising capital for school infrastructure
3 projects.

4 (c) UPDATES.—The Comptroller General shall up-
5 date and resubmit the report to the appropriate congres-
6 sional committees—

7 (1) on a date that is between 5 and 6 years
8 after the date of the enactment of this Act; and

9 (2) on a date that is between 10 and 11 years
10 after such date of enactment.

11 **SEC. 10936. STUDY AND REPORT PHYSICAL CONDITION OF**
12 **PUBLIC SCHOOLS.**

13 (a) STUDY AND REPORT.—Not less frequently than
14 once in each 5-year period beginning after the date of the
15 enactment of this Act, the Secretary, acting through the
16 Director of the Institute of Education Sciences, shall—

17 (1) carry out a comprehensive study of the
18 physical conditions of all public schools in the
19 United States; and

20 (2) submit a report to the appropriate congres-
21 sional committees that includes that results of the
22 study.

23 (b) ELEMENTS.—Each study and report under sub-
24 section (a) shall include an assessment of—

1 (1) the effect of school facility conditions on
2 student and staff health and safety;

3 (2) the effect of school facility conditions on
4 student academic outcomes;

5 (3) the condition of school facilities, set forth
6 separately by geographic region;

7 (4) the condition of school facilities for eco-
8 nomically disadvantaged students as well as students
9 from major racial and ethnic subgroups;

10 (5) the accessibility of school facilities for stu-
11 dents and staff with disabilities; and

12 (6) an explanation of any differences observed
13 with respect to the factors described in paragraphs
14 (1) through (5) between local educational agencies
15 that received covered funds and agencies that did
16 not receive such funds.

17 **SEC. 10937. DEVELOPMENT OF DATA STANDARDS.**

18 (a) DATA STANDARDS.—Not later than 120 days
19 after the date of the enactment of this Act, the Secretary,
20 in consultation with the officials described in subsection
21 (b), shall—

22 (1) identify the data that States should collect
23 and include in the databases developed under section
24 10912(a)(2)(B);

1 (2) develop standards for the measurement of
2 such data; and

3 (3) issue guidance to States concerning the col-
4 lection and measurement of such data.

5 (b) OFFICIALS.—The officials described in this sub-
6 section are—

7 (1) the Administrator of the Environmental
8 Protection Agency;

9 (2) the Secretary of Energy;

10 (3) the Director of the Centers for Disease
11 Control and Prevention; and

12 (4) the Director of the National Institute for
13 Occupational Safety and Health.

14 **SEC. 10938. INFORMATION CLEARINGHOUSE.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of the enactment of this Act, the Secretary shall es-
17 tablish a clearinghouse to disseminate information on Fed-
18 eral programs and financing mechanisms that may be
19 used to assist schools in initiating, developing, and financ-
20 ing—

21 (1) energy efficiency projects;

22 (2) distributed generation projects; and

23 (3) energy retrofitting projects.

24 (b) ELEMENTS.—In carrying out subsection (a), the
25 Secretary shall—

1 (1) consult with the officials described in sec-
2 tion 307(b) to develop a list of Federal programs
3 and financing mechanisms to be included in the
4 clearinghouse; and

5 (2) coordinate with such officials to develop a
6 collaborative education and outreach effort to
7 streamline communications and promote the Federal
8 programs and financing mechanisms included in the
9 clearinghouse, which may include the development
10 and maintenance of a single online resource that in-
11 cludes contact information for relevant technical as-
12 sistance that may be used by States, local edu-
13 cational agencies, and schools to effectively access
14 and use such Federal programs and financing mech-
15 anisms.

16 **PART 4—IMPACT AID CONSTRUCTION**

17 **SEC. 10941. TEMPORARY INCREASE IN FUNDING FOR IM-**
18 **PACT AID CONSTRUCTION.**

19 Section 7014(d) of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 7714(d)) is amended
21 to read as follows:

22 “(d) CONSTRUCTION.—For the purpose of carrying
23 out section 7007, there are authorized to be appro-
24 priated—

25 “(1) \$18,756,765 for fiscal year 2020;

1 “(2) \$50,406,000 for each of fiscal years 2021
2 and 2022; and
3 “(3) \$52,756,765 for fiscal year 2023.”.

4 **Subtitle J—Rehabilitation of**
5 **Historic Schools**

6 **SECTION 11101. SHORT TITLE.**

7 This subtitle may be cited as the “Rehabilitation of
8 Historic Schools Act of 2020”.

9 **SEC. 11102. QUALIFICATION OF REHABILITATION EXPENDI-**
10 **TURES FOR PUBLIC SCHOOL BUILDINGS FOR**
11 **REHABILITATION CREDIT.**

12 (a) IN GENERAL.—Section 47(c)(2)(B)(v) of the In-
13 ternal Revenue Code of 1986 is amended by adding at the
14 end the following new subclause:

15 “(III) CLAUSE NOT TO APPLY TO
16 PUBLIC SCHOOLS.—This clause shall
17 not apply in the case of any building
18 which is a qualified public educational
19 facility (as defined in section
20 142(k)(1), determined without regard
21 to subparagraph (B) thereof) and
22 used as such during some period be-
23 fore such expenditure and used as
24 such immediately after such expendi-
25 ture.”.

1 (b) REPORT.—Not later than the date which is 5
2 years after the date of the enactment of this Act, the Sec-
3 retary of the Treasury, after consultation with the heads
4 of appropriate Federal agencies, shall report to Congress
5 on the effects resulting from the amendment made by sub-
6 section (a).

7 (c) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to property placed in service after
9 the date of the enactment of this Act.

10 **Subtitle K—Today’s American**
11 **Dream**

12 **SEC. 11201. JOB SKILLS TRAINING FOR OLDER INDIVID-**
13 **UALS.**

14 (a) TARGETED PILOT PROGRAM.—The Secretary of
15 Labor shall establish a pilot program pursuant to section
16 169(b) of the Workforce Investment and Opportunity Act
17 (29 U.S.C. 3224(b)) to provide grants to entities eligible
18 under such section to provide job skills training to and
19 specific for older individuals, particularly in the areas of
20 computer literacy, advanced computer operations, and re-
21 sume writing.

22 (b) DEFINITION.—For purposes of the program es-
23 tablished under subsection (a), the term “older individual”
24 means an individual who is older than 45 years of age.

1 **SEC. 11202. EXTENSION OF WORK OPPORTUNITY TAX CRED-**
 2 **IT FOR CERTAIN TARGETED GROUPS.**

3 (a) IN GENERAL.—Subparagraph (B) of section
 4 51(c)(4) of the Internal Revenue Code of 1986 is amended
 5 by inserting “(December 31, in the case of any member
 6 of a targeted group described in subparagraph (B), (C),
 7 (E), (F), or (G))” before the period at the end.

8 (b) EFFECTIVE DATE.—The amendment made by
 9 this section shall apply to individuals who begin work for
 10 the employer after December 31, 2022.

11 **SEC. 11203. YOUTH AND SUMMER JOBS.**

12 (a) INTERN WAGE CREDIT.—

13 (1) IN GENERAL.—Subpart D of part IV of
 14 subchapter A of chapter 1 of the Internal Revenue
 15 Code of 1986 is amended by adding at the end the
 16 following new section:

17 **“SEC. 45S. INTERN WAGE CREDIT.**

18 “(a) IN GENERAL.—For purposes of section 38, in
 19 the case of an eligible small business employer, the intern
 20 wage credit for any taxable year is an amount equal to
 21 10 percent of the wages paid by the taxpayer during such
 22 taxable year to qualified interns for whom an election is
 23 in effect under this section.

24 “(b) LIMITATIONS.—

25 “(1) CREDIT.—The credit allowed under sub-
 26 section (a) with respect to any taxpayer for any tax-

1 able year shall not exceed an amount equal to the
2 excess (if any) of—

3 “(A) \$3,000, over

4 “(B) the credit allowed under subsection
5 (a) with respect to such taxpayer for all pre-
6 ceding taxable years.

7 “(2) INTERNS.—An election may not be made
8 under this section with respect to more than 5 quali-
9 fied interns for any taxable year.

10 “(c) DEFINITIONS AND SPECIAL RULES.—For pur-
11 poses of this section—

12 “(1) ELIGIBLE SMALL EMPLOYER.—The term
13 ‘eligible small employer’ means any person which
14 employed not more than 500 employees during the
15 preceding taxable year. Rules similar to the rules of
16 section 448(c)(3) shall apply.

17 “(2) ELIGIBLE WAGES.—The term ‘eligible
18 wages’ means any remuneration paid by the tax-
19 payer to an individual for services rendered as an
20 employee.

21 “(3) QUALIFIED INTERN.—The term ‘qualified
22 intern’ means any individual who, during the period
23 for which wages are taken into account under sub-
24 section (a), is—

1 “(A) enrolled at an eligible educational in-
2 stitution (as defined in section 25A(f)(2)),

3 “(B) seeking a degree at such institution
4 in a field of study closely related to the work
5 performed for the taxpayer, and

6 “(C) supervised and evaluated by the tax-
7 payer.

8 “(4) CONTROLLED GROUP.—All persons treated
9 as a single employer under subsection (a) or (b) of
10 section 52 shall be treated as a single employer for
11 purposes of this section.

12 “(5) RELATED INDIVIDUALS INELIGIBLE.—
13 Rules similar to the rules of section 51(i)(1) shall
14 apply for purposes of this section.”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 38(b) of such Code is amended
17 by striking “plus” at the end of paragraph
18 (35), by striking the period at the end of para-
19 graph (36) and inserting “, plus”, and by add-
20 ing at the end the following new paragraph:

21 “(37) the intern wage credit under section
22 45S(a).”.

23 (B) The table of sections for subpart D of
24 part IV of subchapter A of chapter 1 of such

1 Code is amended by adding at the end the fol-
2 lowing new item:

“Sec. 45S. Intern wage credit.”.”.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall apply to taxable years begin-
5 ning after the date of the enactment of this Act.

6 **SEC. 11204. YOUTHBUILD PROGRAM.**

7 Section 171 of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3226) is amended by adding at the
9 end the following:

10 “(j) CARRY-OVER AUTHORITY.—Any amounts grant-
11 ed to an entity under this section for a fiscal year may,
12 at the discretion of the entity, remain available for expend-
13 iture during the succeeding fiscal year to carry out pro-
14 grams under this section.”.

15 **SEC. 11205. TAX CREDIT FOR PROVIDING PROGRAMS FOR**
16 **STUDENTS THAT PROMOTE ECONOMIC AND**
17 **FINANCIAL LITERACY.**

18 (a) IN GENERAL.—Subpart D of part IV of sub-
19 chapter A of chapter 1 of the Internal Revenue Code of
20 1986 (relating to business-related credits), as amended by
21 this Act, is amended by adding at the end the following
22 new section:

23 **“SEC. 45T. EXCELLENCE IN ECONOMIC EDUCATION.**

24 “(a) GENERAL RULE.—In the case of an eligible for
25 profit organization, for purposes of section 38, the excel-

1 lence in economic education credit determined under this
2 section for a taxable year is 50 percent of the amount paid
3 or incurred during the taxable year to carry out the pur-
4 poses specified in section 5533(b) of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C. 7267b(b))
6 (as such section was in effect on the day before the date
7 of enactment of the Every Student Succeeds Act) pursu-
8 ant to a qualified program.

9 “(b) LIMITATION ON NUMBER OF CREDIT RECIPI-
10 ENTS.—

11 “(1) IN GENERAL.—The excellence in economic
12 education credit determined under this section for a
13 taxable year may be allowed to not more than 20 for
14 profit organizations in accordance with paragraph
15 (2).

16 “(2) CREDIT AWARD BY SECRETARY.—

17 “(A) IN GENERAL.—The Secretary (in con-
18 sultation with the Secretary of Education) shall
19 determine which for profit organizations are al-
20 lowed the credit under this section for a taxable
21 year in such manner as the Secretary deter-
22 mines appropriate.

23 “(B) MAJORITY OF RECIPIENTS MUST BE
24 MWOSBS, OWNED BY VETERANS, OR MEET
25 ASSET TEST.—In carrying out subparagraph

1 (A), the majority of the taxpayers allowed a
2 credit under paragraph (1) for a taxable year
3 shall be entities that are—

4 “(i) either—

5 “(I) a socially and economically
6 disadvantaged small business concern
7 (as defined in section 8(a)(4)(A) of
8 the Small Business Act (15 U.S.C.
9 (a)(4)(A))),

10 “(II) a small business concern
11 owned and controlled by women (as
12 defined under section 3(n) of such Act
13 (15 U.S.C. 632(n))), or

14 “(III) a small business concern
15 (as used in section 3 of such Act (15
16 U.S.C. 632)) that is at least 51 per-
17 cent owned by veterans (as defined in
18 section 101(2) of title 38, United

19 States Code), or

20 “(ii) on the first day of the taxable
21 year do not have more than
22 \$60,000,000,000 in assets.

23 “(C) PRIORITY.—In making determina-
24 tions under this paragraph, the Secretary shall
25 give priority to taxpayers that have qualified

1 programs which serve either urban or rural un-
2 derserved areas (determined on the basis of the
3 most recent United States census data avail-
4 able).

5 “(c) LIMITATIONS RELATING TO EXPENDITURES.—

6 “(1) DIRECT ACTIVITY.—Twenty-five percent of
7 the amount allowed as a credit under subsection (a)
8 shall be for amounts paid or incurred for direct ac-
9 tivities as defined in section 5533(b)(1) of the Ele-
10 mentary and Secondary Education Act of (20 U.S.C.
11 7267b(b)(1))(as in effect on the day before the date
12 of enactment of the Every Student Succeeds Act).

13 “(2) SUBGRANTS.—Seventy-five percent of the
14 amount allowed as a credit under subsection (a)
15 shall be for amounts paid or incurred for subgrants
16 (as defined in section 5533(b)(2) of the Elementary
17 and Secondary Education Act of (20 U.S.C.
18 7267b(b)(1)), as in effect on the day before the date
19 of enactment of the Every Student Succeeds Act),
20 determined by treating amounts so paid or incurred
21 as funds made available through a grant.

22 “(d) DEFINITIONS AND SPECIAL RULES.—For pur-
23 poses of this section—

24 “(1) QUALIFIED PROGRAM.—The term ‘quali-
25 fied program’ means a program in writing under

1 which an eligible for profit organization awards one
2 or more grants for the purpose of carrying out the
3 objectives of promoting economic and financial lit-
4 eracy, as specified in section 5532 of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C.
6 7267a), that meet the requirements of section 5533
7 of the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7267b), as such sections are in ef-
9 fect on the day before the date of enactment of the
10 Every Student Succeeds Act.

11 “(2) ELIGIBLE FOR PROFIT ORGANIZATION.—
12 The term ‘eligible for profit organization’ means
13 with respect to a taxable year, an organization
14 that—

15 “(A) has a qualified program in effect for
16 the taxable year, and

17 “(B) has been determined by the Secretary
18 under subsection (b)(2) to be an organization to
19 whom the credit is allowed for the taxable year.

20 “(3) DETERMINATION OF ASSETS.—For pur-
21 poses of paragraph (2)(B), in determining assets,
22 the Secretary shall use the same method used by the
23 Board of Governors of the Federal Reserve System
24 to determine a bank holding company’s consolidated

1 assets under section 165 of the Financial Stability
2 Act of 2010 (12 U.S.C. 5365).

3 “(4) ELECTION NOT TO CLAIM CREDIT.—This
4 section shall not apply to a taxpayer for any taxable
5 year if such taxpayer elects to have this section not
6 apply for such taxable year.

7 “(5) COORDINATION WITH OTHER DEDUCTIONS
8 OR CREDITS.—The amount of any deduction or cred-
9 it otherwise allowable under this chapter for any
10 amount taken into account for purposes of sub-
11 section (a) shall be reduced by the credit allowed by
12 this section.

13 “(e) REGULATIONS.—The Secretary shall issue such
14 regulations or other guidance as may be necessary or ap-
15 propriate to carry out this section.”.

16 (b) CREDIT MADE PART OF GENERAL BUSINESS
17 CREDIT.—Subsection (b) of section 38 of such Code, as
18 amended by this Act, is amended by striking “plus” at
19 the end of paragraph (36), by striking the period at the
20 end of paragraph (37) and inserting “, plus”, and by add-
21 ing at the end the following new paragraph:

22 “(38) the excellence in economic education cred-
23 it determined under section 45T(a).”.

24 (c) CLERICAL AMENDMENT.—The table of sections
25 for subpart D of part IV of subchapter A of chapter 1

1 of such Code is amended by adding at the end the fol-
2 lowing new item:

“Sec. 45T. Excellence in economic education.”.

3 (d) REPORT.—

4 (1) IN GENERAL.—The Secretary of the Treas-
5 ury (or the Secretary’s delegate) shall submit a re-
6 port on—

7 (A) whether the credit for excellence in
8 economic education (as enacted by subsection
9 (a) of this section) has resulted in increased in-
10 vestment in financial literacy programs; and

11 (B) recommendations (if any) for improv-
12 ing such credit to make it more effective.

13 (2) SUBMISSION TO CONGRESS.—Not later than
14 5 years after the date of the enactment of this Act,
15 the Secretary of the Treasury (or the Secretary’s
16 delegate) shall submit the report required by para-
17 graph (1) to the Secretary of Education, the Com-
18 mittee on Education and the Workforce, the Com-
19 mittee on Financial Services, and the Committee on
20 Ways and Means of the House of Representatives
21 and the Committee on Health, Education, Labor,
22 and Pensions, the Committee on Banking, Housing,
23 and Urban Affairs, and the Committee on Finance
24 of the Senate.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 the date of the enactment of this Act.

4 **SEC. 11206. TEACHER RECRUITING.**

5 (a) PURPOSE.—It is the purpose of this section to
6 encourage individuals educated in science, technology, en-
7 gineering, and mathematics to enter and continue in the
8 teaching profession, with the goal of attracting 10,000 of
9 America’s brightest students to the teaching profession
10 over the next 5 years.

11 (b) SCHOLARSHIPS.—Title II of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1021 et seq.) is amended—

13 (1) by redesignating part C as part E;

14 (2) by redesignating section 261 as section 281;

15 and

16 (3) by inserting after part B the following new
17 part:

18 **“PART C—STEM TEACHER SCHOLARSHIPS**

19 **“SEC. 261. PROGRAM ESTABLISHED.**

20 “The Secretary shall award scholarships, on a com-
21 petitive basis and in accordance with this part, to students
22 who are enrolled in studies leading to bachelor’s degrees,
23 with concurrent certification as kindergarten, elementary,
24 and secondary school teachers, in science, technology, en-

1 gineering, and mathematics, and who have agreed to per-
2 form qualified service.

3 **“SEC. 262. SELECTION OF RECIPIENTS.**

4 “(a) SELECTION CRITERIA.—The Secretary shall de-
5 velop selection criteria that the Secretary will use to award
6 scholarships, and to renew those awards, based on estab-
7 lished measurements of merit available to secondary stu-
8 dents who wish to pursue degrees in science, technology,
9 engineering, and mathematics.

10 “(b) APPLICATIONS.—Any student desiring to receive
11 a scholarship under this part shall submit an application
12 to the Secretary at such time, in such manner, and con-
13 taining such information as the Secretary may require.

14 “(c) DURATION OF SCHOLARSHIPS; RENEWAL.—
15 Scholarships shall be awarded for only one academic year
16 of study at a time, and shall be renewable on an annual
17 basis for the established length of the recipient’s academic
18 program, not to exceed 6 academic years. The Secretary
19 shall condition the renewal of scholarships on measures
20 of academic progress and achievement.

21 **“SEC. 263. QUALIFIED SERVICE REQUIREMENT.**

22 “(a) QUALIFIED SERVICE AGREEMENT.—Any stu-
23 dent who receives a scholarship under this part shall enter
24 into an agreement with the Secretary to complete no less
25 than 5 academic years of qualified service during a 7-year

1 period, to begin no later than 12 months following the
2 completion of a bachelor's degree in science, technology,
3 engineering, or mathematics.

4 “(b) REQUIREMENT ENFORCED.—The Secretary
5 shall establish such requirements as the Secretary finds
6 necessary to ensure that recipients of scholarships under
7 this subsection who complete bachelor's degrees in science,
8 technology, engineering, and mathematics, with teacher
9 certification, subsequently perform 5 academic years of
10 qualified service during a 7-year period, or repay the por-
11 tion of the scholarship received for which the recipient did
12 not perform the required qualified service, as determined
13 by the Secretary. The Secretary shall use any such repay-
14 ments to carry out additional activities under this part.

15 “(c) DEFINITION.—For the purpose of this section,
16 the term ‘qualified service’ means full-time employment at
17 a public or private kindergarten, elementary school, or sec-
18 ondary school as a teacher of a course in a science, tech-
19 nology, engineering, or mathematics field.

20 **“SEC. 264. AWARDS.**

21 “(a) SCHOLARSHIP AWARD.—The Secretary shall
22 provide each recipient with a scholarship in the amount
23 of up to \$20,000 to pay for the cost of attendance of the
24 student for each academic year the student is eligible to
25 receive the scholarship. The Secretary shall transfer such

1 funds to the institution of higher education at which the
2 recipient is enrolled.

3 “(b) BONUS AWARD.—

4 “(1) OPTION FOR BONUS AWARD.—Any student
5 who receives a scholarship under this part may elect
6 to enter into a bonus agreement with the Secretary,
7 in accordance with this subsection, for any academic
8 year during which the student receives a scholarship
9 under this part.

10 “(2) BONUS AGREEMENT.—A bonus agreement
11 under paragraph (1) shall provide that—

12 “(A) the student shall perform one aca-
13 demic year of the qualified service agreed to
14 under section 263(a) in a high-need local edu-
15 cational agency, as defined in section 200; and

16 “(B) the Secretary shall provide \$10,000,
17 in addition to the amount the student receives
18 under subsection (a), for each academic year in
19 which the student enters into such bonus agree-
20 ment.

21 “(3) SERVICE REQUIREMENT ENFORCED.—The
22 Secretary shall establish such requirements as the
23 Secretary finds necessary to ensure that recipients
24 of bonuses under this subsection fulfill the qualified
25 service requirement in a high-need local educational

1 agency, as defined in section 200, for a period of
2 time equivalent to the period for which the recipient
3 receives the bonus, or repays the portion of the
4 bonus received for which the recipient did not per-
5 form the required qualified service in a high-need
6 local educational agency, as determined by the Sec-
7 retary. The Secretary shall use any such repayments
8 to carry out additional activities under this sub-
9 section.

10 “(c) MAXIMUM AWARD.—The maximum award any
11 student may receive under this section for an academic
12 year shall be the student’s cost of attendance minus any
13 grant aid such student receives from sources other than
14 this section.

15 **“SEC. 265. REGULATIONS.**

16 “The Secretary is authorized to issue such regula-
17 tions as may be necessary to carry out the provisions of
18 this part.”.

19 (c) INSTITUTIONAL GRANTS FOR INTEGRATED DE-
20 GREE PROGRAMS.—Title II of the Higher Education Act
21 of 1965 (20 U.S.C. 1021 et seq.) is further amended by
22 inserting after part C, as added by subsection (b) of this
23 section, the following new part:

1 **“PART D—INTEGRATED DEGREE PROGRAMS**

2 **“SEC. 271. PROGRAM AUTHORIZED.**

3 “(a) IN GENERAL.—The Secretary is authorized to
4 award grants to institutions of higher education, on a
5 competitive basis, in order to pay for the Federal share
6 of the cost of projects to establish, strengthen, and operate
7 4-year undergraduate degree programs through which stu-
8 dents may concurrently—

9 “(1) earn a bachelor’s degree in science, tech-
10 nology, engineering, or mathematics; and

11 “(2) be certified to teach kindergarten, elemen-
12 tary, or secondary school.

13 “(b) GRANT AMOUNT; AWARD PERIOD.—The Sec-
14 retary may award grants to no more than 50 institutions
15 of higher education each fiscal year, and a grant to an
16 institution for a fiscal year shall not exceed \$1,000,000.
17 Grants shall be awarded for only one fiscal year at a time,
18 and shall be renewable on an annual basis for up to 5
19 years.

20 **“SEC. 272. SELECTION OF GRANT RECIPIENTS.**

21 “(a) CRITERIA.—The Secretary shall set criteria to
22 evaluate the applications for grants under this part and
23 the projects proposed to establish, strengthen, and operate
24 4-year integrated undergraduate degree programs.

25 “(b) EQUITABLE DISTRIBUTION OF GRANTS.—To
26 the extent practicable and consistent with the criteria

1 under subsection (a), the Secretary shall make grants
2 under this part in such manner as to achieve an equitable
3 distribution of the grant funds throughout the United
4 States, considering geographic distribution, rural and
5 urban areas, and range and type of institutions.

6 **“SEC. 273. APPLICATION REQUIREMENTS.**

7 “In order to receive a grant under this part, an insti-
8 tution of higher education shall submit an application to
9 the Secretary at such time, in such manner, and con-
10 taining such information as the Secretary may require.
11 Such application shall include the following:

12 “(1) A description of the proposed project.

13 “(2) A demonstration of—

14 “(A) the commitment, including the finan-
15 cial commitment, of the institution for the pro-
16 posed project; and

17 “(B) the active support of the leadership of
18 the institution for the proposed project.

19 “(3) A description of how the proposed project
20 will be continued after Federal funds are no longer
21 awarded under this part for the project.

22 “(4) A plan for the evaluation of the project,
23 which shall include benchmarks to monitor progress
24 toward specific project objectives.

1 **“SEC. 274. MATCHING REQUIREMENT.**

2 “Each institution of higher education receiving a
3 grant under this part shall provide, from non-Federal
4 sources, an amount equal to the amount of the grant (in
5 cash or in-kind) to carry out the project supported by the
6 grant.

7 **“SEC. 275. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to carry out
9 this part \$50,000,000 for each of the fiscal years 2021
10 through 2026.”.

11 **SEC. 11207. RECIDIVISM REDUCTION WORKING GROUP.**

12 (a) ESTABLISHMENT.—There is established a work-
13 ing group, which shall consist of representatives of the
14 heads of the Department of Justice, the Department of
15 Labor, the Department of Housing and Urban Develop-
16 ment, and the Department of Education. The working
17 group shall identify and analyze practices to reduce recidi-
18 vism. The Attorney General shall chair the group, which
19 shall meet once each month for the first 3 months after
20 the date of its establishment, and once every 3 months
21 thereafter.

22 (b) REPORT.—Not later than 1 year after the date
23 of the enactment of this Act, and 5 years thereafter, the
24 working group established under subsection (a) shall sub-
25 mit to Congress and to the President a report which de-

1 scribes the recommendations of the working group for re-
2 ducing recidivism.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$1,000,000 to the working
5 group for each of fiscal years through 2025 to carry out
6 this subsection.

7 **SEC. 11208. COMMENDABLE RELEASE PROGRAM.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Attorney General,
10 in consultation with the heads of the appropriate agencies,
11 shall establish a program under which an individual who
12 was convicted of a Federal offense which is classified as
13 a felony, and who has successfully completed his or her
14 sentence, may apply to receive benefits under the pro-
15 grams described in subsection (b). Any individual who has
16 been convicted of a felony for which the maximum sen-
17 tence is ten or more years of imprisonment, any crime of
18 violence (as such term is defined in section 16 of title 18,
19 United States Code), or any crime of reckless driving or
20 of driving while intoxicated or under the influence of alco-
21 hol or of prohibited substances if such crime involves per-
22 sonal injury to another.

23 (b) PROGRAMS DESCRIBED.—The programs de-
24 scribed in this subsection are the following:

1 (1) TANF.—Assistance under a State program
2 funded under part A of title IV of the Social Secu-
3 rity Act.

4 (2) SNAP.—The supplemental nutrition assist-
5 ance program under the Food and Nutrition Act of
6 2008 (7 U.S.C. 2011 et seq.).

7 (3) HOUSING.—Any program of the Depart-
8 ment of Housing and Urban Development or the De-
9 partment of Agriculture providing housing or assist-
10 ance for housing, including any program for dwelling
11 units, rental assistance, grants, loans, subsidies,
12 mortgage insurance, guarantees, or other financial
13 assistance.

14 **SEC. 11209. INCREASE IN WORK OPPORTUNITY TAX CREDIT**
15 **FOR HIRING QUALIFIED EX-FELONS.**

16 (a) IN GENERAL.—Section 51(b)(3) of the Internal
17 Revenue Code of is amended by inserting “or any indi-
18 vidual who is a qualified exfelon” after “subsection
19 (d)(3)(A)(ii)(I)”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply to individuals who begin work
22 for the employer after the date of the enactment of this
23 Act, in taxable years ending after such date.

1 **SEC. 11210. ENTREPRENEURSHIP APPRENTICESHIPS.**

2 The Act of August 16, 1937 (commonly known as
3 the “National Apprenticeship Act”; 50 Stat. 664, chapter
4 663; 29 U.S.C. 50 et seq.), is amended by adding the end
5 the following:

6 **“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated \$90,000 for
8 each of fiscal years 2021, 2022, 2023, and 2024.”.

9 **SEC. 11211. EXPANSION OF ELIGIBLE PROGRAMS.**

10 The Higher Education Act of 1965 (20 U.S.C. 1001
11 et seq.) is amended—

12 (1) in section 481(b), by adding at the end the
13 following:

14 “(5)(A) For purposes of parts D and E, the
15 term ‘eligible program’ includes a program of not
16 less than 250 clock hours of instruction, offered dur-
17 ing a minimum of 5 weeks of instruction that leads
18 an industry-recognized credential.

19 “(B) In this paragraph, the term ‘industry-rec-
20 ognized credential’ means an industry-recognized
21 credential that—

22 “(i) is demonstrated to be of high quality
23 by the institution offering the program in the
24 program participation agreement under section
25 487;

1 “(ii) meets the current, as of the date of
2 the determination, or projected needs of a local
3 or regional workforce for recruitment, screen-
4 ing, hiring, retention, or advancement pur-
5 poses—

6 “(I) as determined by the State in
7 which the program is located, in consulta-
8 tion with business entities; or

9 “(II) as demonstrated by the institu-
10 tion offering the program leading to the
11 credential; and

12 “(iii) is, where applicable, endorsed by a
13 nationally recognized trade association or orga-
14 nization representing a significant part of the
15 industry or sector.”; and

16 (2) in section 487(a), by adding at the end the
17 following:

18 “(30) In the case of an institution that offers
19 a program of not less than 250 clock hours of in-
20 struction, offered during a minimum of 5 weeks of
21 instruction that leads an industry- recognized cre-
22 dential, as provided under section 481(b)(5), the in-
23 stitution will demonstrate to the Secretary that the
24 industry-recognized credential is of high quality.”.

1 **Subtitle L—Environmental Health**
2 **Workforce**

3 **SEC. 11301. SHORT TITLE.**

4 This subtitle may be cited as the “Environmental
5 Health Workforce Act of 2020”.

6 **SEC. 11302. FINDINGS.**

7 The Congress finds as follows:

8 (1) The environmental health workforce is vital
9 to protecting the health and safety of the public.

10 (2) For years, State and local governmental
11 public health agencies have reported substantial
12 workforce losses and other challenges to the environ-
13 mental health workforce.

14 (3) According to the Association of State and
15 Territorial Health Officials (ASTHO) and the Na-
16 tional Association of County and City Health Offi-
17 cials (NACCHO), more than 50,600 State and local
18 environmental health workforce jobs have been lost
19 since 2008. This represents approximately 22 per-
20 cent of the total State and local environmental
21 health workforce.

22 (4) In the coming years, the retiring Baby
23 Boomer Generation will lead to a further decrease in
24 the environmental health workforce.

1 (5) Currently, only 28 States require a creden-
2 tial for environmental health workers that is an im-
3 partial, third-party endorsement of an individual's
4 professional knowledge and experience.

5 (6) Educating and training existing and new
6 environmental health professionals should be a na-
7 tional public health goal.

8 **SEC. 11303. MODEL STANDARDS AND GUIDELINES FOR**
9 **CREDENTIALING ENVIRONMENTAL HEALTH**
10 **WORKERS.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Secretary of Health and
13 Human Services, in coordination with appropriate na-
14 tional professional organizations, Federal, State, local,
15 and tribal governmental agencies, and private-sector and
16 nongovernmental entities, shall develop model standards
17 and guidelines for credentialing environmental health
18 workers.

19 (b) PROVISION OF STANDARDS AND TECHNICAL AS-
20 SISTANCE.—The Secretary of Health and Human Services
21 shall provide to State, local, and tribal governments—

22 (1) the model standards and guidelines devel-
23 oped under subsection (a); and

24 (2) technical assistance in credentialing envi-
25 ronmental health workers.

1 **SEC. 11304. ENVIRONMENTAL HEALTH WORKFORCE DEVEL-**
2 **OPMENT PLAN.**

3 (a) IN GENERAL.—To ensure that programs and ac-
4 tivities (including education, training, and payment pro-
5 grams) of the Department of Health and Human Services
6 for developing the environmental health workforce meet
7 national needs, the Secretary of Health and Human Serv-
8 ices shall develop a comprehensive and coordinated plan
9 for such programs and activities that—

10 (1) includes performance measures to more
11 clearly determine the extent to which these programs
12 and activities are meeting the Department’s stra-
13 tegic goal of strengthening the environmental health
14 workforce;

15 (2) identifies and communicates to stakeholders
16 any gaps between existing programs and activities
17 and future environmental health workforce needs
18 identified in workforce projections of the Health Re-
19 sources and Services Administration;

20 (3) identifies actions needed to address such
21 identified gaps; and

22 (4) identifies any additional statutory authority
23 that is needed by the Department to implement such
24 identified actions.

25 (b) SUBMISSION TO CONGRESS.—Not later than 2
26 years after the date of enactment of this Act, the Sec-

1 retary of Health and Human Services shall submit to the
2 Committee on Health, Education, Labor, and Pensions of
3 the Senate, and to the Committees on Energy and Com-
4 merce and Education and Labor of the House of Rep-
5 resentatives, the plan developed under subsection (a).

6 **SEC. 11305. ENVIRONMENTAL HEALTH WORKFORCE DEVEL-**
7 **OPMENT REPORT.**

8 (a) IN GENERAL.—Not later than 2 years after the
9 date of enactment of this Act, the Comptroller General
10 of the United States shall examine and identify best prac-
11 tices in 6 States (as described in subsection (b)) related
12 to training and credentialing requirements for environ-
13 mental health workers and submit to the Committee on
14 Health, Education, Labor, and Pensions of the Senate and
15 the Committee on Energy and Commerce of the House
16 of Representatives a report that includes information con-
17 cerning—

18 (1) types of environmental health workers em-
19 ployed at State, local, and city health departments
20 and independent environmental health agencies;

21 (2) educational backgrounds of environmental
22 health workers;

23 (3) whether environmental health workers are
24 credentialed or registered, and what type of creden-
25 tial or registration each worker has received;

1 (4) State requirements for continuing education
2 for environmental health workers;

3 (5) whether State, local, and city health depart-
4 ments and independent environmental health agen-
5 cies track continuing education units for their envi-
6 ronmental health workers; and

7 (6) how frequently any exam required to qualify
8 environmental health workers is updated and re-
9 viewed to ensure that the exam is consistent with
10 current law.

11 (b) **SELECTION OF STATES.**—The report described in
12 subsection (a) shall be based upon the examination of such
13 best practices with respect to 3 States that have
14 credentialing requirements for environmental health work-
15 ers (such as Maryland, Ohio, and Washington) and 3
16 States that do not have such requirements (such as Indi-
17 ana, Michigan, and Pennsylvania).

18 **SEC. 11306. PUBLIC SERVICE LOAN FORGIVENESS.**

19 Section 455(m) of the Higher Education Act of 1965
20 (20 U.S.C. 1087e(m)) is amended in paragraph (3)(B)—

21 (1) in clause (i), by striking “or” at the end;

22 (2) in clause (ii), by striking the period at the
23 end and inserting “; or”; and

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

1 “(iii) a full-time job as an environ-
2 mental health worker (as defined in section
3 11307 of the Environmental Health Work-
4 force Act of 2020) who is accredited, cer-
5 tified, or licensed in accordance with appli-
6 cable law.”.

7 **SEC. 11307. DEFINITION.**

8 In this subtitle, the terms “environmental health
9 worker” and “environmental health workforce” refer to
10 public health workers who investigate and assess haz-
11 ardous environmental agents in various environmental set-
12 tings and develop, promote, and enforce guidelines, poli-
13 cies, and interventions to control such hazards.

14 **Subtitle M—21st Century STEM for**
15 **Girls and Underrepresented Mi-**
16 **norities**

17 **SEC. 11401. SHORT TITLE.**

18 This subtitle may be cited as the “21st Century
19 STEM for Girls and Underrepresented Minorities Act”.

20 **SEC. 11402. GRANTS TO PREPARE GIRLS AND UNDERREP-**
21 **RESENTED MINORITIES.**

22 Title IV of the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 7101 et seq.) is amended by add-
24 ing at the end the following:

1 **“PART G—PREPARING GIRLS AND UNDERREP-**
2 **RESENTED MINORITIES FOR THE 21ST CEN-**
3 **TURY**

4 **“SEC. 4701. PROGRAM AUTHORITY.**

5 “(a) IN GENERAL.—Beginning not later than 90
6 days after the date of the enactment of this part, the Sec-
7 retary shall carry out a program under which the Sec-
8 retary makes grants to qualified local educational agen-
9 cies, on a competitive basis, to pay the costs of carrying
10 out STEM education activities for girls and underrep-
11 resented minorities as described in subsection (c).

12 “(b) APPLICATION.—

13 “(1) IN GENERAL.—To be eligible to receive a
14 grant under this part, a qualified local educational
15 agency shall submit to the Secretary an application
16 at such time, in such form, and containing such in-
17 formation as the Secretary may reasonably require.
18 At minimum, the application shall include a descrip-
19 tion of the following:

20 “(A) The educational program that will be
21 carried out by the local educational agency
22 using the grant, including the content of the
23 program and the research and models used to
24 design the program.

1 “(B) How elementary and secondary
2 schools served by the agency will collaborate to
3 fulfill goals of the program.

4 “(C) How the agency will ensure that there
5 is a comprehensive plan to improve STEM edu-
6 cation for girls and underrepresented minorities
7 in grades kindergarten through grade 12.

8 “(D) The process that will be used for the
9 recruitment and selection of students for par-
10 ticipation in the program.

11 “(E) The instructional and motivational
12 activities that will be included as part of the
13 program.

14 “(F) Any expected collaboration among
15 local, regional, or national institutions and or-
16 ganizations for the purpose of fulfilling the
17 goals of the program.

18 “(2) PRIORITY.—In selecting among applica-
19 tions, the Secretary shall give priority to qualified
20 local educational agencies that partner or coordinate,
21 to the extent practicable, with local, regional, or na-
22 tional institutions and organizations that have exten-
23 sive experience and expertise in—

24 “(A) increasing the participation of girls or
25 underrepresented minorities in STEM fields; or

1 “(B) conducting research on methods to
2 increase such participation.

3 “(c) USE OF FUNDS.—A qualified local educational
4 agency that receives a grant under this part shall use the
5 grant to carry out a STEM education program for girls
6 and underrepresented minorities from elementary and sec-
7 ondary schools served by the agency. The program may
8 include the following activities:

9 “(1) Preparing girls and underrepresented mi-
10 norities for careers in STEM fields and the advan-
11 tages of pursuing careers in such fields.

12 “(2) Educating the parents of girls and under-
13 represented minorities about the opportunities and
14 advantages of STEM careers.

15 “(3) Enlisting the help of the parents of girls
16 and underrepresented minorities—

17 “(A) to overcome the obstacles faced by
18 such groups; and

19 “(B) to encourage their child’s continued
20 interest and involvement in STEM subjects.

21 “(4) Providing tutoring and mentoring pro-
22 grams in STEM subjects.

23 “(5) Establishing partnerships and other oppor-
24 tunities that expose girls and underrepresented mi-
25 norities to role models in the STEM fields.

1 “(6) Enabling female and underrepresented mi-
2 nority students and their teachers to attend events
3 and academic programs in STEM subjects.

4 “(7) Providing after school activities designed
5 to encourage interest and develop the skills of girls
6 and underrepresented minorities in STEM subjects.

7 “(8) Summer programs designed to help girls
8 and underrepresented minorities—

9 “(A) develop an interest in STEM sub-
10 jects;

11 “(B) develop skills in such subjects; and

12 “(C) understand the relevance and signifi-
13 cance of such subjects.

14 “(9) Purchasing—

15 “(A) educational instructional materials or
16 software designed to help girls and underrep-
17 resented minorities develop an interest in
18 STEM subjects; or

19 “(B) equipment, instrumentation, or hard-
20 ware for teaching STEM subjects to girls and
21 underrepresented minorities and encouraging
22 their interest in such subjects.

23 “(10) Field trips to locations, including institu-
24 tions of higher education, to expose girls and under-
25 represented minorities to STEM activities, encour-

1 age their interest in such activities, and acquaint
2 them with careers in STEM fields.

3 “(11) Providing academic advice and assistance
4 in high school course selection to encourage girls and
5 underrepresented minorities to take advanced
6 courses in STEM subjects.

7 “(12) Paying up to 50 percent of the cost of an
8 internship in a STEM discipline for female and
9 underrepresented minority students.

10 “(13) Providing professional development for
11 teachers and other school personnel, including with
12 respect to—

13 “(A) eliminating gender and racial bias in
14 the classroom;

15 “(B) sensitivity to gender and racial dif-
16 ferences;

17 “(C) engaging students in the face of gen-
18 der-based and racial peer pressure and parental
19 expectations;

20 “(D) creating and maintaining a positive
21 environment; and

22 “(E) encouraging girls and underrep-
23 resented minorities through academic advice
24 and assistance to pursue advanced classes and
25 careers in STEM fields.

1 “(14) Such other STEM-related activities as
2 the local educational agency determines to be appro-
3 priate.

4 “(d) GRANT DURATION AND AMOUNT.—

5 “(1) DURATION.—Each grant under this sec-
6 tion shall be made for a period of 4 years.

7 “(2) AMOUNT.—The amount of each grant
8 under this section shall be \$250,000 for each year
9 of the grant period.

10 “(e) SUPPLEMENT, NOT SUPPLANT.—A qualified
11 local educational agency that receives a grant under this
12 section shall use the grant only to supplement, and not
13 to supplant, other assistance and funds made available
14 from non-Federal sources for the activities supported by
15 the grant.

16 “(f) ANNUAL EVALUATIONS.—

17 “(1) EVALUATION REQUIRED.—Not later than
18 30 days after last day of each school year for which
19 a qualified local educational agency receives a grant
20 under this section, the agency shall submit to the
21 Secretary a written evaluation of the program car-
22 ried out using the grant.

23 “(2) ELEMENTS.—The evaluation required
24 under subsection (a) shall include—

1 “(A) a description of the program and ac-
2 tivities carried out using the grant;

3 “(B) a description of the curriculum and
4 any partnerships developed using the grant;

5 “(C) the percentage of time that students
6 who participated in the program spent directly
7 engaged in STEM activities;

8 “(D) an assessment of the academic
9 progress made by such students during the pro-
10 gram, which shall be based on an evaluation of
11 each student at the beginning of the program
12 and after the student completes the program;
13 and

14 “(E) such other information as the Sec-
15 retary may require.

16 “(g) DEFINITIONS.—In this section:

17 “(1) The term ‘STEM’ means science, tech-
18 nology, engineering, and mathematics.

19 “(2) The term ‘qualified local educational agen-
20 cy’ means a local agency that—

21 “(A) receives funds under part A of title I
22 of the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 6311 et seq.); and

24 “(B) serves a total student population of
25 which not less than 40 percent are children who

1 are eligible for a free or reduced price lunch
2 under the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1751 et seq.).

4 **“SEC. 4702. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out
6 this part \$10,000,000 for each of fiscal years 2022
7 through 2025.”.

8 **Subtitle N—Women’s Equality**
9 **Workforce Oversight**

10 **SEC. 11501. SHORT TITLE.**

11 This subtitle may be cited as the “Women’s Equality
12 Workforce Oversight Act” or the “WE Work Act”.

13 **SEC. 11502. GAO STUDY.**

14 (a) **STUDY REQUIRED.**—Not later than 6 months
15 after the date of enactment of this Act, and every year
16 thereafter, the Comptroller General of the United States
17 shall conduct a study of Federal agencies to determine
18 which agencies have the greatest impact on women’s par-
19 ticipation in the workforce, and evaluate the impact of
20 these agencies.

21 (b) **SUGGESTED AGENCIES.**—Such agencies shall in-
22 clude, at a minimum—

23 (1) the Department of Labor, specifically the
24 Women’s Bureau at such Department;

25 (2) the Department of Transportation;

- 1 (3) the Small Business Administration, includ-
2 ing the Office of Women’s Business Ownership; and
3 (4) any apprenticeship program that receives
4 funding from a Federal agency.

5 **SEC. 11503. CONTENTS OF STUDY.**

6 (a) IN GENERAL.—The study required by section
7 11502 shall review and evaluate the following factors, for
8 those agencies that the Comptroller General has identified
9 as having the greatest impact on women’s participation
10 in the workforce, including the following:

11 (1) POLICIES AND PROCEDURES.—The study
12 shall examine—

13 (A) each agency’s policies and procedures
14 related to improving women’s participation in
15 the workforce, including efforts related to fair
16 compensation, benefits, such as paid leave and
17 workplace supports for pregnancy and families,
18 participation in non-traditional and higher-pay-
19 ing jobs, enforcement of workplace rights, and
20 prevention of sexual and other harassment;

21 (B) each agency’s compliance with its stat-
22 utory and regulatory requirements on these
23 matters;

1 (C) any policy changes in the agency with-
2 in the study period, and the reasoning for such
3 changes; and

4 (D) any procedural changes to the agency's
5 reporting and participation within the agency.

6 (2) IMPACT.—The study shall also examine—

7 (A) the number of women who received
8 technical assistance, grants, loans, contracts,
9 and other services from the agency in each fis-
10 cal year, and the number of such individuals
11 who received these services in the prior five fis-
12 cal years;

13 (B) the number of organizations who re-
14 ceived such outreach, services, and other en-
15 gagement with the agency;

16 (C) the extent of the agency's outreach
17 and public education efforts for women, includ-
18 ing the publication of reports and statistics,
19 public announcement of enforcement actions,
20 and regional outreach engaging local stake-
21 holders;

22 (3) APPROPRIATIONS AND STAFF.—The study
23 shall consider—

1 (A) any reductions to appropriations and
2 obligations for each agency and the actual and
3 projected impact of these reductions; and

4 (B) any staff reductions in each agency,
5 including attrition, vacancies, and positions
6 eliminated and the impact of these changes.

7 (b) ANALYSIS.—The study shall also include an anal-
8 ysis of the specific barriers to women’s participation in
9 the workforce, including an assessment of further opportu-
10 nities to reduce those barriers.

11 **SEC. 11504. REPORT.**

12 A report containing the results of the study and anal-
13 ysis shall be transmitted annually to the Committees on
14 Oversight and Government Reform and Education and the
15 Workforce of the House of Representatives and the Com-
16 mittees on Homeland Security and Government Affairs
17 and Health, Education, Labor and Pensions of the Senate.

18 **Subtitle O—Jobs Now**

19 **SEC. 11601. SHORT TITLE.**

20 This subtitle may be cited as the “Jobs Now Act of
21 2020”.

1 **SEC. 2. GRANTS TO UNITS OF GENERAL LOCAL GOVERN-**
2 **MENT.**

3 Subtitle D of title I of the Workforce Innovation and
4 Opportunity Act (29 U.S.C. 3221 et seq.) is amended by
5 adding after section 172 the following:

6 **“SEC. 173. PILOT PROGRAM.**

7 “(a) PROGRAM AUTHORIZED.—Notwithstanding sec-
8 tion 181(e), from the amounts appropriated under sub-
9 section (h), the Secretary shall carry out a 2-year pilot
10 program to award grants, on a competitive basis, to units
11 of general local government or community-based organiza-
12 tions to retain, employ, or train employees providing a
13 public service for a unit of general local government.

14 “(b) UNIT OF GENERAL LOCAL GOVERNMENT DE-
15 FINED.—For purposes of this section, the term ‘unit of
16 general local government’ means any general purpose po-
17 litical subdivision of a State, or the United States Virgin
18 Islands, Guam, American Samoa, the Commonwealth of
19 the Northern Mariana Islands, the freely associated states
20 of the Republic of the Marshall Islands, the Federated
21 States of Micronesia, or the Republic of Palau, that has
22 the power to levy taxes and spend funds, as well as general
23 corporate and police powers.

24 “(c) USES OF FUNDS.—

25 “(1) REQUIRED USES.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), a unit of general local government
3 or community-based organization shall use not
4 less than 50 percent of the grant funds received
5 under this section to—

6 “(i) in the case of a unit, retain em-
7 ployees of such unit who are providing a
8 public service for the unit and who would
9 otherwise be laid off as a consequence of
10 budget cuts; and

11 “(ii) in the case of an organization,
12 retain employees of the organization who
13 are providing a public service for the unit
14 in which the organization is located and
15 who would otherwise be laid off as a con-
16 sequence of budget cuts.

17 “(B) EXCEPTION.—In a case in which 50
18 percent of a grant amount received under this
19 section would exceed the amount needed for a
20 unit or organization to retain the employees de-
21 scribed in subparagraph (A), the unit or organi-
22 zation may use only the amount needed to re-
23 tain such employees for such purpose.

24 “(2) AUTHORIZED USES.—After using grant
25 funds received under this section in accordance with

1 paragraph (1), a unit of general local government or
2 community-based organization may use any remain-
3 ing grant funds provided under this section to—

4 “(A) in the case of a unit of general local
5 government—

6 “(i) employ individuals in new posi-
7 tions providing a public service for the
8 unit; or

9 “(ii) train individuals for new public
10 service positions for the unit; and

11 “(B) in the case of a community-based or-
12 ganization—

13 “(i) employ individuals in new posi-
14 tions that would provide a public service
15 for the unit in which the organization is lo-
16 cated or services in the private sector; or

17 “(ii) train individuals for any such po-
18 sitions.

19 “(d) PRIORITY FOR CERTAIN INDIVIDUALS.—The
20 Secretary shall encourage each unit of general local gov-
21 ernment and each community-based organization receiving
22 a grant under this section to use such grant funds to re-
23 tain, employ, or train—

24 “(1) veterans;

25 “(2) individuals with disabilities;

1 “(3) individuals who are receiving unemploy-
2 ment benefits; or

3 “(4) dislocated workers.

4 “(e) PRIORITY FOR CERTAIN UNITS AND ORGANIZA-
5 TIONS.—

6 “(1) UNITS.—In awarding grants to units of
7 general local government under this section, the Sec-
8 retary shall give priority to units of general local
9 government with high unemployment, foreclosure,
10 and poverty rates as compared to other units of gen-
11 eral local government applying to receive a grant
12 under this section.

13 “(2) ORGANIZATIONS.—In awarding grants to
14 units of general local government under this section,
15 the Secretary shall give priority to community-based
16 organizations located in units of general local gov-
17 ernment with high unemployment, foreclosure, and
18 poverty rates as compared to other units of general
19 local government applying to receive a grant under
20 this section.

21 “(f) APPLICATION.—Each unit of general local gov-
22 ernment or community-based organization desiring to re-
23 ceive a grant under this section shall submit an application
24 to the Secretary at such time, in such manner, and con-
25 taining such information as the Secretary may require.

1 “(g) REPORT.—Not later than 2 years after the first
2 appropriation of funds under subsection (h), the Secretary
3 shall submit to Congress, a report on—

4 “(1) the number and percentage of individuals
5 hired or trained, and the number and percentage of
6 employees of units retained, as a result of a grant
7 under this section; and

8 “(2) best practices in carrying out a grant pro-
9 gram to hire, train, or retain employees of units of
10 general local government.

11 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$1,000,000,000 to carry
13 out this section for fiscal years 2022 and 2023.”.

14 **Subtitle P—Back to Basics Job**
15 **Creation**

16 **SEC. 11701. SHORT TITLE.**

17 This subtitle may be cited as the “Back to Basics
18 Job Creation Act of 2020”.

19 **SEC. 11702. BACK TO BASICS JOB CREATION GRANT PRO-**
20 **GRAM.**

21 Subtitle A of title XX of the Social Security Act (42
22 U.S.C. 1397 et seq.) is amended by adding at the end
23 the following:

1 **“SEC. 2010. BACK TO BASICS JOB CREATION GRANT PRO-**
2 **GRAM.**

3 “(a) GRANTS.—

4 “(1) IN GENERAL.—The Secretary, in consulta-
5 tion with the Secretary of Labor and the Secretary
6 of Commerce, shall make grants to eligible entities
7 to assist low-income individuals and individuals who
8 have been unemployed for at least 3 months in de-
9 veloping self-employment opportunities.

10 “(2) TIMING OF GRANT AWARDS.—Not later
11 than 90 days after the date of the enactment of this
12 section, the Secretary shall obligate not less than
13 half of any funds appropriated for grants under this
14 section.

15 “(3) PREFERENCE.—In awarding grants under
16 this section, the Secretary shall give preference to el-
17 igible entities—

18 “(A) that serve communities that have ex-
19 perience high levels of poverty and unemploy-
20 ment and low levels of reemployment, as deter-
21 mined by the Secretary using data reported by
22 the Census Bureau and the Bureau of Labor
23 Statistics;

24 “(B) that demonstrate an ability to admin-
25 ister activities using the grant funds without
26 acquiring new administrative structures or re-

1 sources, such as staffing, technology, evaluation
2 activities, training, research, and programming;
3 and

4 “(C) that have established partnerships
5 with other government agencies, community
6 based organizations, financial institutions, edu-
7 cational institutions, or business organizations.

8 “(b) USE OF FUNDS.—

9 “(1) IN GENERAL.—An eligible entity awarded
10 a grant under this section shall use the grant—

11 “(A) to provide education and training for
12 business and financial literacy, certification,
13 small business plan development, entrepreneur-
14 ship, and patent and copyright processes; and

15 “(B) to provide funding for new small
16 businesses that pay employees at a living wage.

17 “(2) LIMITATIONS.—An eligible entity awarded
18 a grant under this section may not use the grant—

19 “(A) to subsidize private or public employ-
20 ment; or

21 “(B) for any activity in violation of Fed-
22 eral, State, or local law.

23 “(3) ADMINISTRATIVE EXPENSES.—An eligible
24 entity awarded a grant under this section may use
25 not more than 10 percent of the grant funds for ad-

1 ministrative expenses, except that none of the funds
2 may be used for salaries.

3 “(4) DEADLINE ON USE OF GRANT FUNDS.—

4 An eligible entity awarded a grant under this section
5 shall expend the grant funds before December 31,
6 2022, except that the Secretary may provide an ex-
7 tension.

8 “(c) NO EFFECT ON MEANS-TESTED BENEFITS.—

9 For purposes of determining eligibility and benefit
10 amounts under any means-tested assistance program, any
11 assistance funded by a grant under this section shall be
12 disregarded.

13 “(d) REPORTING REQUIREMENTS.—The Secretary
14 shall submit a report on the implementation of this section
15 to the Committee on Ways and Means of the House of
16 Representatives and the Committee on Finance of the
17 Senate whenever either committee shall so request.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated for grants under this
20 section \$5,000,000,000 for fiscal year 2021. The amounts
21 appropriated under this section are authorized to remain
22 available through December 31, 2022.

23 “(f) DEFINITIONS.—For purposes of this section—

24 “(1) the term ‘eligible entity’ means a State, an
25 Indian tribe, or a local government;

1 “(2) the term ‘Indian tribe’ has the meaning
2 given such term by section 4 of the Indian Self-De-
3 termination and Education Assistance Act (25
4 U.S.C. 450b); and

5 “(3) the term ‘means-tested assistance pro-
6 gram’ means a benefit program for which eligibility
7 is based on income.”.

8 **Subtitle Q—Veterans Armed for**
9 **Success**

10 **SEC. 11801. SHORT TITLE.**

11 This subtitle may be cited as the “Veterans Armed
12 for Success Act”.

13 **SEC. 11802. GRANTS FOR PROVISION OF TRANSITION AS-**
14 **SISTANCE TO MEMBERS OF THE ARMED**
15 **FORCES RECENTLY SEPARATED FROM AC-**
16 **TIVE DUTY SERVICE.**

17 (a) IN GENERAL.—The Secretary of Veterans Affairs
18 shall make grants to eligible organizations for the provi-
19 sion of transition assistance to members of the Armed
20 Forces who are recently retired, separated, or discharged
21 from the Armed Forces and spouses of such members.

22 (b) USE OF FUNDS.—The recipient of a grant under
23 this section shall use the grant to provide to members of
24 the Armed Forces and spouses described in subsection (a)
25 resume assistance, interview training, job recruitment

1 training, and related services leading directly to successful
2 transition, as determined by the Secretary.

3 (c) ELIGIBLE ORGANIZATIONS.—To be eligible for a
4 grant under this section, an organization shall submit to
5 the Secretary an application containing such information
6 and assurances as the Secretary, in consultation with the
7 Secretary of Labor, may require.

8 (d) PRIORITY FOR HUBS OF SERVICE.—In making
9 grants under this section, the Secretary shall give priority
10 to an organization that provides multiple forms of services
11 described in subsection (b).

12 (e) AMOUNT OF GRANT.—A grant under this section
13 shall be in an amount that does not exceed 50 percent
14 of the amount required by the organization to provide the
15 services described in subsection (b).

16 (f) DEADLINE FOR IMPLEMENTATION.—The Sec-
17 retary shall begin carrying out this section not later than
18 six months after the date of the enactment of this Act.

19 (g) TERMINATION.—The authority to provide a grant
20 under this section shall terminate on the date that is five
21 years after the date on which the Secretary begins car-
22 rying out this section.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated \$10,000,000 to carry out
25 this section.

1 **Subtitle R—Leveraging and Ener-**
2 **gizing America’s Apprenticeship**
3 **Programs**

4 **SEC. 11901. SHORT TITLE.**

5 This subtitle may be cited as the “Leveraging and
6 Energizing America’s Apprenticeship Programs Act” or
7 the “LEAP Act”.

8 **SEC. 11902. CREDIT FOR EMPLOYEES PARTICIPATING IN**
9 **QUALIFIED APPRENTICESHIP PROGRAMS.**

10 (a) IN GENERAL.—Subpart D of part IV of sub-
11 chapter A of chapter 1 of the Internal Revenue Code of
12 1986 is amended by adding at the end the following new
13 section:

14 **“SEC. 45T. EMPLOYEES PARTICIPATING IN QUALIFIED AP-**
15 **PRENTICESHIP PROGRAMS.**

16 “(a) IN GENERAL.—For purposes of section 38, the
17 apprenticeship credit determined under this section for the
18 taxable year is an amount equal to the sum of the applica-
19 ble credit amounts (as determined under subsection (b))
20 for each of the apprenticeship employees of the employer
21 that exceeds the applicable apprenticeship level (as deter-
22 mined under subsection (e)) during such taxable year.

23 “(b) APPLICABLE CREDIT AMOUNT.—For purposes
24 of subsection (a), the applicable credit amount for each

1 apprenticeship employee for each taxable year is equal
2 to—

3 “(1) in the case of an apprenticeship employee
4 who has not attained 25 years of age at the close
5 of the taxable year, \$1,500, or

6 “(2) in the case of an apprenticeship employee
7 who has attained 25 years of age at the close of the
8 taxable year, \$1,000.

9 “(c) LIMITATION ON NUMBER OF YEARS WHICH
10 CREDIT MAY BE TAKEN INTO ACCOUNT.—The appren-
11 ticeship credit shall not be allowed for more than 2 taxable
12 years with respect to any apprenticeship employee.

13 “(d) APPRENTICESHIP EMPLOYEE.—For purposes of
14 this section—

15 “(1) IN GENERAL.—The term ‘apprenticeship
16 employee’ means any employee who is—

17 “(A) a party to an apprenticeship agree-
18 ment registered with—

19 “(i) the Office of Apprenticeship of
20 the Employment and Training Administra-
21 tion of the Department of Labor, or

22 “(ii) a recognized State apprenticeship
23 agency, and

24 “(B) employed by the employer in the oc-
25 cupation identified in the apprenticeship agree-

1 ment described in subparagraph (A), whether
2 or not the employer is a party to such agree-
3 ment.

4 “(2) MINIMUM COMPLETION RATE FOR ELIGI-
5 BLE APPRENTICESHIP PROGRAMS.—An employee
6 shall not be treated as an apprenticeship employee
7 unless such apprenticeship agreement is with an ap-
8 prenticeship program that, for the two-year period
9 ending on the date of the apprenticeship begins, has
10 a completion rate of at least 50 percent.

11 “(e) APPLICABLE APPRENTICESHIP LEVEL.—

12 “(1) IN GENERAL.—For purposes of this sec-
13 tion, the applicable apprenticeship level shall be
14 equal to—

15 “(A) in the case of any apprenticeship em-
16 ployees described in subsection (b)(1), the
17 amount equal to 80 percent of the average
18 number of such apprenticeship employees of the
19 employer for the 3 taxable years preceding the
20 taxable year for which the credit is being deter-
21 mined, rounded to the next lower whole num-
22 ber, and

23 “(B) in the case of any apprenticeship em-
24 ployees described in subsection (b)(2), the
25 amount equal to 80 percent of the average

1 number of such apprenticeship employees of the
2 employer for the 3 taxable years preceding the
3 taxable year for which the credit is being deter-
4 mined, rounded to the next lower whole num-
5 ber.

6 “(2) FIRST YEAR OF NEW APPRENTICESHIP
7 PROGRAMS.—In the case of an employer which did
8 not have any apprenticeship employees during any
9 taxable year in the 3 taxable years preceding the
10 taxable year for which the credit is being deter-
11 mined, the applicable apprenticeship level shall be
12 equal to zero.

13 “(f) COORDINATION WITH OTHER CREDITS.—The
14 amount of credit otherwise allowable under sections 45A,
15 51(a), and 1396(a) with respect to any employee shall be
16 reduced by the credit allowed by this section with respect
17 to such employee.

18 “(g) CERTAIN RULES TO APPLY.—Rules similar to
19 the rules of subsections (i)(1) and (k) of section 51 shall
20 apply for purposes of this section.”.

21 (b) CREDIT MADE PART OF GENERAL BUSINESS
22 CREDIT.—Subsection (b) of section 38 of such Code is
23 amended by striking “plus” at the end of paragraph (31),
24 by striking the period at the end of paragraph (32) and

1 inserting “, plus”, and by adding at the end the following
2 new paragraph:

3 “(33) the apprenticeship credit determined
4 under section 45T(a).”.

5 (c) DENIAL OF DOUBLE BENEFIT.—Subsection (a)
6 of section 280C of such Code is amended by inserting
7 “45T(a),” after “45S(a),”.

8 (d) CLERICAL AMENDMENT.—The table of sections
9 for subpart D of part IV of subchapter A of chapter 1
10 of such Code is amended by adding at the end the fol-
11 lowing new item:

“Sec. 45T. Employees participating in qualified apprenticeship programs.”.

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to individuals commencing appren-
14 ticeship programs after the date of the enactment of this
15 Act.

16 **Subtitle S—Opening Doors for** 17 **Youth**

18 **SEC. 12101. SHORT TITLE.**

19 This subtitle may be cited as the “Opening Doors for
20 Youth Act of 2020”.

21 **SEC. 12102. FINDINGS.**

22 Congress finds the following:

23 (1) The time between the early teens and mid-
24 twenties represents a critical developmental period in
25 which individuals can gain the education and train-

1 ing, entry-level work experiences, work-readiness
2 skills, and social networks needed to smoothly tran-
3 sition into the labor market and build towards fu-
4 ture professional success.

5 (2) Yet, nearly 5 million young people ages 16
6 to 24 are out of school and unemployed, leaving
7 them disconnected from the systems and institutions
8 critical for developing the building blocks of inde-
9 pendence and self-sufficiency.

10 (3) Communities of color experience the highest
11 rates of youth disconnection: 25.4 percent of Native
12 American youth, 18.9 percent of Black youth, and
13 14.3 percent of Latino youth between the ages of 16
14 and 24 were disconnected from school and work in
15 2015.

16 (4) Disconnected youth are also three times
17 more likely than other youth to have a disability,
18 twice as likely to live below the Federal poverty
19 threshold, and significantly more likely to live in ra-
20 cially segregated neighborhoods. Disconnected young
21 women and girls are three times more likely to have
22 a child, and young people involved in the juvenile
23 justice system or aging out of the foster care system
24 are at high risk of disconnection.

1 (5) Disconnection from school and work can
2 have significant consequences for youth, including
3 decreased earning power and fewer future employ-
4 ment opportunities. According to the 2012 report,
5 “The Economic Value of Opportunity Youth”, dis-
6 connected youth will, on average, earn \$392,070 less
7 than the average worker over their lifetimes.

8 (6) Failure to successfully connect young people
9 to employment and educational opportunities also re-
10 sults in a significant loss in productivity for the
11 overall economy, as well as increases in government
12 spending. According to a recent report from Meas-
13 ure of America, in 2013, youth disconnection re-
14 sulted in \$26.8 billion in public expenditures, includ-
15 ing spending on health care, public assistance, and
16 incarceration.

17 (7) Disconnected young people, commonly re-
18 ferred to as “opportunity youth” because of their
19 tremendous potential, can add great social and eco-
20 nomic value to our communities and the economy, if
21 given the appropriate supports and resources. Ac-
22 cording to the Opportunity Index, an annual meas-
23 urement of opportunity in a geographic region, the
24 number of opportunity youth, along with educational
25 attainment and poverty rates, are strongly linked to

1 overall opportunity in communities. When young
2 adults do well, communities do well.

3 (8) Despite their talent and motivation, many
4 opportunity youth lack access to the training, edu-
5 cation, and entry-level jobs that can help them gain
6 the work experience and credentials needed to suc-
7 cessfully transition into the labor market.

8 (9) Lack of access to entry-level jobs can limit
9 a young adult's ability to accrue early work experi-
10 ence and demonstrate productivity and work readi-
11 ness to potential employers. Labor market shifts
12 have also limited opportunities for young people
13 without a high school diploma or with limited post-
14 secondary credentials.

15 (10) Summer and year-round youth employ-
16 ment programs that connect young people with
17 entry-level jobs give youth the work experience and
18 opportunity for skill development needed to transi-
19 tion into the labor market and prevent points of dis-
20 connection, such as involvement in the criminal and
21 juvenile justice systems.

22 (11) Evidence suggests that summer youth em-
23 ployment programs may help in-school youth remain
24 connected to the education system. A 2014 study of
25 the New York City Summer Youth Employment

1 Program found that after program participation,
2 youth older than 16 increased their school attend-
3 ance by four or five additional days compared to
4 their previous fall semester attendance. This attend-
5 ance increase represented 25 percent of the total
6 days students were permitted to miss school and still
7 continue on to the next grade.

8 (12) Evidence shows that participation in sum-
9 mer youth employment programs also reduces the
10 rate of violent crimes arrests. For example, a 2014
11 study of Chicago's One Summer Plus program
12 shows that the program reduced violent crime ar-
13 rests among at-risk youth by approximately 43 per-
14 cent, with crime reduction benefits lasting over a
15 year after the program had ended. This reduction
16 can have significant impact for young people, given
17 the impact of a criminal record on future employ-
18 ment prospects and wages.

19 (13) Despite its benefits, summer youth em-
20 ployment has declined by more than 40 percent dur-
21 ing the past 12 years, at a loss of more than 3 mil-
22 lion summer jobs for young Americans. A J.P. Mor-
23 gan Chase study of 14 major U.S. cities found that
24 summer youth employment programs were only able

1 to provide opportunities for 46 percent of applicants
2 in 2014.

3 (14) According to research by Measure of
4 America, the overwhelming number of youth discon-
5 nected from school and work come from discon-
6 nected communities marked by high adult unemploy-
7 ment, poverty, and racial segregation, as well as low
8 levels of adult education attainment. These commu-
9 nities often lack the resources and supports needed
10 to prevent and reverse youth disconnection.

11 (15) Many at-risk or opportunity youth, finding
12 that traditional pathways to educational attainment
13 or employment are ill-matched to their individual
14 needs, struggle to remain connected or reconnect to
15 school and work.

16 (16) For some youth, individual barriers—such
17 as unstable housing, lack access to affordable child
18 care or transportation, or involvement in the juvenile
19 or criminal justice system—make it difficult to take
20 advantage of existing employment and education
21 pathways.

22 (17) According the 2016 report, “Supportive
23 Services in Job Training and Education: A Research
24 Review”, studies suggest that education and training
25 programs that offer supportive services, such as

1 child care, transportation, and financial assistance,
2 are associated with improved outcomes.

3 (18) Community-based preventions and inter-
4 ventions can address the distinct problems oppor-
5 tunity youth may face in the local community and
6 provide a connection to the education and training,
7 re-engagement, and supportive services needed to
8 help these young people succeed.

9 (19) Previous Federal grant programs targeting
10 communities with high rates of poverty have been
11 successful in building such communities' capacity to
12 improve labor market participation and education at-
13 tainment rates for young people.

14 **SEC. 12103. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to the Sec-
16 retary of Labor—

17 (1) \$1,500,000,000 to carry out section 12105;

18 (2) \$2,000,000,000 to carry out section 12106;

19 and

20 (3) \$2,000,000,000 to provide competitive
21 grants in accordance with section 12107.

22 **SEC. 12104. RESERVATION OF FUNDS FOR ADMINISTRATIVE**
23 **AND OTHER PURPOSES.**

24 (a) RESERVATION OF FUNDS.—The Secretary of
25 Labor shall reserve—

1 (1) not more than 5 percent of amounts avail-
2 able under each of paragraphs (1) through (3) of
3 section 12103 for the costs of innovation and learn-
4 ing activities under section 12110;

5 (2) not more than 5 percent of amounts avail-
6 able under each of paragraphs (1) through (3) of
7 section 12103 for the costs of Federal administra-
8 tion of this subtitle; and

9 (3) not more than 2 percent of amounts avail-
10 able under each of paragraphs (1) through (3) of
11 section 12103 for the costs of evaluations conducted
12 under section 12111.

13 (b) PERIOD OF AVAILABILITY.—The amounts appro-
14 priated under this subtitle shall be available for obligation
15 by the Secretary of Labor until the date that is 4 years
16 after the date of enactment of this Act.

17 **SEC. 12105. SUMMER EMPLOYMENT OPPORTUNITIES FOR**
18 **AT-RISK YOUTH.**

19 (a) IN GENERAL.—Of the amounts available under
20 section 12103(1) that are not reserved under section
21 12104, the Secretary of Labor shall, for the purpose of
22 carrying out summer employment programs under this
23 section—

24 (1) make an allotment in accordance with sec-
25 tion 127(b)(1)(C)(ii) of the Workforce Innovation

1 and Opportunity Act (29 U.S.C. 3162(b)(1)(C)(ii))
2 to each State that meets the requirements of section
3 102 or 103 of such Act (29 U.S.C. 3112, 3113);

4 (2) reserve not more than one-quarter of 1 per-
5 cent of such amounts to provide assistance to the
6 outlying areas; and

7 (3) reserve not more than 1½ percent of such
8 amount to, on a competitive basis, make grants to,
9 or enter into contracts or cooperative agreements
10 with, Indian tribes, tribal organizations, Alaska Na-
11 tive entities, Indian-controlled organizations serving
12 Indians, or Native Hawaiian organizations to carry
13 out the activities described in subsection (d)(2).

14 (b) WITHIN STATE ALLOCATIONS.—

15 (1) IN GENERAL.—The Governor of a State, in
16 accordance with the State plan developed under sec-
17 tion 102 or 103 of the Workforce Innovation and
18 Opportunity Act (29 U.S.C. 3112, 3113), shall allo-
19 cate the amounts that are allotted to the State
20 under subsection (a)(1) to eligible local areas in ac-
21 cordance with section 128(b)(2)(A) of the Workforce
22 Innovation and Opportunity Act (29 U.S.C.
23 3163(b)(2)(A)) for the purpose of developing and ex-
24 panding summer employment programs under this
25 section.

1 (2) SUPPLEMENT NOT SUPPLANT.—Funds
2 made available for summer youth employment pro-
3 grams under this section shall supplement and not
4 supplant other State or local public funds expended
5 for summer youth employment programs or other
6 youth activities funded under section 129 of the
7 Workforce Innovation and Opportunity Act (29
8 U.S.C. 3163).

9 (3) REALLOCATION AMONG LOCAL AREAS.—The
10 Governor may, after consultation with the State
11 board, reallocate to eligible local areas within the
12 State amounts that are made available to local areas
13 from allocations made under this section and that
14 are available for reallocation in accordance with sec-
15 tion 128(c)(2)–(4) of the Workforce Innovation and
16 Opportunity Act (29 U.S.C. 3163(c)(2)–(4)).

17 (4) LOCAL RESERVATION.—Of the amounts al-
18 located to a local area under paragraph (1), not
19 more than 7 percent of such amounts may be used
20 for the administrative costs, including costs for par-
21 ticipating in regional and national opportunities for
22 in-person peer learning under section 12110.

23 (c) LOCAL PLANS.—

24 (1) IN GENERAL.—The local board of the local
25 area shall develop and submit, in partnership with

1 the chief elected official, a 4-year plan. The plan
2 shall be consistent with the local plan submitted by
3 the local board under section 108 of the Workforce
4 Innovation and Opportunity Act (29 U.S.C. 3123),
5 as determined by the Governor.

6 (2) SUBMISSION.—The plan shall be submitted
7 to the Governor at such time and in such manner
8 as the Governor may reasonably require. A local
9 area may develop and submit to the Governor a local
10 plan for programs under this section and a local
11 plan for programs under section 12106 in lieu of
12 submitting two plans.

13 (3) CONTENTS.—At a minimum, each plan
14 shall include—

15 (A) a description of how the local area will
16 use program funds, in accordance with sub-
17 section (d), to develop or expand summer youth
18 employment programs for each program year;

19 (B) a description of how the local area will
20 recruit eligible youth into the program;

21 (C) the number of individuals expected to
22 participate in the summer employment program
23 each program year;

1 (D) a description of the services, including
2 supportive services, that the summer employ-
3 ment program is expected to provide;

4 (E) reasonable goals for performance ac-
5 countability measures outlined in subsection (i);

6 (F) an assurance that the summer employ-
7 ment program will be aligned with the youth
8 services provided under the Workforce Innova-
9 tion and Opportunity Act (29 U.S.C. 3101 et
10 seq.);

11 (G) an assurance that the local area will
12 adhere to the labor standards outlined in sec-
13 tion 12108; and

14 (H) any other information as the Governor
15 may reasonably require.

16 (d) LOCAL USE OF FUNDS.—

17 (1) YOUTH PARTICIPANT ELIGIBILITY.—To be
18 eligible to participate in activities carried out under
19 this section during any program year, an individual
20 shall, at the time the eligibility determination is
21 made, be either an out-of-school youth or an in-
22 school youth.

23 (2) LOCAL ACTIVITIES.—

24 (A) DEVELOPMENT ACTIVITIES.—A local
25 area that has, at the beginning of the program

1 year, no summer youth employment programs
2 or programs that do not have all program ele-
3 ments described in paragraph (3)(B) shall use
4 unreserved allotted funds to—

5 (i) plan, develop, and carry out activi-
6 ties described in paragraph (3)(B);

7 (ii) at the local area's discretion, de-
8 velop technology infrastructure, including
9 data and management systems, to support
10 program activities;

11 (iii) conduct outreach to youth partici-
12 pants and employers; and

13 (iv) at the local area's discretion, use
14 not more than 25 percent of allocated pro-
15 gram funds to subsidize not more than 75
16 percent of the wages of each youth partici-
17 pant.

18 (B) EXPANSION ACTIVITIES.—A local area
19 that has, at the beginning of the program year,
20 a summer youth employment program that has
21 all program elements described in paragraph
22 (3)(B) shall use unreserved allotted funds to—

23 (i) increase the number of summer
24 employment opportunities, including un-

1 subsidized or partly subsidized opportuni-
2 ties and opportunities in the private sector;

3 (ii) conduct outreach to youth partici-
4 pants and employers;

5 (iii) use allocated program funds to
6 subsidize not more than 50 percent of the
7 wages of each youth participant; and

8 (iv) at the local area's discretion, en-
9 hance activities described in paragraph
10 (3)(B).

11 (3) LOCAL ELEMENTS.—

12 (A) PROGRAM DESIGN.—Programs funded
13 under this section shall match each youth par-
14 ticipant with an appropriate employer, based on
15 factors including the needs of the employer and
16 the age, skill, and informed aspirations of the
17 youth participant, for a high-quality summer
18 employment opportunity, which may not—

19 (i) be less than 4 weeks; and

20 (ii) pay less than the highest of the
21 Federal, State, or local minimum wage.

22 (B) PROGRAM ELEMENTS.—Program ele-
23 ments include—

1 (i) work-readiness training and edu-
2 cational programs to enhance the summer
3 employment opportunity;

4 (ii) coaching and mentoring services
5 for youth participants to enhance the sum-
6 mer employment opportunity and encour-
7 age program completion;

8 (iii) coaching and mentoring services
9 for employers on how to successfully em-
10 ploy each youth participant in meaningful
11 work;

12 (iv) career and college planning serv-
13 ices;

14 (v) high-quality financial literacy edu-
15 cation, including education on the use of
16 credit and financing higher education, and
17 access to safe and affordable banking ac-
18 counts with consumer protections;

19 (vi) supportive services, or connection
20 to existing supportive services, to enable
21 participation in the program;

22 (vii) integration of services provided
23 by the program with existing year-round
24 employment programs, youth development
25 programs, secondary school programs,

1 youth services provided under the Work-
2 force Innovation and Opportunity Act (29
3 U.S.C. 3101 et seq.), and skills training
4 programs funded by the State or Federal
5 Government;

6 (viii) referral of at least 30 percent of
7 participants from or to providers of youth,
8 adult, vocational rehabilitation services,
9 and adult education and literacy services
10 under the Workforce Innovation and Op-
11 portunity Act (29 U.S.C. 3101 et seq.) or
12 skills training programs funded by the
13 State or Federal Government;

14 (ix) rigorous evaluation of programs
15 using research approaches appropriate to
16 programs in different levels of development
17 and maturity, including random assign-
18 ment or quasi-experimental impact evalua-
19 tions, implementation evaluations, pre-ex-
20 perimental studies, and feasibility studies;
21 and

22 (x) commitment and support from
23 mayors or county executives.

24 (C) PRIORITY.—Priority shall be given to
25 summer employment opportunities—

- 1 (i) in existing or emerging in-demand
- 2 industry sectors or occupations; or
- 3 (ii) that meet community needs in the
- 4 public, private, or nonprofit sector.

5 (4) IN-SCHOOL YOUTH PRIORITY.—For any
6 program year, not less than 75 percent of the unre-
7 served funds allotted to local area under this section
8 shall be used to provide summer employment oppor-
9 tunities for in-school youth.

10 (e) REPORTS.—

11 (1) IN GENERAL.—For each year that a local
12 area receives funds under this section, the local area
13 shall submit to the Secretary of Labor and the Gov-
14 ernor a report with—

15 (A) the number of youth participants in
16 the program, including the number of in-school
17 and out-of-school youth;

18 (B) the number of youth participants who
19 completed the summer employment opportunity;

20 (C) the expenditures made from the
21 amounts allocated under this section, including
22 expenditures made to provide youth participants
23 with supportive services;

24 (D) a description of how the local area has
25 used program funds to develop or expand sum-

mer youth employment programs, including a description of program activities and services provided, including supportive services provided and the number of youth participants accessing such services;

(E) the source and amount of funding for the wages of each youth participant;

(F) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (i) for the program;

(G) the average number of hours and weeks worked and the average amount of wages earned by youth participants in the program;

(H) the percent of youth participants placed in employment opportunities in the non-profit, public, and private sectors; and

(I) any other information that the Secretary of Labor determines necessary to monitor the effectiveness of the program.

(2) DISAGGREGATION.—The information required to be reported pursuant to subparagraphs (A), (B), and (G) of paragraph (1) shall be disaggregated by race, ethnicity, sex, age, and subpopulations described in section 129(a)(1)(B)(iii)(I)–

1 (VI) of the Workforce Innovation and Opportunity
 2 Act (29 U.S.C. 3164(a)(1)(B)(iii)(I)–(VI)).

3 (f) PERFORMANCE ACCOUNTABILITY.—Primary indi-
 4 cators of performance shall be the performance metrics de-
 5 scribed in sections 116(b)(2)(A)(i)(V) and
 6 116(b)(2)(A)(ii)(I) of the Workforce Innovation and Op-
 7 portunity Act (29 U.S.C. 3141(b)(2)(A)(i)(V),
 8 3141(b)(2)(A)(ii)(I)) and a work-readiness indicator es-
 9 tablished by the Secretary of Labor.

10 (g) TECHNICAL ASSISTANCE FOR LOCAL AREA FAIL-
 11 URE TO MEET LOCAL PERFORMANCE ACCOUNTABILITY
 12 MEASURES.—If a local area fails to meet performance ac-
 13 countability goals established under local plans for any
 14 program year, the Governor, or, upon request by the Gov-
 15 ernor, the Secretary of Labor, shall provide technical as-
 16 sistance, which may include assistance in the development
 17 of a performance improvement plan.

18 **SEC. 12106. YEAR-ROUND EMPLOYMENT FOR OPPORTUNITY**
 19 **YOUTH.**

20 (a) IN GENERAL.—Of the amounts available under
 21 section 12103(1) that are not reserved under section
 22 12104, the Secretary of Labor shall, for the purpose of
 23 carrying out year-round employment programs under this
 24 section—

1 (1) make an allotment in accordance with sec-
2 tion 127(b)(1)(C)(ii) of the Workforce Innovation
3 and Opportunity Act (29 U.S.C. 3162(b)(1)(C)(ii))
4 to each State that meets the requirements of section
5 102 or 103 of such Act (29 U.S.C. 3112, 3113); and

6 (2) reserve not more than one-quarter of 1 per-
7 cent of such amounts to provide assistance to the
8 outlying areas.

9 (b) WITHIN STATE ALLOCATIONS.—

10 (1) IN GENERAL.—The Governor of a State, in
11 accordance with the State plan developed under sec-
12 tion 102 or 103 of the Workforce Innovation and
13 Opportunity Act (29 U.S.C. 3112, 3113), shall allo-
14 cate the amounts that are allotted to the State
15 under subsection (a)(1) to eligible local areas in ac-
16 cordance with section 128(b)(2)(A) of the Workforce
17 Innovation and Opportunity Act (29 U.S.C.
18 3163(b)(2)(A)) for the purpose of developing and ex-
19 panding year-round employment programs under
20 this section.

21 (2) SUPPLEMENT NOT SUPPLANT.—Funds
22 made available for year-round youth employment
23 programs under this section shall supplement and
24 not supplant other State or local public funds ex-
25 pended for year-round youth employment programs

1 or other youth activities funded under section 129 of
2 the Workforce Innovation and Opportunity Act (29
3 U.S.C. 3163).

4 (3) REALLOCATION AMONG LOCAL AREAS.—The
5 Governor may, after consultation with the State
6 board, reallocate to eligible local areas within the
7 State amounts that are made available to local areas
8 from allocations made under this section and that
9 are available for reallocation in accordance with sec-
10 tion 128(c)(2)–(4) of the Workforce Innovation and
11 Opportunity Act (29 U.S.C. 3163(c)(2)–(4)).

12 (4) LOCAL RESERVATION.—Of the amounts al-
13 located to a local area under paragraph (1), not
14 more than 7 percent of such amounts may be used
15 for the administrative costs, including costs for par-
16 ticipating regional and national opportunities for in-
17 person peer learning under section 12110.

18 (c) LOCAL PLANS.—

19 (1) IN GENERAL.—The local board of the local
20 area shall develop and submit, in partnership with
21 the chief elected official, a 4-year plan. The plan
22 shall be consistent with the local plan submitted by
23 the local board under section 108 of the Workforce
24 Innovation and Opportunity Act (29 U.S.C. 3123),
25 as determined by the Governor.

1 (2) SUBMISSION.—The plan shall be submitted
2 to the Governor at such time and in such manner
3 as the Governor may reasonably require. A local
4 area may develop and submit to the Governor a local
5 plan for programs under this section and a local
6 plan for programs under section 12105 in lieu of
7 submitting two plans.

8 (3) CONTENTS.—At a minimum, each plan
9 shall include—

10 (A) a description of how the local area will
11 use program funds, in accordance with sub-
12 section (d), to develop or expand year-round
13 youth employment programs for each program
14 year;

15 (B) a description of how the local area will
16 recruit eligible youth into the program;

17 (C) the number of individuals expected to
18 participate in the year-round employment pro-
19 gram each program year;

20 (D) a description of the services, including
21 supportive services, that the year-round employ-
22 ment program is expected to provide;

23 (E) reasonable goals for performance ac-
24 countability measures outlined in subsection (i);

1 (F) an assurance that the year-round em-
2 ployment program will be aligned with the
3 youth services provided under the Workforce
4 Innovation and Opportunity Act (29 U.S.C.
5 3101 et seq.);

6 (G) an assurance that the local area will
7 adhere to the labor standards outlined in sec-
8 tion 12108; and

9 (H) any other information as the Governor
10 may reasonably require.

11 (d) LOCAL USE OF FUNDS.—

12 (1) YOUTH PARTICIPANT ELIGIBILITY.—To be
13 eligible to participate in activities carried out under
14 this section during any program year, an individual
15 shall, at the time the eligibility determination is
16 made be an out-of-school youth and unemployed in-
17 dividual.

18 (2) LOCAL ACTIVITIES.—

19 (A) DEVELOPMENT ACTIVITIES.—A local
20 area that has, at the beginning of the program
21 year, no year-round youth employment pro-
22 grams or programs that do not have all pro-
23 gram elements described in paragraph (3)(B)
24 shall use unreserved allotted funds to—

1 (i) plan, develop, and carry out activi-
2 ties described in paragraph (3)(B);

3 (ii) at the local area's discretion, de-
4 velop technology infrastructure, including
5 data and management systems, to support
6 program activities;

7 (iii) conduct outreach to youth partici-
8 pants and employers; and

9 (iv) at the local area's discretion, use
10 not more than 30 percent of allocated pro-
11 gram funds to subsidize the wages of each
12 youth participant.

13 (B) EXPANSION ACTIVITIES.—A local area
14 that has at the beginning of the program year,
15 a year-round youth employment program that
16 has all program elements described in para-
17 graph (3)(B) shall use unreserved allotted
18 funds to—

19 (i) increase the number of year-round
20 employment opportunities, including un-
21 subsidized or partly subsidized opportuni-
22 ties and opportunities in the private sector;

23 (ii) conduct outreach to youth partici-
24 pants and employers;

1 (iii) use allocated program funds to
2 subsidize wages of each youth participant;
3 and

4 (iv) at the local area's discretion, en-
5 hance activities described in paragraph
6 (3)(B).

7 (3) LOCAL ELEMENTS.—

8 (A) PROGRAM DESIGN.—

9 (i) IN GENERAL.—Programs funded
10 under this section shall match each youth
11 participant with an appropriate employer,
12 based on factors including the needs of the
13 employer and the age, skill, and informed
14 aspirations of the youth participant, for
15 high-quality year-round employment, which
16 may not—

17 (I) be less than 180 days and
18 more than 1 year;

19 (II) pay less than the highest of
20 the Federal, State, or local minimum
21 wage; and

22 (III) employ the youth partici-
23 pant for less than 20 hours per week.

24 (ii) EMPLOYER SHARE OF WAGES.—

25 Programs funded under this section shall

1 require not less than 25 percent of the
2 wages of each youth participant to be paid
3 by the employer, except this requirement
4 may be waived for not more than 10 per-
5 cent of youth participants with significant
6 barriers to employment.

7 (B) PROGRAM ELEMENTS.—Program ele-
8 ments include—

9 (i) work-readiness training and edu-
10 cational programs to enhance year-round
11 employment;

12 (ii) coaching and mentoring services
13 for youth participants to enhance the year-
14 round employment opportunity and encour-
15 age program completion;

16 (iii) coaching and mentoring services
17 for employers on how to successfully em-
18 ploy each youth participant in meaningful
19 work;

20 (iv) career and college planning serv-
21 ices;

22 (v) high-quality financial literacy edu-
23 cation, including education on the use of
24 credit and financing higher education, and

1 access to safe and affordable banking ac-
2 counts with consumer protections;

3 (vi) supportive services, or connection
4 to existing supportive services, to enable
5 participation in the program;

6 (vii) integration of services provided
7 by the program with existing youth devel-
8 opment programs, secondary school pro-
9 grams, youth services provided under the
10 Workforce Innovation and Opportunity Act
11 (29 U.S.C. 3101 et seq.), and skills train-
12 ing programs funded by the State or Fed-
13 eral Government;

14 (viii) referral of at least 30 percent of
15 participants from or to providers of youth,
16 adult, vocational rehabilitation services,
17 and adult education and literacy services
18 under the Workforce Innovation and Op-
19 portunity Act (29 U.S.C. 3101 et seq.), or
20 skills training programs funded by the
21 State or Federal Government;

22 (ix) rigorous evaluation of programs
23 using research approaches appropriate to
24 programs in different levels of development
25 and maturity, including random assign-

1 ment or quasi-experimental impact evalua-
2 tions, implementation evaluations, pre-ex-
3 perimental studies, and feasibility studies;
4 and

5 (x) commitment and support from
6 mayors or county executives.

7 (C) PRIORITY.—Priority shall be given to
8 year-round employment opportunities—

9 (i) in existing or emerging in-demand
10 industry sectors or occupations; or

11 (ii) that meet community needs in the
12 public, private, or nonprofit sector.

13 (e) REPORTS.—

14 (1) IN GENERAL.—For each year that a local
15 area receives funds under this section, the local area
16 shall submit to the Secretary of Labor and the Gov-
17 ernor a report with—

18 (A) the number of youth participants in
19 the program;

20 (B) the number of youth participants who
21 completed the year-round employment oppor-
22 tunity;

23 (C) the expenditures made from the
24 amounts allocated under this section, including

1 expenditures made to provide youth participants
2 with supportive services;

3 (D) a description of how the local area has
4 used program funds to develop or expand year-
5 round youth employment programs, including a
6 description of program activities and services
7 provided, including supportive services provided
8 and the number of youth participants accessing
9 such services;

10 (E) the source and amount of funding for
11 the wages of each youth participant;

12 (F) information specifying the levels of
13 performance achieved with respect to the pri-
14 mary indicators of performance described in
15 subsection (f) for the program;

16 (G) the average number of hours and
17 weeks worked and the average amount of wages
18 earned by youth participants in the program;

19 (H) the percent of youth participants
20 placed in employment opportunities in the non-
21 profit, public, and private sectors;

22 (I) the number of youth participants who
23 are asked to remain after the end of the year-
24 round employment and the number of youth

1 participants actually retained for not less than
2 90 days; and

3 (J) any other information that the Sec-
4 retary of Labor determines necessary to mon-
5 itor the effectiveness of the program.

6 (2) DISAGGREGATION.—The information re-
7 quired to be reported pursuant to subparagraphs
8 (A), (B), and (G) of paragraph (1) shall be
9 disaggregated by race, ethnicity, sex, age, and sub-
10 populations described in section 129(a)(1)(B)(iii)(I)–
11 (VI) of the Workforce Innovation and Opportunity
12 Act (29 U.S.C. 3164(a)(1)(B)(iii)(I)–(VI)).

13 (f) PERFORMANCE ACCOUNTABILITY.—Primary indi-
14 cators of performance shall be the performance metrics de-
15 scribed in sections 116(b)(2)(A)(i)(III),
16 116(b)(2)(A)(i)(V), and 116(b)(2)(A)(ii)(I)–(II) of the
17 Workforce Innovation and Opportunity Act (29 U.S.C.
18 3141(b)(2)(A)(i)(III), 3141(b)(2)(A)(i)(V),
19 3141(b)(2)(A)(ii)(I)–(II)) and a work-readiness indicator
20 established by the Secretary of Labor.

21 (g) TECHNICAL ASSISTANCE FOR LOCAL AREA FAIL-
22 URE TO MEET LOCAL PERFORMANCE ACCOUNTABILITY
23 MEASURES.—If a local area fails to meet performance ac-
24 countability goals established under local plans for any
25 program year, the Governor, or upon request by the Gov-

1 ernor, the Secretary of Labor, shall provide technical as-
2 sistance, which may include assistance in the development
3 of a performance improvement plan.

4 **SEC. 12107. CONNECTING-FOR-OPPORTUNITIES COMPETI-**
5 **TIVE GRANT PROGRAM.**

6 (a) IN GENERAL.—Of the amounts available under
7 section 12103(3) that are not reserved under section
8 12104, the Secretary of Labor shall, in consultation with
9 the Secretary of Education, award grants on a competitive
10 basis to assist local community partnerships in improving
11 high school graduation and youth employment rates.

12 (b) LOCAL COMMUNITY PARTNERSHIPS.—

13 (1) MANDATORY PARTNERS.—A local commu-
14 nity partnership shall include at a minimum—

15 (A) one unit of general local government;

16 (B) one local educational agency;

17 (C) one institution of higher education;

18 (D) one local workforce development board;

19 (E) one community-based organization
20 with experience or expertise in working with
21 youth;

22 (F) one public agency serving youth under
23 the jurisdiction of the juvenile justice system or
24 criminal justice system;

1 (G) a State or local child welfare agency;
2 and

3 (H) an agency administering programs
4 under part A of title IV of the Social Security
5 Act (42 U.S.C. 601 et seq.).

6 (2) OPTIONAL PARTNERS.—A local community
7 partnership may also include within the partner-
8 ship—

9 (A) American Job Centers;

10 (B) employers or employer associations;

11 (C) representatives of labor organizations;

12 (D) programs that receive funding under
13 the Juvenile Justice and Delinquency Preven-
14 tion Act (42 U.S.C. 5601 et seq.);

15 (E) public agencies or community-based
16 organizations with expertise in providing coun-
17 seling services, including trauma-informed and
18 gender-responsive counseling;

19 (F) public housing agencies, collaborative
20 applicants, as defined by the McKinney-Vento
21 Homeless Assistance Act (42 U.S.C. 11301 et
22 seq.), or private nonprofit organizations that
23 serve homeless youth and households or foster
24 youth; and

1 (G) other appropriate State and local
2 agencies.

3 (c) APPLICATION.—A local community partnership
4 desiring a grant under this section shall submit to the Sec-
5 retary of Labor an application at such time, in such man-
6 ner, and containing such information as the Secretary may
7 reasonably require. At a minimum, each application shall
8 include a comprehensive plan that—

9 (1) demonstrates sufficient need for the grant
10 in the local population (indicators of need may in-
11 clude high rates of high school dropouts and youth
12 unemployment and a high percentage or number of
13 low-income individuals in the local population);

14 (2) demonstrates the capacity of each local
15 community partnership to carry out the activities de-
16 scribed in subsection (d);

17 (3) is consistent with the local plan submitted
18 by the local board under section 108 of the Work-
19 force Innovation and Opportunity Act (29 U.S.C.
20 3123), the local plan for career and technical edu-
21 cation programs authorized under the Carl D. Per-
22 kins Career and Technical Education Act of 2006
23 (20 U.S.C. 2301 et seq.) (if not part of the Work-
24 force Innovation and Opportunity Act local plan)
25 and the State plan for programs under part A of

1 title IV of the Social Security Act (42 U.S.C. 601
2 et seq.); and

3 (4) includes an assurance that the local commu-
4 nity partnership will adhere to the labor standards
5 outlined in section 12108.

6 (d) USE OF FUNDS.—A local community partnership
7 receiving a grant under this section shall use the grant
8 funds—

9 (1) to target individuals not younger than age
10 14 or older than age 24;

11 (2) to make appropriate use of existing edu-
12 cation, child welfare, social services, and workforce
13 development data collection systems to facilitate the
14 local community partnership's ability to target the
15 individuals described in paragraph (1);

16 (3) to develop wide-ranging paths to higher
17 education and employment, including—

18 (A) using not less than 50 percent of the
19 grant funds to help individuals described in
20 paragraph (1) complete their secondary school
21 education through various alternative means,
22 including through high-quality, flexible pro-
23 grams that utilize evidence-based interventions
24 and provide differentiated services (or path-
25 ways) to students returning to education after

1 exiting secondary school without a regular high
2 school diploma or who, based on their grade or
3 age, are significantly off track to accumulate
4 sufficient academic credits to meet high school
5 graduation requirements, as established by the
6 State;

7 (B) creating career pathways focused on
8 paid work-based learning consisting of on-the-
9 job training and classroom instruction that will
10 lead to credential attainment and prioritize con-
11 nections to registered apprenticeship programs
12 and pre-apprenticeship programs;

13 (C) providing career navigators to provide
14 individuals described in paragraph (1) with pre-
15 employment and employment counseling and to
16 assist such individuals in—

17 (i) finding and securing employment
18 or work-based learning opportunities that
19 pay not less than the highest of the Fed-
20 eral, State, or local minimum wage;

21 (ii) identifying and assessing eligibility
22 for training programs and funding for such
23 programs;

24 (iii) completing necessary paperwork;
25 and

1 (iv) identifying additional services, if
2 needed;

3 (D) connecting individuals described in
4 paragraph (1) with providers of youth services,
5 adult services, vocational rehabilitation services,
6 and adult education and literacy services, under
7 the Workforce Innovation and Opportunity Act
8 (29 U.S.C. 3101 et seq.), career planning serv-
9 ices, and federally and State funded programs
10 that provide skills training; and

11 (E) ensuring that such individuals success-
12 fully transition into pre-apprenticeship pro-
13 grams, registered apprenticeship programs, or
14 programs leading to recognized postsecondary
15 credentials in in-demand industry sectors or oc-
16 cupations;

17 (4) to provide a comprehensive system aimed at
18 preventing the individuals described in paragraph
19 (1) from disconnecting from education, training, and
20 employment and aimed at re-engaging any such indi-
21 vidual who has been disconnected by—

22 (A) providing school-based dropout preven-
23 tion and community-based dropout recovery
24 services, including establishing or improving
25 school district early warning systems that—

1 (i) connect such systems to existing
2 data gathering and reporting systems es-
3 tablished under the Workforce Innovation
4 and Opportunity Act (29 U.S.C. 3101 et
5 seq.) for the purpose of identifying the in-
6 dividuals described in paragraph (1); and

7 (ii) engage any such identified indi-
8 vidual using targeted, evidence-based inter-
9 ventions to address the specific needs and
10 issues of the individual, including chronic
11 absenteeism; and

12 (B) providing the individuals described in
13 paragraph (1) with access to re-engagement
14 services for training programs and employment
15 opportunities and using providers of youth serv-
16 ices under the Workforce Innovation and Op-
17 portunity Act (29 U.S.C. 3101 et seq.) to con-
18 duct intake and refer such individuals and their
19 families to the appropriate re-engagement serv-
20 ice; and

21 (5) to provide a comprehensive system of sup-
22 port for the individuals described in paragraph (1),
23 including—

24 (A) connecting such individuals with pro-
25 fessionals who can—

1 (i) provide case management and
2 counseling services; and

3 (ii) assist such individuals in—

4 (I) developing achievable short-
5 term goals and long-term goals; and

6 (II) overcoming any social, ad-
7 ministrative, or financial barrier that
8 may hinder the achievement of such
9 goals; and

10 (B) providing or connecting participants
11 with available supportive services.

12 (e) PRIORITY IN AWARDS.—In awarding grants
13 under this section, the Secretary of Labor shall give pri-
14 ority to applications submitted by local community part-
15 nerships that include a comprehensive plan that—

16 (1) serves and targets communities with a high
17 percentage or high numbers of low-income individ-
18 uals and high rates of high school dropouts and
19 youth unemployment; and

20 (2) allows the individuals described in para-
21 graph (1) to earn academic credit through various
22 means, including high-quality career and technical
23 education, dual enrollment programs, or work-based
24 learning.

1 (f) GEOGRAPHIC DISTRIBUTION.—The Secretary
2 shall ensure that consideration is given to geographic dis-
3 tribution (such as urban and rural areas) in the awarding
4 of grants under section.

5 (g) PERFORMANCE ACCOUNTABILITY.—For activities
6 funded under this section, the primary indicators of per-
7 formance shall include—

8 (1) the performance metrics described in sec-
9 tions 116(b)(2)(A)(i)(III)–(V) and
10 116(b)(2)(A)(ii)(I)–(II) of the Workforce Innovation
11 and Opportunity Act (29 U.S.C.
12 3141(b)(2)(A)(i)(III)–(V), 3141 (b)(2)(A)(ii)(I)–
13 (II));

14 (2) the four-year adjusted cohort graduation
15 rate and the extended-year adjusted cohort gradua-
16 tion rate in a State that chooses to use such a grad-
17 uation rate, as defined in section 8101(25) of the
18 Elementary and Secondary Education Act of 1965,
19 as amended; and

20 (3) the rate of attaining a recognized equivalent
21 of a diploma, such as a general equivalency diploma.

22 (h) REPORTS.—For each year that a local community
23 partnership administers a program under this section, the
24 local community partnership shall submit to the Secretary
25 of Labor and, if applicable, the State a report on—

1 (1) the number of youth participants in the pro-
2 gram, including the number of in-school and out-of-
3 school youth, disaggregated by race, ethnicity, sex,
4 age, and subpopulations described in section
5 129(a)(1)(B)(iii)(I)–(VII) of the Workforce Innova-
6 tion and Opportunity Act (29 U.S.C.
7 3164(a)(1)(B)(iii)(I)–(VII));

8 (2) the expenditures made from the amounts al-
9 located under this section, including any expendi-
10 tures made to provide youth participants with sup-
11 portive services;

12 (3) a description of program activities and serv-
13 ices provided, including supportive services provided
14 and the number of youth participants accessing such
15 services;

16 (4) information specifying the levels of perform-
17 ance achieved with respect to the primary indicators
18 of performance described in subsection (f) for the
19 program, disaggregated by race, ethnicity, sex, age,
20 and subpopulations described in section
21 129(a)(1)(B)(iii)(I)–(VII) of the Workforce Innova-
22 tion and Opportunity Act (29 U.S.C.
23 3164(a)(1)(B)(iii)(I)–(VII)); and

1 (5) any other information that the Secretary of
2 Labor determines necessary to monitor the effective-
3 ness of the program.

4 **SEC. 12108. LABOR STANDARDS.**

5 Activities funded under this subtitle shall be subject
6 to the requirements and restrictions, including the labor
7 standards, described in section 181 of the Workforce In-
8 vestment Act of 1998 (29 U.S.C. 2931) and the non-
9 discrimination provisions of section 188 of such Act (29
10 U.S.C. 2938), in addition to other applicable Federal laws.

11 **SEC. 12109. PRIVACY.**

12 Nothing in this subtitle—

13 (1) shall be construed to supersede the privacy
14 protections afforded parents and students under sec-
15 tion 444 of the General Education Provisions Act
16 (20 U.S.C. 1232g); or

17 (2) shall be construed to permit the develop-
18 ment of a national database of personally identifi-
19 able information on individuals receiving services
20 under this subtitle.

21 **SEC. 12110. INNOVATION AND LEARNING.**

22 Using funds reserved under section 12104, the Sec-
23 retary shall—

24 (1) provide technical assistance to ensure pro-
25 viders have sufficient organizational capacity, staff

1 training, and expertise to effectively implement pro-
2 grams, described under this subtitle;

3 (2) create regional and national opportunities
4 for in-person peer learning; and

5 (3) provide on a competitive basis sub-grants to
6 States and local areas to conduct pilots and dem-
7 onstrations using emerging and evidence-based best
8 practices, and models for youth employment pro-
9 grams and to evaluate such programs using designs
10 that employ the most rigorous analytical and statis-
11 tical methods that are reasonably feasible.

12 **SEC. 12111. EVALUATION AND REPORTS.**

13 (a) EVALUATION.—Not earlier than 1 year or later
14 than 2 years after the end of the award grant period, the
15 Secretary of Labor shall conduct an evaluation of the pro-
16 grams administered under this subtitle.

17 (b) REPORTS TO CONGRESS.—The Secretary of
18 Labor shall transmit to the Committee on Education and
19 the Workforce of the House of Representatives and the
20 Committee on Health, Education, Labor, and Pensions of
21 the Senate not later than 5 years after the end of the
22 award grant period, a final report on the results of the
23 evaluation conducted under subsection (a).

24 **SEC. 12112. DEFINITIONS.**

25 In this subtitle:

1 (1) ESEA TERMS.—The terms “extended-year
2 adjusted cohort graduation rate”, “evidence-based”,
3 “four-year adjusted cohort graduation rate”, “local
4 educational agency”, and “secondary school” have
5 the meanings given such terms in section 8101 of
6 the Elementary and Secondary Education Act of
7 1965 (20 U.S.C. 7801).

8 (2) INSTITUTION OF HIGHER EDUCATION.—The
9 term “institution of higher education” has the
10 meaning given such term in section 101 of the High-
11 er Education Act of 1965 (20 U.S.C. 1001).

12 (3) REGISTERED APPRENTICESHIP PROGRAM.—
13 The term “registered apprenticeship program” has
14 the meaning given such term in section 171(b) of
15 the Workforce Innovation and Opportunity Act (29
16 U.S.C. 3226(b)).

17 (4) OTHER WIOA TERMS.—The terms “adminis-
18 trative costs”, “career and technical education”,
19 “career pathway”, “career planning”, “community-
20 based organization”, “Governor”, “in-demand indus-
21 try sector or occupation”, “in-school youth”, “local
22 area”, “local board”, “low-income individual”, “one-
23 stop center”, “on-the-job training”, “outlying area”,
24 “out-of-school youth”, “school dropout”, “State”,
25 “supportive services”, “unemployed individual”, and

1 “unit of general local government” have the mean-
2 ings given such terms in section 3 of the Workforce
3 Innovation and Opportunity Act (29 U.S.C. 3102).

4 **Subtitle T—Raise the Wage**

5 **SEC. 12201. SHORT TITLE.**

6 This subtitle may be cited as the “Raise the Wage
7 Act”.

8 **SEC. 12202. MINIMUM WAGE INCREASES.**

9 (a) IN GENERAL.—Section 6(a)(1) of the Fair Labor
10 Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended
11 to read as follows:

12 “(1) except as otherwise provided in this sec-
13 tion, not less than—

14 “(A) \$8.40 an hour, beginning on the ef-
15 fective date under section 7 of the Raise the
16 Wage Act;

17 “(B) \$9.50 an hour, beginning 1 year after
18 such effective date;

19 “(C) \$10.60 an hour, beginning 2 years
20 after such effective date;

21 “(D) \$11.70 an hour, beginning 3 years
22 after such effective date;

23 “(E) \$12.80 an hour, beginning 4 years
24 after such effective date;

1 “(F) \$13.90 an hour, beginning 5 years
2 after such effective date;

3 “(G) \$15.00 an hour, beginning 6 years
4 after such effective date; and

5 “(H) beginning on the date that is 7 years
6 after such effective date, and annually there-
7 after, the amount determined by the Secretary
8 under subsection (h);”.

9 (b) DETERMINATION BASED ON INCREASE IN THE
10 MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—Section
11 6 of the Fair Labor Standards Act of 1938 (29 U.S.C.
12 206) is amended by adding at the end the following:

13 “(h)(1) Not later than each date that is 90 days be-
14 fore a new minimum wage determined under subsection
15 (a)(1)(H) is to take effect, the Secretary shall determine
16 the minimum wage to be in effect under this subsection
17 for each period described in subsection (a)(1)(H). The
18 wage determined under this subsection for a year shall
19 be—

20 “(A) not less than the amount in effect under
21 subsection (a)(1) on the date of such determination;

22 “(B) increased from such amount by the annual
23 percentage increase, if any, in the median hourly
24 wage of all employees as determined by the Bureau
25 of Labor Statistics; and

1 “(C) rounded up to the nearest multiple of
2 \$0.05.

3 “(2) In calculating the annual percentage increase in
4 the median hourly wage of all employees for purposes of
5 paragraph (1)(B), the Secretary, through the Bureau of
6 Labor Statistics, shall compile data on the hourly wages
7 of all employees to determine such a median hourly wage
8 and compare such median hourly wage for the most recent
9 year for which data are available with the median hourly
10 wage determined for the preceding year.”.

11 **SEC. 12203. TIPPED EMPLOYEES.**

12 (a) BASE MINIMUM WAGE FOR TIPPED EMPLOYEES
13 AND TIPS RETAINED BY EMPLOYEES.—Section
14 3(m)(2)(A)(i) of the Fair Labor Standards Act of 1938
15 (29 U.S.C. 203(m)(2)(A)(i)) is amended to read as fol-
16 lows:

17 “(i) the cash wage paid such employee, which
18 for purposes of such determination shall be not less
19 than—

20 “(I) for the 1-year period beginning on the
21 effective date under section 12207 of the Raise
22 the Wage Act, \$3.60 an hour;

23 “(II) for each succeeding 1-year period
24 until the hourly wage under this clause equals
25 the wage in effect under section 6(a)(1) for

1 such period, an hourly wage equal to the
2 amount determined under this clause for the
3 preceding year, increased by the lesser of—

4 “(aa) \$1.50; or

5 “(bb) the amount necessary for the
6 wage in effect under this clause to equal
7 the wage in effect under section 6(a)(1) for
8 such period, rounded up to the nearest
9 multiple of \$0.05; and

10 “(III) for each succeeding 1-year period
11 after the increase made pursuant to subclause
12 (II), the minimum wage in effect under section
13 6(a)(1); and”.

14 (b) TIPS RETAINED BY EMPLOYEES.—Section
15 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29
16 U.S.C. 203(m)(2)(A)) is amended—

17 (1) in the second sentence of the matter fol-
18 lowing clause (ii), by striking “of this subsection,
19 and all tips received by such employee have been re-
20 tained by the employee” and inserting “of this sub-
21 section. Any employee shall have the right to retain
22 any tips received by such employee”; and

23 (2) by adding at the end the following: “An em-
24 ployer shall inform each employee of the right and
25 exception provided under the preceding sentence.”.

1 (c) SCHEDULED REPEAL OF SEPARATE MINIMUM
2 WAGE FOR TIPPED EMPLOYEES.—

3 (1) TIPPED EMPLOYEES.—Section 3(m)(2)(A)
4 of the Fair Labor Standards Act of 1938 (29 U.S.C.
5 203(m)(2)(A)), as amended by subsections (a) and
6 (b), is further amended by striking the sentence be-
7 ginning with “In determining the wage an employer
8 is required to pay a tipped employee,” and all that
9 follows through “of this subsection.” and inserting
10 “The wage required to be paid to a tipped employee
11 shall be the wage set forth in section 6(a)(1).”.

12 (2) PUBLICATION OF NOTICE.—Subsection (i)
13 of section 6 of the Fair Labor Standards Act of
14 1938 (29 U.S.C. 206), as amended by section
15 12205, is further amended by striking “or in accord-
16 ance with subclause (II) or (III) of section
17 3(m)(2)(A)(i)”.

18 (3) EFFECTIVE DATE.—The amendments made
19 by paragraphs (1) and (2) shall take effect on the
20 date that is 1 day after the date on which the hourly
21 wage under subclause (III) of section 3(m)(2)(A)(i)
22 of the Fair Labor Standards Act of 1938 (29 U.S.C.
23 203(m)(2)(A)(i)), as amended by subsection (a),
24 takes effect.

1 **SEC. 12204. NEWLY HIRED EMPLOYEES WHO ARE LESS**
2 **THAN 20 YEARS OLD.**

3 (a) BASE MINIMUM WAGE FOR NEWLY HIRED EM-
4 PLOYEES WHO ARE LESS THAN 20 YEARS OLD.—Section
5 6(g)(1) of the Fair Labor Standards Act of 1938 (29
6 U.S.C. 206(g)(1)) is amended by striking “a wage which
7 is not less than \$4.25 an hour.” and inserting the fol-
8 lowing: “a wage at a rate that is not less than—

9 “(A) for the 1-year period beginning on the ef-
10 fective date under section 12207 of the Raise the
11 Wage Act, \$5.50 an hour;

12 “(B) for each succeeding 1-year period until the
13 hourly wage under this paragraph equals the wage
14 in effect under section 6(a)(1) for such period, an
15 hourly wage equal to the amount determined under
16 this paragraph for the preceding year, increased by
17 the lesser of—

18 “(i) \$1.25; or

19 “(ii) the amount necessary for the wage in
20 effect under this paragraph to equal the wage
21 in effect under section 6(a)(1) for such period,
22 rounded up to the nearest multiple of \$0.05;
23 and

24 “(C) for each succeeding 1-year period after the
25 increase made pursuant to subparagraph (B)(ii), the
26 minimum wage in effect under section 6(a)(1).”.

1 (b) SCHEDULED REPEAL OF SEPARATE MINIMUM
2 WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS
3 THAN 20 YEARS OLD.—

4 (1) IN GENERAL.—Section 6(g) of the Fair
5 Labor Standards Act of 1938 (29 U.S.C. 206(g)), as
6 amended by subsection (a), shall be repealed.

7 (2) PUBLICATION OF NOTICE.—Subsection (i)
8 of section 6 of the Fair Labor Standards Act of
9 1938 (29 U.S.C. 206), as amended by section
10 12203(c)(2), is further amended by striking “or sub-
11 paragraph (B) or (C) of subsection (g)(1),”.

12 (3) EFFECTIVE DATE.—The repeal and amend-
13 ment made by paragraphs (1) and (2), respectively,
14 shall take effect on the date that is 1 day after the
15 date on which the hourly wage under subparagraph
16 (C) of section 6(g)(1) of the Fair Labor Standards
17 Act of 1938 (29 U.S.C. 206(g)(1)), as amended by
18 subsection (a), takes effect.

19 **SEC. 12205. PUBLICATION OF NOTICE.**

20 Section 6 of the Fair Labor Standards Act of 1938
21 (29 U.S.C. 206), as amended by the preceding sections,
22 is further amended by adding at the end the following:
23 “(i) Not later than 60 days prior to the effective date
24 of any increase in the required wage determined under
25 subsection (a)(1) or subparagraph (B) or (C) of subsection

1 (g)(1), or in accordance with subclause (II) or (III) of sec-
 2 tion 3(m)(2)(A)(i) or section 14(c)(1)(A), the Secretary
 3 shall publish in the Federal Register and on the website
 4 of the Department of Labor a notice announcing each in-
 5 crease in such required wage.”.

6 **SEC. 12206. PROMOTING ECONOMIC SELF-SUFFICIENCY**
 7 **FOR INDIVIDUALS WITH DISABILITIES.**

8 (a) WAGES.—

9 (1) TRANSITION TO FAIR WAGES FOR INDIVID-
 10 UALS WITH DISABILITIES.—Subparagraph (A) of
 11 section 14(c)(1) of the Fair Labor Standards Act of
 12 1938 (29 U.S.C. 214(c)(1)) is amended to read as
 13 follows:

14 “(A) at a rate that equals, or exceeds, for each
 15 year, the greater of—

16 “(i)(I) \$4.25 an hour, beginning 1 year
 17 after the date the wage rate specified in section
 18 6(a)(1)(A) takes effect;

19 “(II) \$6.40 an hour, beginning 2 years
 20 after such date;

21 “(III) \$8.55 an hour, beginning 3 years
 22 after such date;

23 “(IV) \$10.70 an hour, beginning 4 years
 24 after such date;

1 “(V) \$12.85 an hour, beginning 5 years
2 after such date; and

3 “(VI) the wage rate in effect under section
4 6(a)(1), on the date that is 6 years after the
5 date the wage specified in section 6(a)(1)(A)
6 takes effect; or

7 “(ii) if applicable, the wage rate in effect
8 on the day before the date of enactment of the
9 Raise the Wage Act for the employment, under
10 a special certificate issued under this para-
11 graph, of the individual for whom the wage rate
12 is being determined under this subparagraph,”.

13 (2) PROHIBITION ON NEW SPECIAL CERTIFI-
14 CATES; SUNSET.—Section 14(c) of the Fair Labor
15 Standards Act of 1938 (29 U.S.C. 214(c)) (as
16 amended by paragraph (1)) is further amended by
17 adding at the end the following:

18 “(6) PROHIBITION ON NEW SPECIAL CERTIFI-
19 CATES.—Notwithstanding paragraph (1), the Sec-
20 retary shall not issue a special certificate under this
21 subsection to an employer that was not issued a spe-
22 cial certificate under this subsection before the date
23 of enactment of the Raise the Wage Act.

24 “(7) SUNSET.—Beginning on the day after the
25 date on which the wage rate described in paragraph

1 (1)(A)(i)(VI) takes effect, the authority to issue spe-
2 cial certificates under paragraph (1) shall expire,
3 and no special certificates issued under paragraph
4 (1) shall have any legal effect.

5 “(8) TRANSITION ASSISTANCE.—Upon request,
6 the Secretary shall provide—

7 “(A) technical assistance and information
8 to employers issued a special certificate under
9 this subsection for the purposes of—

10 “(i) transitioning the practices of such
11 employers to comply with this subsection,
12 as amended by the Raise the Wage Act;
13 and

14 “(ii) ensuring continuing employment
15 opportunities for individuals with disabili-
16 ties receiving a special minimum wage
17 rate under this subsection; and

18 “(B) information to individuals employed
19 at a special minimum wage rate under this sub-
20 section, which may include referrals to Federal
21 or State entities with expertise in competitive
22 integrated employment.”.

23 (3) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect on the date of en-
25 actment of this Act.

1 (b) PUBLICATION OF NOTICE.—

2 (1) AMENDMENT.—Subsection (i) of section 6
3 of the Fair Labor Standards Act of 1938 (29 U.S.C.
4 206), as amended by section 12204(b)(2), is further
5 amended by striking “or section 14(c)(1)(A),”.

6 (2) EFFECTIVE DATE.—The amendment made
7 by paragraph (1) shall take effect on the day after
8 the date on which the wage rate described in para-
9 graph (1)(A)(i)(VI) of section 14(c) of the Fair
10 Labor Standards Act of 1938 (29 U.S.C. 214(c)), as
11 amended by subsection (a)(1), takes effect.

12 **SEC. 12207. GENERAL EFFECTIVE DATE.**

13 Except as otherwise provided in this subtitle or the
14 amendments made by this subtitle, this subtitle and the
15 amendments made by this subtitle shall take effect—

16 (1) subject to paragraph (2), on the first day
17 of the third month that begins after the date of en-
18 actment of this Act; and

19 (2) with respect to the Commonwealth of the
20 Northern Mariana Islands, on the date that is 18
21 months after the effective date described in para-
22 graph (1).

1 **SEC. 12208. GAO REPORT ON THE COMMONWEALTH OF THE**
2 **NORTHERN MARIANA ISLANDS.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Comptroller General shall submit to the
5 Education and Labor Committee of the House of Rep-
6 resentatives and the Committee on Health, Education,
7 Labor, and Pensions of the Senate a report that, with re-
8 spect to the Commonwealth of the Northern Mariana Is-
9 lands—

10 (1) assesses the status and structure of the
11 economy (including employment, earnings and
12 wages, and key industries); and

13 (2) for each year in which a wage increase will
14 take effect under subsection (a)(1) or (g)(1) of sec-
15 tion 6, section 3(m)(2)(A)(i), or section 14(c)(1)(A)
16 of the Fair Labor Standards Act of 1938 (29 U.S.C.
17 201 et seq.), as amended by this subtitle, estimates
18 the proportion of employees who will be directly af-
19 fected by each such wage increase taking effect for
20 such year, disaggregated by industry and occupa-
21 tion.

22 **SEC. 12209. GAO REPORT ON WAGE INCREASE IMPACT.**

23 (a) IN GENERAL.—Not later than 90 days before the
24 date of the third wage increase to first take effect after
25 the date of enactment of this Act, the Comptroller Gen-
26 eral, in consultation with the persons described in sub-

1 section (b), shall prepare and submit to Congress a report,
2 that—

3 (1) identifies and analyzes the effects, in the
4 aggregate, of the first wage increases and second
5 wage increases after such date of enactment on busi-
6 ness enterprises (including small business enter-
7 prises) including the effects, with respect to such en-
8 terprises, on—

9 (A) the wages and compensation of em-
10 ployees;

11 (B) the number of employees,
12 disaggregated by full-time and part-time em-
13 ployees;

14 (C) the prices, sales, and revenues;

15 (D) employee turnover and retention;

16 (E) hiring and training costs; and

17 (F) productivity and absenteeism;

18 (2) to the extent practicable, identifies such ef-
19 fects in isolation from other factors that may affect
20 business enterprises (including small business enter-
21 prises), including—

22 (A) broader economic conditions;

23 (B) changes in Federal, State, and local
24 law, policy, and regulation;

25 (C) industry consolidation;

1 (D) natural disasters; and

2 (E) significant demographic changes;

3 (3) to the extent practicable, identifies and ana-
4 lyzes such effects for the Nation as a whole, and,
5 separately, for—

6 (A) each census division, as designated by
7 the Bureau of the Census;

8 (B) each metropolitan statistical area and
9 nonmetropolitan portion (as such terms are de-
10 fined by the Office of Management and Budget
11 with respect to 2013); and

12 (C) each urbanized area, urbanized cluster,
13 and rural area, as designated by the Bureau of
14 the Census; and

15 (4) describes the methodology used to generate
16 the information in the report.

17 (b) EXPERT CONSULTATION.—The persons described
18 in this subsection are—

19 (1) labor economists with expertise in minimum
20 wage and low wage labor markets;

21 (2) workers (including agricultural workers),
22 and the labor organizations and worker groups rep-
23 resenting such workers;

24 (3) representatives of businesses, including
25 small businesses, agricultural employers, and busi-

1 nesses in the accommodation and food services sec-
 2 tor;

3 (4) State and local governments; and

4 (5) the Board of Governors of the Federal Re-
 5 serve System.

6 (c) CONGRESSIONAL ASSESSMENT AND REC-
 7 OMMENDATIONS.—Not later than 60 days after the date
 8 on which Congress receives the report under subsection
 9 (a), Congress shall—

10 (1) assess the findings of such report; and

11 (2) make recommendations with respect to ac-
 12 tions of Congress to address the findings of such re-
 13 port, including actions to delay the next scheduled
 14 wage increases.

15 (d) WAGE INCREASE DEFINED.—The term “wage in-
 16 crease” means an increase in wages that takes effect
 17 under subsection (a)(1) or (g)(1) of section 6, section
 18 3(m)(2)(A)(i), or section 14(c)(1)(A) of the Fair Labor
 19 Standards Act of 1938 (29 U.S.C. 201 et seq.), as amend-
 20 ed by this subtitle.

21 **Subtitle U—Pay Equity for All**

22 **SEC. 12301. SHORT TITLE.**

23 This subtitle may be cited as the “Pay Equity for
 24 All Act of 2020”.

1 **SEC. 12302. PROHIBITIONS RELATING TO PROSPECTIVE**
2 **EMPLOYEES' SALARY AND BENEFIT HISTORY.**

3 (a) IN GENERAL.—The Fair Labor Standards Act of
4 1938 (29 U.S.C. 201 et seq.) is amended by inserting
5 after section 7 the following new section:

6 **“SEC. 8. REQUIREMENTS AND PROHIBITIONS RELATING TO**
7 **WAGE, SALARY, AND BENEFIT HISTORY.**

8 “(a) IN GENERAL.—It shall be an unlawful practice
9 for an employer to—

10 “(1) rely on the wage history of a prospective
11 employee in considering the prospective employee for
12 employment, including requiring that a prospective
13 employee's prior wages satisfy minimum or max-
14 imum criteria as a condition of being considered for
15 employment;

16 “(2) rely on the wage history of a prospective
17 employee in determining the wages for such prospec-
18 tive employee, except that an employer may rely on
19 wage history if it is voluntarily provided by a pro-
20 spective employee, after the employer makes an offer
21 of employment with an offer of compensation to the
22 prospective employee, to support a wage higher than
23 the wage offered by the employer;

24 “(3) seek from a prospective employee or any
25 current or former employer the wage history of the
26 prospective employee, except that an employer may

1 seek to confirm prior wage information only after an
2 offer of employment with compensation has been
3 made to the prospective employee and the prospec-
4 tive employee responds to the offer by providing
5 prior wage information to support a wage higher
6 than that offered by the employer; or

7 “(4) discharge or in any other manner retaliate
8 against any employee or prospective employee be-
9 cause the employee or prospective employee—

10 “(A) opposed any act or practice made un-
11 lawful by this section; or

12 “(B) took an action for which discrimina-
13 tion is forbidden under section 15(a)(3).

14 “(b) DEFINITION.—In this section, the term ‘wage
15 history’ means the wages paid to the prospective employee
16 by the prospective employee’s current employer or previous
17 employer.”.

18 (b) PENALTIES.—Section 16 of such Act (29 U.S.C.
19 216) is amended by adding at the end the following new
20 subsection:

21 “(f)(1) Any person who violates the provisions of sec-
22 tion 8 shall—

23 “(A) be subject to a civil penalty of \$5,000 for
24 a first offense, increased by an additional \$1,000 for
25 each subsequent offense, not to exceed \$10,000; and

1 “(B) be liable to each employee or prospective
 2 employee who was the subject of the violation for
 3 special damages not to exceed \$10,000 plus attor-
 4 neys’ fees, and shall be subject to such injunctive re-
 5 lief as may be appropriate.

6 “(2) An action to recover the liability described in
 7 paragraph (1)(B) may be maintained against any em-
 8 ployer (including a public agency) in any Federal or State
 9 court of competent jurisdiction by any one or more em-
 10 ployees or prospective employees for and on behalf of—

11 “(A) the employees or prospective employees;
 12 and

13 “(B) other employees or prospective employees
 14 similarly situated.”.

15 **Subtitle V—21st Century** 16 **Investment**

17 **SEC. 12601. SHORT TITLE.**

18 This subtitle may be cited as the “21st Century In-
 19 vestment Act of 2020”.

20 **SEC. 12602. INCREASE IN RESEARCH CREDIT FOR CON-** 21 **TRACTED RESEARCH WITH UNITED STATES** 22 **BUSINESSES.**

23 (a) IN GENERAL.—Section 41 of the Internal Rev-
 24 enue Code of 1986 is amended by adding at the end the
 25 following new subsection:

1 “(i) SPECIAL RULE FOR CONTRACTED RESEARCH
2 WITH UNITED STATES MANUFACTURING BUSINESS.—

3 “(1) IN GENERAL.—If the taxpayer elects the
4 application of this subsection, subsection (a)(1) shall
5 be applied by substituting ‘25 percent’ for ‘20 per-
6 cent’ with respect to qualified United States re-
7 search expenses.

8 “(2) QUALIFIED UNITED STATES RESEARCH
9 EXPENSES.—For purposes of this subsection, the
10 term ‘qualified United States research expenses’
11 means any amount paid or incurred by the taxpayer
12 to any person (other than an employee of the tax-
13 payer) for qualified research, substantially all of
14 which occurs in the United States.

15 “(3) SEPARATE APPLICATION OF SECTION.—In
16 the case of any election of the application of this
17 subsection, this section shall be applied separately
18 with respect to qualified United States research ex-
19 penses.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to amounts paid or incurred in tax-
22 able years beginning after the date of the enactment of
23 this Act.

Subtitle W—Protection of Social Security Benefits Restoration

SEC. 12801. SHORT TITLE.

This subtitle may be cited as the “Protection of Social Security Benefits Restoration Act”.

SEC. 12802. PROTECTING SOCIAL SECURITY, RAILROAD RETIREMENT, AND BLACK LUNG BENEFITS FROM ADMINISTRATIVE OFFSET.

(a) PROHIBITION ON ADMINISTRATIVE OFFSET AUTHORITY.—

(1) ASSIGNMENT UNDER SOCIAL SECURITY ACT.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

“(d) Subparagraphs (A), (C), and (D) of section 3716(c)(3) of title 31, United States Code, as such subparagraphs were in effect on the date before the date of enactment of the Protection of Social Security Benefits Restoration Act, shall be null and void and of no effect.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 14(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(a)) is amended by adding at the end the following: “. The provisions of section 207(d) of the Social Security Act shall apply with respect to this

1 title to the same extent as they apply in the
2 case of title II of such Act.”.

3 (B) Section 2(e) of the Railroad Unem-
4 ployment Insurance Act (45 U.S.C. 352(e)) is
5 amended by adding at the end the following:
6 “The provisions of section 207(d) of the Social
7 Security Act shall apply with respect to this
8 title to the same extent as they apply in the
9 case of title II of such Act.”

10 (b) REPEAL OF ADMINISTRATIVE OFFSET AUTHOR-
11 ITY.—

12 (1) IN GENERAL.—Paragraph (3) of section
13 3716(c) of title 31, United States Code, is amend-
14 ed—

15 (A) by striking “(3)(A)(i) Notwith-
16 standing” and all that follows through “any
17 overpayment under such program).”;

18 (B) by striking subparagraphs (C) and
19 (D); and

20 (C) by redesignating subparagraph (B) as
21 paragraph (3).

22 (2) CONFORMING AMENDMENT.—Paragraph (5)
23 of such section is amended by striking “the Commis-
24 sioner of Social Security and”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to any collection by administrative
3 offset occurring on or after the date of enactment of this
4 Act of a claim arising before, on, or after the date of en-
5 actment of this Act.

6 **Subtitle X—Federal Jobs**
7 **Guarantee Development**

8 **SEC. 12901. SHORT TITLE.**

9 This subtitle may be cited as the “Federal Jobs
10 Guarantee Development Act of 2020”.

11 **SEC. 12902. JOB GUARANTEE PILOT PROGRAM.**

12 (a) DEFINITIONS.—In this section:

13 (1) ELIGIBLE ENTITY.—The term “eligible enti-
14 ty” means an entity that—

15 (A) is a political subdivision of a State,
16 Tribal entity, or a combination of contiguous
17 political subdivisions or Tribal entities;

18 (B) has an unemployment rate that is not
19 less than 150 percent of the national unemploy-
20 ment rate, as determined by the Bureau of
21 Labor Statistics (except in the case of Tribal
22 entities which may submit their own employ-
23 ment data where no such Federal data is avail-
24 able for such entities) based on the most recent

1 data available at the time the Secretary solicits
2 applications for grants under this section; and

3 (C) submits an application in accordance
4 with subsection (d).

5 (2) JOB GUARANTEE PROGRAM.—The term
6 “job guarantee program” means a program that
7 meets the requirements of subsection (c).

8 (3) RURAL AREA.—The term “rural area”
9 means an area that is located outside of an urban
10 area.

11 (4) TRIBAL ENTITY.—The term “Tribal entity”
12 means an Indian tribe or tribal organization as such
13 terms are defined in section 4 of the Indian Self-De-
14 termination Act (25 U.S.C. 5304).

15 (5) URBAN AREA.—The term “urban area”
16 means an urbanized area (a region of 50,000 or
17 more residents) and an urbanized cluster (and area
18 encompassing between 2,500 and 50,000 residents),
19 according to the Census Bureau’s urban-rural classi-
20 fication in the 2010 census.

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of Labor.

23 (7) WIOA DEFINITIONS.—The terms “adult
24 education and literacy activities”, “career planning”,
25 “individual with a barrier to employment”, “in-de-

1 mand industry sector or occupation”, “local board”,
2 “recognized postsecondary credential”, “State
3 board”, “supportive services”, and “workplace learn-
4 ing advisor” have the meanings given such terms in
5 section 3 of the Workforce Innovation and Oppor-
6 tunity Act (29 U.S.C. 3102).

7 (b) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Secretary shall establish
9 a pilot program to provide competitive grants to eli-
10 gible entities to establish programs to ensure that
11 any individual within the area served by the entity
12 who applies for a job through the program will be
13 provided with employment as provided for in this
14 section.

15 (2) TERMINATION.—Federal funding for a job
16 guarantee program established under a grant under
17 this section shall terminate on the earlier of—

18 (A) the end of the 3-year period beginning
19 on the date of the grant; or

20 (B) the date of any revocation of the
21 grantee as an eligible entity.

22 (c) JOB GUARANTEE PROGRAMS.—A job guarantee
23 program meets the requirements of this subsection if the
24 jobs provided under such program—

25 (1) are available to all individuals who—

1 (A) are 18 years of age or older; and

2 (B) reside in the area served under the
3 program at the time the area became an eligible
4 entity;

5 except that participants in the program may be dis-
6 ciplined, released, or suspended from further partici-
7 pation in jobs under this program if they are found
8 to be negligent, or generally disruptive to the work-
9 place involved under procedures established by the
10 Secretary that provide for an opportunity for a re-
11 view of such determinations;

12 (2) are, with respect to individual participants,
13 included as part of an established bargaining unit
14 and covered by any applicable collective bargaining
15 agreement in effect if similarly situated employees
16 are part of such unit and represented by an exclu-
17 sive bargaining representative;

18 (3) are available for the duration of the pilot
19 program;

20 (4) provide a wage of not less than the greater
21 of—

22 (A) the hourly wage provided for under the
23 provisions of S. 150 (116th Congress), if en-
24 acted, or the hourly wage otherwise required to

1 be paid to employees in area to be served under
2 the pilot program, whichever is greater;

3 (B) the prevailing wage in the area in-
4 volved for a similar job as required by chapter
5 67 of title 41, United States Code, and other
6 related laws; or

7 (C) the applicable wage under an applica-
8 ble collective bargaining agreement as provided
9 for under paragraph (2);

10 (5) provide for coverage of the worker under a
11 health insurance program that is comparable to that
12 offered to Federal employees under the Federal Em-
13 ployee Health Benefits Program; and

14 (6) provide at a minimum—

15 (A) paid family leave consistent with the
16 provisions of S. 463 (116th Congress) and ap-
17 plicable State law; and

18 (B) paid sick leave consistent with the pro-
19 vision of S. 840 (116th Congress) and applica-
20 ble State law.

21 (d) OTHER USES.—Funds may be used to provide
22 workers in a job guarantee program with—

23 (1) supportive services, which can include trans-
24 portation, child care, dependent care, housing, and
25 needs-related payments, that are necessary to enable

1 an individual to participate in activities authorized
2 under this subtitle;

3 (2) access to a workplace learning advisor to
4 support the education, skill development, job train-
5 ing, career panning, and credentials required to
6 progress toward career goals of such employees in
7 order to meet employer requirements related to job
8 openings and career advancements that support eco-
9 nomic self-sufficiency;

10 (3) adult education and literacy activities, in-
11 cluding those provided by public libraries;

12 (4) activities that assist justice involved individ-
13 uals, formerly incarcerated individuals, and individ-
14 uals with criminal records in reentering the work-
15 force; and

16 (5) financial literacy activities including those
17 described in section 129(b)(2)(D) of the Workforce
18 Innovation and Opportunity Act.

19 (e) APPLICATIONS.—An eligible entity seeking a
20 grant under this section shall submit an application to the
21 Secretary at such time, in such manner, and containing
22 such information as the Secretary may require. Such ap-
23 plication shall include—

24 (1) a description of the geographic area and
25 population that the entity intends to serve under the

1 job guarantee program established under the grant,
2 including the area unemployment rate, underemploy-
3 ment rate, unemployment rate for individuals with
4 disabilities, poverty rate, housing vacancy rate, crime
5 rate, household income, home-ownership rate, labor
6 force participation rate, and educational attainment;

7 (2) to extent practicable, a description of the
8 jobs that will be offered under the job guarantee
9 program, including—

10 (A) a description of supports provided to
11 individuals with disabilities and accommoda-
12 tions required under the Americans with Dis-
13 abilities Act of 1990 (42 U.S.C. 12101 et seq.);
14 and

15 (B) a description of supports and proce-
16 dures to ensure job access and opportunities for
17 individuals with criminal records, including in-
18 formation on physical and programmatic acces-
19 sibility, in accordance with section 188 of the
20 Workforce Innovation and Opportunity Act, if
21 applicable, and the Americans with Disabilities
22 Act of 1990, for individuals with disabilities;

23 (3) the need in the area for jobs to be per-
24 formed, including for jobs designated as a high-skill,

1 high-wage or in-demand industry sector or occupa-
2 tion by the Secretary, State board, or local board;

3 (4) a description of State, local, or philan-
4 thropic funding, including through coordination and
5 in-kind or non-financial support, if any, that will be
6 provided to assist in carrying out the job guarantee
7 program;

8 (5) an assurance that the eligible entity will es-
9 tablish—

10 (A) a public internet website, in conjunc-
11 tion with the Secretary, to post all available
12 jobs under the job guarantee program; and

13 (B) a process for individuals to apply for
14 such jobs;

15 (6) a comprehensive plan to describe how the
16 funding under the program will leverage existing or
17 anticipated local, State, and Federal funding;

18 (7) an assurance that necessary administrative
19 data systems and information technology infrastruc-
20 ture are available, or will be available, to provide for
21 full participation in the evaluation under subsection
22 (k);

23 (8) a description of how the eligible entity will
24 comply with the requirements described in sub-
25 section (c)(6);

1 (9) an assurance that the entity will enter into
2 an allocation agreement with the Secretary under
3 subsection (j)(2)(A); and

4 (10) an assurance that energy and infrastruc-
5 ture jobs provided under the program will not exac-
6 erbate the impacts of climate change.

7 (f) SELECTION.—The Secretary, after reviewing ap-
8 plications from eligible entities, shall award grants under
9 this section to not more than 15 such eligible entities. In
10 awarding such grants, the Secretary shall consider diver-
11 sity in geographic location, urban-rural composition, and
12 political entity, including the representation of Tribal enti-
13 ties.

14 (g) AMOUNT OF GRANT.—

15 (1) ESTABLISHMENT OF FUND.—There is es-
16 tablished in the Treasury of the United States a sep-
17 arate account to be known as the “Job Guarantee
18 Program Trust Fund” (referred to in this section as
19 the “Fund”), consisting of—

20 (A) amounts deposited in the Fund under
21 subsection (l); and

22 (B) any interest earned on investment of
23 amounts in the Fund.

24 (2) USE OF AMOUNTS.—The Secretary shall use
25 amounts in the Fund to make payments to grantees

1 under grants under this section in accordance with
2 paragraph (3).

3 (3) PAYMENTS.—

4 (A) IN GENERAL.—The Secretary shall de-
5 termine the annual amount of a grant under
6 this section based on a formula to be developed
7 by the Secretary.

8 (B) PAYMENTS.—The Secretary shall
9 make payments to grantees under this section
10 in a manner determined appropriate by the Sec-
11 retary. The Secretary shall not make subse-
12 quent payments to a grantee after the initial
13 payment until the grantee certifies to the Sec-
14 retary that the grantee has expended, trans-
15 ferred, or obligated not less than 80 percent of
16 the most recent payment made under this sub-
17 section.

18 (h) LIMITATIONS.—An eligible entity may not use
19 amounts received under a grant under this section to—

20 (1) employ individuals who will replace, or lead
21 to the displacement of, existing employees, positions,
22 or individuals who would otherwise perform similar
23 employment, or disrupt existing contracts and collec-
24 tive bargaining agreements, as defined in section

1 181(b) of the Workforce Innovation and Opportunity
2 Act (Public Law 113–128);

3 (2) perform functions otherwise prohibited by
4 Federal, State, or local laws; and

5 (3) carry out other prohibited activities, as de-
6 termined by the Secretary.

7 (i) FEDERAL PROVISION OF JOBS IN PILOT SITES.—

8 (1) GUIDANCE.—Not later than 30 days after
9 the date on which the Secretary awards the first
10 grant under this section, the Secretary shall—

11 (A) provide guidance to the heads of ap-
12 propriate Federal agencies to notify such agen-
13 cies of job guarantee programs established
14 under such grants; and

15 (B) request that such agencies notify the
16 Secretary, within 30 days of the date on which
17 the guidance is received under paragraph (1),
18 of the number and types of jobs that such agen-
19 cy would make available through each of the
20 programs.

21 (2) APPLICATION OF PROVISIONS.—The re-
22 quirements of subsection (c) relating to wages and
23 benefits provided to participants in jobs provided
24 under job guarantee programs, and the limitations
25 in subsection (h), shall apply to Federal agencies

1 and jobs provided under this subsection, except that
2 a Federal agency shall employ each individual under
3 this subsection for up to three years.

4 (3) LISTING OF JOBS ON WEBSITE.—The Sec-
5 retary shall establish procedures to ensure that jobs
6 identified under paragraph (1)(B) are listed on the
7 appropriate public internet website as provided for
8 under subsection (e)(5)(A).

9 (4) REIMBURSEMENT.—At the end of each fis-
10 cal year, the Secretary shall transfer from the Fund
11 to each Federal agency that employs individuals
12 under a job guarantee program under this section,
13 an amount necessary to reimburse such agency for
14 the full cost of employing each such individual dur-
15 ing such fiscal year.

16 (j) TRAINING.—

17 (1) IN GENERAL.—The Secretary shall develop
18 procedures to support up to 8 weeks of paid training
19 (through privately or publicly funded training pro-
20 grams, such as those provided by the public work-
21 force system) to participants in order to perform du-
22 ties required by job guarantee programs under this
23 section, including a new period of training, not to
24 exceed 8 weeks, prior to commencing any new job
25 under the program.

1 (2) SPECIFIC POPULATIONS.—With respect to
2 certain populations with barriers to employment (as
3 defined in section 3(24) of the Workforce Innovation
4 and Opportunity Act (Public Law 113–128)), the 8-
5 week training period may include specific job-related
6 training and counseling and other general skills
7 training to prepare such individuals to reenter the
8 workforce.

9 (k) PRIORITIES AND AUDITS.—

10 (1) PRIORITIES.—Prior to awarding the initial
11 grants under this section, the Secretary shall issue
12 a list of national job priorities relating to jobs that
13 may be carried out under job guarantee programs,
14 that shall include child care, care for seniors and in-
15 dividuals with disabilities, clean energy jobs, and
16 sustainable infrastructure activities. The Secretary
17 shall take State board and local board suggestions
18 into consideration when issuing such list.

19 (2) AUDITS.—

20 (A) IN GENERAL.—The Secretary, acting
21 through the Inspector General of the Depart-
22 ment of Labor, shall carry out annual audits of
23 the use of grant funds provided to eligible enti-
24 ties under this section.

1 (B) ALLOCATION AGREEMENTS AND MIS-
2 USE OF FUNDS.—

3 (i) ALLOCATION AGREEMENTS.—An
4 eligible entity shall enter into an allocation
5 agreement with the Secretary that shall
6 provide that the Secretary shall recoup any
7 amounts paid to the entity under a grant
8 under this section if the results of an audit
9 under subparagraph (A) include a finding
10 that there was an intentional or reckless
11 misuse of such funds by such entity.

12 (ii) LOSS OF ELIGIBILITY.—An eligi-
13 ble entity that is determined to have fal-
14 sified or otherwise misstated data in any
15 report submitted to the Secretary with the
16 intent to deceive or mislead the Secretary
17 shall be ineligible to receive additional
18 funds under this section.

19 (l) REPORTS.—Not later than 90 days after the end
20 of each calendar year for which an eligible entity obligates
21 or expends any amounts made available under a grant
22 under this section, the eligible entity shall submit to the
23 Secretary a report that—

24 (1) specifies the amount of grant funds obli-
25 gated or expended for the preceding fiscal year;

1 (2) specifies any purposes for which the funds
2 were obligated or expended; and

3 (3) includes any other information that the Sec-
4 retary may require to more effectively administer the
5 grant program under this section, including the indi-
6 cators of performance under section 116(b)(2)(A)(i)
7 of the Workforce Innovation and Opportunity Act
8 (29 U.S.C. 3141(b)(2)(A)(i)), with the performance
9 data disaggregated by race, ethnicity, sex, age, and
10 membership in a population specified in section
11 3(24) of such Act (29 U.S.C. 3102(24)).

12 (m) EVALUATION.—The Chief Evaluation Officer at
13 the Department of Labor shall provide for the conduct of
14 an evaluation of the pilot program, using a rigorous design
15 and evaluation methods to assess the implementation of
16 the programs and their impact on—

17 (1) overall employment, public-sector employ-
18 ment, and private-sector employment;

19 (2) private sector employment, wages, and ben-
20 efits;

21 (3) poverty rate;

22 (4) public assistance spending and other Fed-
23 eral spending in the area served by the program;

24 (5) child health and educational outcomes;

1 (6) health and well-being of those with mental,
2 emotional, and behavioral health needs;

3 (7) incarceration rates;

4 (8) the environment, including air quality and
5 water quality;

6 (9) the indicators of performance as described
7 in subsection (l)(3); and

8 (10) other economic development and individual
9 outcome indicators, as determined by the Secretary.

10 (n) EXPANSION OF WORK OPPORTUNITY CREDIT TO
11 INCLUDE PARTICIPANTS IN JOB GUARANTEE PRO-
12 GRAMS.—

13 (1) IN GENERAL.—Subsection (d) of section 51
14 of the Internal Revenue Code of 1986 is amended—

15 (A) in paragraph (1)—

16 (i) in subparagraph (I), by striking
17 “or” at the end;

18 (ii) in subparagraph (J), by striking
19 the period at the end and inserting “, or”;
20 and

21 (iii) by adding at the end the fol-
22 lowing new subparagraph:

23 “(K) a qualified participant in a job guar-
24 antee program.”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(16) QUALIFIED PARTICIPANT IN A JOB GUAR-
4 ANTEE PROGRAM.—The term ‘qualified participant
5 in a job guarantee program’ means any individual
6 who is certified by the designated local agency as
7 having participated in a job guarantee program
8 under section 2 of the Federal Jobs Guarantee De-
9 velopment Act of 2020 for not less than 3 months
10 during the 6-month period ending on the hiring
11 date.”.

12 (2) EFFECTIVE DATE.—The amendments made
13 by this subsection shall apply to individuals who
14 begin work for the employer after December 31,
15 2019.

16 (o) APPROPRIATIONS.—From funds in the Treasury
17 not otherwise appropriated, there are appropriated to the
18 Secretary such sums as may be necessary to carry out this
19 section.

20 **Subtitle Y—Blue Collar to Green** 21 **Collar Jobs Development**

22 **SEC. 13101. SHORT TITLE.**

23 This subtitle may be cited as the “Blue Collar to
24 Green Collar Jobs Development Act of 2020”.

1 **PART 1—OFFICE OF ECONOMIC IMPACT,**
2 **DIVERSITY, AND EMPLOYMENT**

3 **SEC. 13111. NAME OF OFFICE.**

4 (a) IN GENERAL.—Section 211 of the Department of
5 Energy Organization Act (42 U.S.C. 7141) is amended—

6 (1) in the section heading, by striking “MINOR-
7 ITY ECONOMIC IMPACT” and inserting “ECONOMIC
8 IMPACT, DIVERSITY, AND EMPLOYMENT”; and

9 (2) in subsection (a), by striking “Office of Mi-
10 nority Economic Impact” and inserting “Office of
11 Economic Impact, Diversity, and Employment”.

12 (b) CONFORMING AMENDMENT.—The table of con-
13 tents for the Department of Energy Organization Act is
14 amended by amending the item relating to section 211 to
15 read as follows:

 “Sec. 211. Office of Economic Impact, Diversity, and Employment.”.

16 **SEC. 13112. ENERGY WORKFORCE DEVELOPMENT PRO-**
17 **GRAMS.**

18 Section 211 of the Department of Energy Organiza-
19 tion Act (42 U.S.C. 7141) is amended—

20 (1) by redesignating subsections (f) and (g) as
21 subsections (g) and (h), respectively; and

22 (2) by inserting after subsection (e) the fol-
23 lowing:

24 “(f) The Secretary, acting through the Director, shall
25 establish and carry out the programs described in sections

1 13121 and 13122 of the Blue Collar to Green Collar Jobs
2 Development Act of 2020.”.

3 **SEC. 13113. AUTHORIZATION.**

4 Subsection (h) of section 211 of the Department of
5 Energy Organization Act (42 U.S.C. 7141), as redesign-
6 nated by section 13112 of this subtitle, is amended by
7 striking “not to exceed \$3,000,000 for fiscal year 1979,
8 not to exceed \$5,000,000 for fiscal year 1980, and not
9 to exceed \$6,000,000 for fiscal year 1981. Of the amounts
10 so appropriated each fiscal year, not less than 50 percent
11 shall be available for purposes of financial assistance
12 under subsection (e).” and inserting “\$100,000,000 for
13 each of fiscal years 2021 through 2024.”.

14 **PART 2—ENERGY WORKFORCE DEVELOPMENT**

15 **SEC. 13121. ENERGY WORKFORCE DEVELOPMENT.**

16 (a) IN GENERAL.—Subject to the availability of ap-
17 propriations, the Secretary, acting through the Director
18 of the Office of Economic Impact, Diversity, and Employ-
19 ment, shall establish and carry out a comprehensive, na-
20 tionwide program to improve education and training for
21 jobs in energy-related industries, including manufacturing,
22 engineering, construction, and retrofitting jobs in such en-
23 ergy-related industries, in order to increase the number
24 of skilled workers trained to work in such energy-related
25 industries, including by—

1 (1) encouraging underrepresented groups, in-
2 cluding religious and ethnic minorities, women, vet-
3 erans, individuals with disabilities, unemployed en-
4 ergy workers, and socioeconomically disadvantaged
5 individuals to enter into the science, technology, en-
6 gineering, and mathematics (in this section referred
7 to as “STEM”) fields;

8 (2) encouraging the Nation’s educational insti-
9 tutions to equip students with the skills,
10 mentorships, training, and technical expertise nec-
11 essary to fill the employment opportunities vital to
12 managing and operating the Nation’s energy-related
13 industries;

14 (3) providing students and other candidates for
15 employment with the necessary skills and certifi-
16 cations for skilled, semiskilled, and highly skilled
17 jobs in such energy-related industries;

18 (4) strengthening and more fully engaging De-
19 partment of Energy programs and laboratories in
20 carrying out the Department’s Minorities in Energy
21 Initiative; and

22 (5) to the greatest extent possible, collaborating
23 with and supporting existing State workforce devel-
24 opment programs to maximize program efficiency.

1 (b) PRIORITY.—In carrying out the program estab-
2 lished under subsection (a), the Secretary shall prioritize
3 the education and training of underrepresented groups for
4 jobs in energy-related industries.

5 (c) DIRECT ASSISTANCE.—In carrying out the pro-
6 gram established under subsection (a), the Secretary shall
7 provide direct assistance (including financial assistance
8 awards, technical expertise, and internships) to edu-
9 cational institutions, local workforce development boards,
10 State workforce development boards, nonprofit organiza-
11 tions, labor organizations, and apprenticeship programs.
12 The Secretary shall distribute such direct assistance in a
13 manner proportional to the needs of, and demand for jobs
14 in, energy-related industries, consistent with information
15 obtained under subsections (e)(3) and (i).

16 (d) CLEARINGHOUSE.—In carrying out the program
17 established under subsection (a), the Secretary shall estab-
18 lish a clearinghouse to—

19 (1) maintain and update information and re-
20 sources on training programs for jobs in energy-re-
21 lated industries, including manufacturing, engineer-
22 ing, construction, and retrofitting jobs in such en-
23 ergy-related industries; and

24 (2) act as a resource for educational institu-
25 tions, local workforce development boards, State

1 workforce development boards, nonprofit organiza-
2 tions, labor organizations, and apprenticeship pro-
3 grams that would like to develop and implement
4 training programs for such jobs.

5 (e) COLLABORATION AND REPORT.—In carrying out
6 the program established under subsection (a), the Sec-
7 retary—

8 (1) shall collaborate with educational institu-
9 tions, local workforce development boards, State
10 workforce development boards, nonprofit organiza-
11 tions, labor organizations, apprenticeship programs,
12 and energy-related industries;

13 (2) shall encourage and foster collaboration,
14 mentorships, and partnerships among industry, local
15 workforce development boards, State workforce de-
16 velopment boards, nonprofit organizations, labor or-
17 ganizations, and apprenticeship programs that cur-
18 rently provide effective training programs for jobs in
19 energy-related industries and educational institutions
20 that seek to establish these types of programs in
21 order to share best practices and approaches that
22 best suit local, State, and national needs; and

23 (3) shall collaborate with the Bureau of Labor
24 Statistics, the Department of Commerce, the Bureau
25 of the Census, and energy-related industries to—

1 (A) develop a comprehensive and detailed
2 understanding of the workforce needs of such
3 energy-related industries, and job opportunities
4 in such energy-related industries, by State and
5 by region; and

6 (B) publish an annual report on job cre-
7 ation in the energy-related industries described
8 in subsection (i)(2).

9 (f) GUIDELINES FOR EDUCATIONAL INSTITU-
10 TIONS.—

11 (1) IN GENERAL.—In carrying out the program
12 established under subsection (a), the Secretary, in
13 collaboration with the Secretary of Education, the
14 Secretary of Commerce, the Secretary of Labor, and
15 the National Science Foundation, shall develop vol-
16 untary guidelines or best practices for educational
17 institutions to help provide graduates with the skills
18 necessary for jobs in energy-related industries, in-
19 cluding manufacturing, engineering, construction,
20 and retrofitting jobs in such energy-related indus-
21 tries.

22 (2) INPUT.—The Secretary shall solicit input
23 from energy-related industries in developing guide-
24 lines or best practices under paragraph (1).

1 (3) ENERGY EFFICIENCY AND CONSERVATION
2 INITIATIVES.—The guidelines or best practices devel-
3 oped under paragraph (1) shall include grade-spe-
4 cific guidelines for teaching energy efficiency tech-
5 nology, manufacturing efficiency technology, commu-
6 nity energy resiliency, and conservation initiatives to
7 educate students and families.

8 (4) STEM EDUCATION.—The guidelines or best
9 practices developed under paragraph (1) shall pro-
10 mote STEM education in educational institutions as
11 it relates to job opportunities in energy-related in-
12 dustries.

13 (g) OUTREACH TO MINORITY-SERVING INSTITU-
14 TIONS.—In carrying out the program established under
15 subsection (a), the Secretary shall—

16 (1) give special consideration to increasing out-
17 reach to minority-serving institutions;

18 (2) make resources available to minority-serving
19 institutions with the objective of increasing the num-
20 ber of skilled minorities and women trained for jobs
21 in energy-related industries, including manufac-
22 turing, engineering, construction, and retrofitting
23 jobs in such energy-related industries;

24 (3) encourage energy-related industries to im-
25 prove the opportunities for students of minority-

1 serving institutions to participate in industry intern-
2 ships and cooperative work-study programs; and

3 (4) partner with the Department of Energy lab-
4 oratories to increase underrepresented groups' par-
5 ticipation in internships, fellowships, traineeships,
6 and employment at all Department of Energy lab-
7 oratories.

8 (h) OUTREACH TO DISPLACED AND UNEMPLOYED
9 ENERGY WORKERS.—In carrying out the program estab-
10 lished under subsection (a), the Secretary shall—

11 (1) give special consideration to increasing out-
12 reach to employers and job trainers preparing dis-
13 placed and unemployed energy workers for emerging
14 jobs in energy-related industries, including manufac-
15 turing, engineering, construction, and retrofitting
16 jobs in such energy-related industries;

17 (2) make resources available to institutions
18 serving displaced and unemployed energy workers
19 with the objective of increasing the number of indi-
20 viduals trained for jobs in energy-related industries,
21 including manufacturing, engineering, construction,
22 and retrofitting jobs in such energy-related indus-
23 tries; and

24 (3) encourage energy-related industries to im-
25 prove opportunities for displaced and unemployed

1 energy workers to participate in industry internships
2 and cooperative work-study programs.

3 (i) GUIDELINES TO DEVELOP SKILLS FOR AN EN-
4 ERGY INDUSTRY WORKFORCE.—In carrying out the pro-
5 gram established under subsection (a), the Secretary shall,
6 in collaboration with energy-related industries—

7 (1) identify the areas with the greatest demand
8 for workers in each such industry; and

9 (2) develop guidelines for the skills necessary
10 for work in the following energy-related industries:

11 (A) Energy efficiency industry, including
12 work in energy efficiency, conservation, weath-
13 erization, retrofitting, or as inspectors or audi-
14 tors.

15 (B) Renewable energy industry, including
16 work in the development, engineering, manufac-
17 turing, and production of renewable energy
18 from renewable energy sources (such as solar,
19 hydropower, wind, or geothermal energy).

20 (C) Community energy resiliency industry,
21 including work in the installation of rooftop
22 solar, in battery storage, and in microgrid tech-
23 nologies.

24 (D) Fuel cell and hydrogen energy indus-
25 try.

1 (E) Manufacturing industry, including
2 work as operations technicians, in operations
3 and design in additive manufacturing, 3-D
4 printing, and advanced composites and ad-
5 vanced aluminum and other metal alloys, indus-
6 trial energy efficiency management systems, in-
7 cluding power electronics, and other innovative
8 technologies.

9 (F) Chemical manufacturing industry, in-
10 cluding work in construction (such as welders,
11 pipefitters, and tool and die makers) or as in-
12 strument and electrical technicians, machinists,
13 chemical process operators, engineers, quality
14 and safety professionals, and reliability engi-
15 neers.

16 (G) Utility industry, including work in the
17 generation, transmission, and distribution of
18 electricity and natural gas, such as utility tech-
19 nicians, operators, lineworkers, engineers, sci-
20 entists, and information technology specialists.

21 (H) Alternative fuels industry, including
22 work in biofuel development and production.

23 (I) Pipeline industry, including work in
24 pipeline construction and maintenance or work
25 as engineers or technical advisors.

1 (J) Nuclear industry, including work as
2 scientists, engineers, technicians, mathemati-
3 cians, or security personnel.

4 (K) Oil and gas industry, including work
5 as scientists, engineers, technicians, mathemati-
6 cians, petrochemical engineers, or geologists.

7 (L) Coal industry, including work as coal
8 miners, engineers, developers and manufactur-
9 ers of state-of-the-art coal facilities, technology
10 vendors, coal transportation workers and opera-
11 tors, or mining equipment vendors.

12 (j) ENROLLMENT IN TRAINING AND APPRENTICE-
13 SHIP PROGRAMS.—In carrying out the program estab-
14 lished under subsection (a), the Secretary shall work with
15 industry, local workforce development boards, State work-
16 force development boards, nonprofit organizations, labor
17 organizations, and apprenticeship programs to help iden-
18 tify students and other candidates, including from under-
19 represented communities such as minorities, women, and
20 veterans, to enroll into training and apprenticeship pro-
21 grams for jobs in energy-related industries.

22 (k) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 \$20,000,000 for each of fiscal years 2021 through 2025.

1 **SEC. 13122. ENERGY WORKFORCE GRANT PROGRAM.**

2 (a) PROGRAM.—

3 (1) ESTABLISHMENT.—Subject to the avail-
4 ability of appropriations, the Secretary, acting
5 through the Director of the Office of Economic Im-
6 pact, Diversity, and Employment, shall establish and
7 carry out a program to provide grants to eligible
8 businesses to pay the wages of new and existing em-
9 ployees during the time period that such employees
10 are receiving training to work in the renewable en-
11 ergy sector, energy efficiency sector, or grid mod-
12 ernization sector.

13 (2) GUIDELINES.—Not later than 60 days after
14 the date of enactment of this Act, the Secretary, in
15 consultation with stakeholders, contractors, and or-
16 ganizations that work to advance existing residential
17 energy efficiency, shall establish guidelines to iden-
18 tify training that is eligible for purposes of the pro-
19 gram established pursuant to paragraph (1).

20 (b) ELIGIBILITY.—To be eligible to receive a grant
21 under the program established under subsection (a) or a
22 business or labor management organization that is directly
23 involved with energy efficiency or renewable energy tech-
24 nology, or working on behalf of any such business, shall
25 provide services related to—

1 (1) renewable electric energy generation, includ-
2 ing solar, wind, geothermal, hydropower, and other
3 renewable electric energy generation technologies;

4 (2) energy efficiency, including energy-efficient
5 lighting, heating, ventilation, and air conditioning,
6 air source heat pumps, advanced building materials,
7 insulation and air sealing, and other high-efficiency
8 products and services, including auditing and inspec-
9 tion;

10 (3) grid modernization or energy storage, in-
11 cluding smart grid, microgrid and other distributed
12 energy solutions, demand response management, and
13 home energy management technology; or

14 (4) fuel cell and hybrid fuel cell generation.

15 (c) USE OF GRANTS.—An eligible business with—

16 (1) 20 or fewer employees may use a grant pro-
17 vided under the program established under sub-
18 section (a) to pay up to—

19 (A) 45 percent of an employee’s wages for
20 the duration of the training, if the training is
21 provided by the eligible business; and

22 (B) 90 percent of an employee’s wages for
23 the duration of the training, if the training is
24 provided by an entity other than the eligible
25 business;

1 (2) 21 to 99 employees may use a grant pro-
2 vided under the program established under sub-
3 section (a) to pay up to—

4 (A) 37.5 percent of an employee's wages
5 for the duration of the training, if the training
6 is provided by the eligible business; and

7 (B) 75 percent of an employee's wages for
8 the duration of the training, if the training is
9 provided by an entity other than the eligible
10 business; and

11 (3) 100 employees or more may use a grant
12 provided under the program established under sub-
13 section (a) to pay up to—

14 (A) 25 percent of an employee's wages for
15 the duration of the training, if the training is
16 provided by the eligible business; and

17 (B) 50 percent of an employee's wages for
18 the duration of the training, if the training is
19 provided by an entity other than the eligible
20 business.

21 (d) PRIORITY FOR TARGETED COMMUNITIES.—In
22 providing grants under the program established under
23 subsection (a), the Secretary shall give priority to eligible
24 businesses that—

25 (1) recruit employees—

1 (A) from the communities that the busi-
2 nesses serve; and

3 (B) that are minorities, women, persons
4 who are or were foster children, persons who
5 are transitioning from fossil energy sector jobs,
6 or veterans; and

7 (2) provide trainees with the opportunity to ob-
8 tain real-world experience.

9 (e) LIMIT.—An eligible business may not receive
10 more than \$100,000 under the program established under
11 subsection (a) per fiscal year.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$70,000,000 for each of fiscal years 2021 through 2025.

15 **SEC. 13123. DEFINITIONS.**

16 In this subtitle:

17 (1) APPRENTICESHIP.—The term “apprentice-
18 ship” means an apprenticeship registered under the
19 Act of August 16, 1937 (commonly known as the
20 “National Apprenticeship Act”; 50 Stat. 664, chap-
21 ter 663; 29 U.S.C. 50 et seq.).

22 (2) EDUCATIONAL INSTITUTION.—The term
23 “educational institution” means an elementary
24 school, secondary school, or institution of higher
25 education.

1 (3) ELEMENTARY SCHOOL AND SECONDARY
2 SCHOOL.—The terms “elementary school” and “sec-
3 ondary school” have the meanings given such terms
4 in section 8101 of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7801).

6 (4) ENERGY-RELATED INDUSTRY.—The term
7 “energy-related industry” includes each of the en-
8 ergy efficiency, renewable energy, chemical manufac-
9 turing, utility, alternative fuels, pipeline, nuclear en-
10 ergy, oil, gas, and coal industries.

11 (5) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given such term in section 102 of the High-
14 er Education Act of 1965 (20 U.S.C. 1002).

15 (6) LABOR ORGANIZATION.—The term “labor
16 organization” has the meaning given such term in
17 section 2 of the National Labor Relations Act (29
18 U.S.C. 152).

19 (7) LOCAL WORKFORCE DEVELOPMENT
20 BOARD.—The term “local workforce development
21 board” means a local board, as defined in section 3
22 of the Workforce Innovation and Opportunity Act
23 (29 U.S.C. 3102).

24 (8) MINORITY-SERVING INSTITUTION.—The
25 term “minority-serving institution” means an insti-

1 tution of higher education that is of one of the fol-
2 lowing:

3 (A) Hispanic-serving institution (as de-
4 fined in section 502(a)(5) of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1101a(a)(5))).

6 (B) Tribal College or University (as de-
7 fined in section 316(b) of the Higher Education
8 Act of 1965 (20 U.S.C. 1059c(b))).

9 (C) Alaska Native-serving institution (as
10 defined in section 317(b) of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1059d(b))).

12 (D) Native Hawaiian-serving institution
13 (as defined in section 317(b) of the Higher
14 Education Act of 1965 (20 U.S.C. 1059d(b))).

15 (E) Predominantly Black Institution (as
16 defined in section 318(b) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1059e(b))).

18 (F) Native American-serving nontribal in-
19 stitution (as defined in section 319(b) of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1059f(b))).

22 (G) Asian American and Native American
23 Pacific Islander-serving institution (as defined
24 in section 320(b) of the Higher Education Act
25 of 1965 (20 U.S.C. 1059g(b))).

1 (9) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

3 (10) STATE WORKFORCE DEVELOPMENT
4 BOARD.—The term “State workforce development
5 board” means a State board, as defined in section
6 3 of the Workforce Innovation and Opportunity Act
7 (29 U.S.C. 3102).

8 **Subtitle Z—Workforce** 9 **Development Tax Credit**

10 **SEC. 13201. SHORT TITLE.**

11 This subtitle may be cited as the “Workforce Devel-
12 opment Tax Credit Act of 2020”.

13 **SEC. 13202. CREDIT FOR WAGES PAID TO EMPLOYEES PAR-** 14 **TICIPATING IN QUALIFIED APPRENTICESHIP** 15 **PROGRAMS.**

16 (a) IN GENERAL.—Subpart D of part IV of sub-
17 chapter A of chapter 1 of the Internal Revenue Code of
18 1986 (relating to business-related credits) is amended by
19 adding at the end the following new section:

20 **“SEC. 45S. WAGES PAID TO EMPLOYEES PARTICIPATING IN** 21 **QUALIFIED APPRENTICESHIP PROGRAMS.**

22 “(a) IN GENERAL.—For purposes of section 38, the
23 apprenticeship credit determined under this section for the
24 taxable year is the sum of—

25 “(1) the apprenticeship period credit, and

1 “(2) the post-apprenticeship credit.

2 “(b) APPRENTICESHIP PERIOD CREDIT.—For pur-
3 poses of subsection (a)—

4 “(1) IN GENERAL.—The apprenticeship period
5 credit for the taxable year is 50 percent of the wages
6 paid for services rendered during the taxable year to
7 each apprenticeship employee but only if such wages
8 are paid for services rendered during a qualified
9 training year of such employee (whether or not such
10 employee is an employee of the taxpayer as of the
11 close of such taxable year).

12 “(2) LIMITATION ON WAGES PER YEAR TAKEN
13 INTO ACCOUNT.—The amount of wages which may
14 be taken into account under paragraph (1) with re-
15 spect to any apprenticeship employee for each quali-
16 fied training year shall not exceed \$2,000.

17 “(c) POST-APPRENTICESHIP CREDIT.—For purposes
18 of subsection (a)—

19 “(1) IN GENERAL.—The post-apprenticeship
20 credit for the taxable year is 40 percent of the wages
21 paid for services rendered during the taxable year to
22 each employee who has successfully completed a
23 qualified training program of the employer, but only
24 if—

1 “(A) such wages are paid by such employer
2 for services rendered—

3 “(i) during the 2-year period which
4 begins on the day after the employee’s
5 completion of such program, and

6 “(ii) during the qualified employment
7 period of such employee, and

8 “(B) the employee is performing such serv-
9 ices in a position which utilizes skills acquired
10 in the qualified training program.

11 “(2) LIMITATION ON WAGES TAKEN INTO AC-
12 COUNT.—The amount of wages which may be taken
13 into account under paragraph (1) with respect to
14 any apprenticeship employee shall not exceed
15 \$6,000.

16 “(3) RECAPTURE FOR FAILURE OF EMPLOYEE
17 TO SERVE AT LEAST 1 YEAR AFTER COMPLETION OF
18 APPRENTICESHIP.—The Secretary shall, by regula-
19 tions, provide for recapturing the amount of any
20 post-apprenticeship credit allowed under subsection
21 (a) with respect to any individual who is employed
22 by the employer for less than 1 year after the indi-
23 vidual completed such program.

24 “(d) DEFINITIONS.—For purposes of this section—

1 “(1) WAGES.—The term ‘wages’ has the mean-
2 ing given to such term by section 51(c), determined
3 without regard to paragraph (4) thereof.

4 “(2) APPRENTICESHIP EMPLOYEE.—The term
5 ‘apprenticeship employee’ means any employee who
6 is employed by the employer pursuant to an appren-
7 tice agreement registered with—

8 “(A) the Office of Apprenticeship of the
9 Employment and Training Administration of
10 the Department of Labor, or

11 “(B) a recognized State apprenticeship
12 agency, as determined by the Office of Appren-
13 ticeship of the Employment and Training Ad-
14 ministration of the Department of Labor.

15 “(3) QUALIFIED TRAINING YEAR.—

16 “(A) IN GENERAL.—The term ‘qualified
17 training year’ means each year during the
18 training period in which—

19 “(i) the employee is employed by the
20 employer for at least 25 hours per week
21 during 28 consecutive weeks of such year,
22 and

23 “(ii) the employee completes at least 8
24 credit hours of classroom work under a
25 qualified training program for each semes-

1 ter of such program ending during such
2 year.

3 “(B) QUALIFIED TRAINING PROGRAM.—
4 The term ‘qualified training program’ means
5 any training program undertaken pursuant to
6 the agreement referred to in paragraph (2).

7 “(C) TRAINING PERIOD.—The term ‘train-
8 ing period’ means, with respect to an employee,
9 the period—

10 “(i) beginning on the date that the
11 employee begins employment with the tax-
12 payer as an apprentice under a qualified
13 training program, and

14 “(ii) ending on the earlier of—

15 “(I) the date that such appren-
16 ticeship with the employer ends, or

17 “(II) the date which is 2 years
18 after the date referred to in clause (i).

19 “(4) QUALIFIED EMPLOYMENT PERIOD.—The
20 term ‘qualified employment period’ means the pe-
21 riod—

22 “(A) beginning on the date that the em-
23 ployee begins employment with the taxpayer
24 after the employee’s completion of a qualified
25 training program of the taxpayer, and

1 “(B) ending on the earlier of—

2 “(i) the date that such employment
3 ends, or

4 “(ii) the date which is 1 year after the
5 date referred to in subparagraph (A).

6 “(e) COORDINATION WITH OTHER CREDITS.—The
7 amount of credit otherwise allowable under sections 45A,
8 51(a), and 1396(a) with respect to any employee shall be
9 reduced by the credit allowed by this section with respect
10 to such employee.

11 “(f) CERTAIN RULES TO APPLY.—Rules similar to
12 the rules of subsections (i)(1) and (k) of section 51 shall
13 apply for purposes of this section.”.

14 (b) CREDIT MADE PART OF GENERAL BUSINESS
15 CREDIT.—Subsection (b) of section 38 of such Code is
16 amended by striking “plus” at the end of paragraph (35),
17 by striking the period at the end of paragraph (36) and
18 inserting “, plus”, and by adding at the end the following
19 new paragraph:

20 “(37) the apprenticeship credit determined
21 under section 45S(a).”.

22 (c) DENIAL OF DOUBLE BENEFIT.—Subsection (a)
23 of section 280C of such Code is amended by inserting
24 “45S(a),” after “45P(a),”.

1 (d) CLERICAL AMENDMENT.—The table of sections
 2 for subpart D of part IV of subchapter A of chapter 1
 3 of such Code is amended by adding at the end the fol-
 4 lowing new item:

“Sec. 45S. Wages paid to employees participating in qualified apprenticeship programs.”.

5 (e) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to individuals commencing appren-
 7 ticeship programs after the date of the enactment of this
 8 Act.

9 **Subtitle AA—Expanding Access to**
 10 **the Workforce Through Dual**
 11 **Enrollment**

12 **SEC. 13501. SHORT TITLE.**

13 This subtitle may be cited as the “Expanding Access
 14 to the Workforce Through Dual Enrollment Act of 2020”.

15 **SEC. 13502. GRANT PROGRAM.**

16 (a) IN GENERAL.—From the amounts appropriated
 17 under subsection (h), the Secretary of Education shall
 18 provide grants to eligible entities for the purposes of estab-
 19 lishing, expanding, or supporting dual or concurrent en-
 20 rollment programs offering career and technical education.

21 (b) AMOUNTS.—The total grant amount made to an
 22 eligible entity under this section may not exceed
 23 \$1,000,000.

24 (c) USE OF GRANTS.—

1 (1) REQUIRED USE OF GRANTS.—An eligible
2 entity that receives a grant under this section shall
3 use such grant for a program described in sub-
4 section (a) that carries out the following require-
5 ments:

6 (A) A State that is a partner in such eligi-
7 ble entity shall establish a policy to ensure that
8 any postsecondary credits earned through the
9 program will be recognized throughout the sys-
10 tem of public higher education of the State in
11 which such program is located.

12 (B) Each local educational entity that is a
13 partner in such eligible entity—

14 (i) shall prioritize establishing, ex-
15 panding, or supporting such program at
16 secondary schools—

17 (I) serving students not less than
18 50 percent of whom are eligible for
19 the free or reduced-price lunch under
20 the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1751 et
22 seq.);

23 (II) whose most recent four-year
24 adjusted cohort graduation rate is
25 below the national four-year adjusted

1 cohort graduation rate, as determined
2 by the Secretary using the most re-
3 cent data submitted to the National
4 Center of Education Statistics for the
5 calculation of such national rate; and

6 (III) whose most recent imme-
7 diate college enrollment rate is below
8 the national immediate college enroll-
9 ment rate, as determined by the Na-
10 tional Center of Education Statistics;
11 and

12 (ii) shall prioritize selecting students
13 for the program who are from a family
14 whose taxable income for the proceeding
15 year did not exceed 90 percent of the
16 amount equal to the median income for a
17 family of the size involved within the State
18 as determined by the Bureau of the Cen-
19 sus.

20 (C) Each public institution of higher edu-
21 cation that is a partner in such eligible entity
22 shall provide such program—

23 (i) assistance with curriculum develop-
24 ment;

1 (ii) access to faculty for the instruc-
2 tion of courses;

3 (iii) access to facilities on the campus
4 of such institution of higher education, in-
5 cluding for the purpose of instructing
6 courses; and

7 (iv) access to advisors from such insti-
8 tution of higher education for the purposes
9 of advising students enrolled in such pro-
10 gram.

11 (D)(i) Each private sector entity that is a
12 partner in such eligible entity shall provide such
13 program with at least two of the forms of as-
14 sistance described in clause (ii), which shall in-
15 clude at least one of the forms of assistance de-
16 scribed in subclause (I), (III), or (IV) of such
17 clause.

18 (ii) The forms of assistance described in
19 this clause are as follows:

20 (I) Internships approved by the Sec-
21 retary or registered apprenticeship pro-
22 grams for students enrolled in such pro-
23 gram.

1 (II) Funds in an amount equal to not
2 less than 10 percent of the total costs of
3 administering such program.

4 (III) Assistance with curriculum de-
5 velopment.

6 (IV) Mentoring for students enrolled
7 in such program.

8 (V) Individuals employed by the pri-
9 vate sector entity for the instruction of
10 courses.

11 (VI) Equipment and facilities for the
12 purposes of on-site instruction.

13 (2) AUTHORIZED USE OF GRANTS.—An eligible
14 entity that receives a grant under this section may
15 use—

16 (A) not more than 50 percent of the grant
17 to—

18 (i) cover expenses, including tuition
19 costs and textbook fees, incurred by stu-
20 dents enrolled in the program established,
21 expanded, or supported with the grant; and

22 (ii) offer courses for credit or not-for-
23 credit to supplement such program to—

24 (I) improve the financial literacy
25 of students; and

1 (II) teach skills, including resume
2 and interviewing skills, that will pre-
3 pare students for postsecondary ca-
4 reer and technical education;

5 (B) not less than 10 percent and not more
6 than 30 percent of the grant to train or hire
7 educators; and

8 (C) not more than 20 percent of the grant
9 to pay for the cost of transporting (including by
10 school bus, private transportation company, or
11 public transit) students enrolled in the program
12 to the public institution of higher education or
13 private sector entity that is a partner in the eli-
14 gible entity to receive instruction through a
15 course offered under such program.

16 (d) APPLICATION REQUIREMENTS.—An eligible enti-
17 ty seeking a grant under this section shall submit an appli-
18 cation to the Secretary at such time, in such manner, and
19 containing such information as the Secretary determines,
20 which shall include an assurance that each partner in the
21 eligible entity will comply with the requirements of sub-
22 section (c)(1).

23 (e) SUPPLEMENT, NOT SUPPLANT.—Federal funds
24 made available under this section shall be used so as to
25 supplement the level of Federal, State, and local public

1 funds that, in the absence of such availability, would have
2 been expended for dual enrollment programs and in no
3 case to supplant such Federal, State, and local public
4 funds.

5 (f) FINANCIAL AID AND ENROLLMENT STATUS.—

6 (1) FINANCIAL AID.—A student's participation
7 in a program funded under this section shall not be
8 taken into account in determining the need or eligi-
9 bility of the student for assistance under the Higher
10 Education Act of 1965 (20 U.S.C. 1000 et seq.).

11 (2) ENROLLMENT STATUS.—A student enrolled
12 in such program shall not be considered a first-time
13 student of any institution of higher education with-
14 out regard to postsecondary credits earned under the
15 program.

16 (g) REPORT.—

17 (1) IN GENERAL.—An eligible entity that re-
18 ceives a grant under this section shall submit to the
19 Secretary a report on—

20 (A) the activities supported by the grant;

21 (B) the number of students participating
22 in the activities supported by the grant;

23 (C) any progress made in achieving the
24 goals of the program supported by the grant;
25 and

1 (D) such other information as the Sec-
2 retary determines to be appropriate.

3 (2) TIMELINE FOR SUBMISSION OF REPORT.—

4 The report under paragraph (1) shall be submitted
5 to the Secretary not later than 180 days after the
6 date on which the eligible entity concludes the activi-
7 ties supported by the grant under this section.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated \$150,000,000 for each
10 of the fiscal years 2021 through 2025.

11 **SEC. 13503. DEFINITIONS.**

12 In this subtitle:

13 (1) CAREER AND TECHNICAL EDUCATION.—The
14 term “career and technical education” has the
15 meaning given the term in section 3 of the Carl D.
16 Perkins Career and Technical Education Act (20
17 U.S.C. 2302).

18 (2) DUAL OR CONCURRENT ENROLLMENT PRO-
19 GRAM.—The term “dual or concurrent enrollment
20 program” has the meaning given the term in section
21 8101 of the Elementary and Secondary Education
22 Act (20 U.S.C. 7801), except that the postsecondary
23 courses of such program shall offer career and tech-
24 nical education.

1 (3) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means a partnership among the following:

3 (A) A State.

4 (B) One or more local educational agen-
5 cies.

6 (C) One or more public institutions of
7 higher education.

8 (D) One or more private sector entities.

9 (4) FIRST GENERATION COLLEGE STUDENT.—
10 The term “first generation college student” has the
11 meaning given the term in section 402A(h)(3) of the
12 Higher Education Act of 1965 (20 U.S.C. 1070a–
13 11(h)(3)).

14 (5) FOUR-YEAR ADJUSTED COHORT GRADUA-
15 TION RATE.—The term “four-year adjusted cohort
16 graduation rate” has the meaning given the term in
17 section 8101 of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 7801).

19 (6) HIGH SCHOOL.—The term “high school”
20 has the meaning given the term in section 8101 of
21 the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 7801).

23 (7) IMMEDIATE COLLEGE ENROLLMENT
24 RATE.—The term “immediate college enrollment

1 rate” means the percentage of individuals ages 16 to
2 24—

3 (A) who graduate from high school or com-
4 plete a graduate educational development test
5 prior to October of a calendar year; and

6 (B) who enroll in a two- or four-year insti-
7 tution of higher education in the fall of such
8 calendar year.

9 (8) INSTITUTION OF HIGHER EDUCATION.—The
10 term “institution of high education” has the mean-
11 ing given the term in section 101(a) of the Higher
12 Education Act of 1965 (20 U.S.C. 1001(a)).

13 (9) LOCAL EDUCATIONAL AGENCY.—The term
14 “local educational agency” has the meaning given
15 the term in section 8101 of the Elementary and Sec-
16 ondary Education Act (20 U.S.C. 7801).

17 (10) MENTORING.—The term “mentoring”
18 means a structured, managed program in which chil-
19 dren are appropriately matched with screened and
20 trained adult volunteers for one-on-one relationships,
21 involving meetings and activities on a regular basis,
22 intended to meet, in part, the child’s need for in-
23 volvement with a caring and supportive adult who
24 provides a positive role model.

1 (11) PRIVATE SECTOR ENTITY.—The term
 2 “private sector entity” means an entity owned, con-
 3 trolled, and managed by a private individual or en-
 4 terprise, including a for-profit business, nonprofit or-
 5 ganization, charity, or labor organization.

6 (12) REGISTERED APPRENTICESHIP PRO-
 7 GRAM.—The term “registered apprenticeship pro-
 8 gram” means an apprenticeship registered under the
 9 Act of August 16, 1937 (commonly known as the
 10 “National Apprenticeship Act”; 50 Stat. 664, chap-
 11 ter 663; 29 U.S.C. 50 et seq.).

12 (13) SECRETARY.—The term “Secretary”
 13 means the Secretary of Education.

14 (14) STATE.—The term “State” has the mean-
 15 ing given the term in section 103 of the Higher
 16 Education Act of 1965 (20 U.S.C. 1003).

17 **Subtitle BB—Investing in**
 18 **Tomorrow’s Workforce**

19 **SEC. 13601. SHORT TITLE.**

20 This subtitle may be cited as the “Investing in To-
 21 morrow’s Workforce Act of 2020”.

22 **SEC. 13602. TAX CREDIT FOR INCREASING WORKER TRAIN-**
 23 **ING.**

24 (a) IN GENERAL.—Subpart D of part IV of sub-
 25 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 is amended by adding at the end the following new
2 section:

3 **“SEC. 45T. CREDIT FOR INCREASING WORKER TRAINING.**

4 “(a) IN GENERAL.—For purposes of section 38, the
5 worker training credit determined under this section for
6 a taxable year is an amount equal to the sum of—

7 “(1) 40 percent of the excess (if any) of—

8 “(A) the high-demand occupation training
9 expenses for such taxable year, over

10 “(B) the average of the high-demand occu-
11 pation training expenses for the 3 taxable years
12 preceding such taxable year, plus

13 “(2) 20 percent of the excess (if any) of—

14 “(A) the low-demand occupation training
15 expenses for such taxable year, over

16 “(B) the average of the low-demand occu-
17 pation training expenses for the 3 taxable years
18 preceding such taxable year.

19 “(b) DEFINITIONS.—For purposes of this section—

20 “(1) HIGH-DEMAND OCCUPATION TRAINING EX-

21 PENSE.—The term ‘high-demand occupation train-
22 ing expense’ means, for a taxable year, any qualified
23 training expense for programming required for, or
24 designed to lead to employment in, an occupation
25 that the Secretary of Labor has determined is ex-

1 pected to experience not fewer than 20 percent occu-
2 pational openings for the 10-year period beginning
3 with calendar year beginning in such taxable year.

4 “(2) LOW-DEMAND OCCUPATION TRAINING EX-
5 PENSE.—The term ‘low-demand occupation training
6 expense’ means any qualified training expense for
7 programming required for, or designed to lead to
8 employment in, an occupation other than an occupa-
9 tion described in paragraph (1).

10 “(3) QUALIFIED TRAINING EXPENSE.—

11 “(A) IN GENERAL.—The term ‘qualified
12 training expense’ means amounts paid or in-
13 curred by an employer for a qualified training
14 program for non-highly compensated employees.

15 “(B) EXCLUSION.—The term ‘qualified
16 training expense’ shall not include any amounts
17 paid for meals, lodging, transportation, or other
18 services.

19 “(4) QUALIFIED TRAINING PROGRAM.—

20 “(A) IN GENERAL.—The term ‘qualified
21 training program’ means any of the following:

22 “(i) An apprenticeship program reg-
23 istered under section 1 of the Act of Au-
24 gust 16, 1937 (commonly known as the

1 ‘National Apprenticeship Act’; 29 U.S.C.
2 50 et seq.).

3 “(ii) A program to obtain a recog-
4 nized postsecondary credential (as such
5 term is defined in section 3(52) of the
6 Workforce Innovation and Opportunity
7 Act).

8 “(iii) A program eligible to receive
9 funds under the Carl D. Perkins Career
10 and Technical Education Act of 2006.

11 “(iv) Any other program designated
12 by the Secretary of Labor or the Secretary
13 of Education for purposes of this section.

14 “(5) NON-HIGHLY COMPENSATED EMPLOYEE.—
15 The term ‘non-highly compensated employee’ means,
16 with respect to a taxable year, an employee—

17 “(A) who is a full-time employee (as such
18 term in defined in section 4980H(c)(4)), and

19 “(B) whose compensation does not exceed
20 \$82,000 for such taxable year.”.

21 (b) CREDIT TO BE PART OF GENERAL BUSINESS
22 CREDIT.—Section 38(b) of such Code is amended by strik-
23 ing “plus” at the end of paragraph (31), by striking the
24 period at the end of paragraph (32) and inserting “, plus”,
25 and by adding at the end the following new paragraph:

1 “(33) the worker training credit determined
2 under section 45T.”.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 for subpart D of part IV of subchapter A of chapter 1
5 of such Code is amended by adding at the end the fol-
6 lowing new item:

“Sec. 45T. Credit for increasing worker training.”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 the date of the enactment of this Act.

10 **Subtitle CC—Direct Loans to Small** 11 **Business Concerns**

12 **SEC. 13701. DIRECT LOANS TO SMALL BUSINESS CON-** 13 **CERNS.**

14 (a) IN GENERAL.—From amounts appropriated pur-
15 suant to subsection (e), the Administrator of the Small
16 Business Administration shall establish a program to
17 make direct loans to small business concerns (as defined
18 under section 3 of the Small Business Act (15 U.S.C.
19 632)).

20 (b) AMOUNT.—Loans made under this section shall
21 be in an amount not greater than the lesser of—

- 22 (1) 5 percent of the annual revenue of the small
- 23 business concern requesting the loan; or
- 24 (2) \$250,000.

1 (c) INTEREST RATE.—The interest rate on a loan
2 made under this section shall be equal to the discount win-
3 dow primary credit interest rate most recently published
4 on the Federal Reserve Statistical Release on selected in-
5 terest rates (daily or weekly), commonly referred to as the
6 H.15 release.

7 (d) REPORT.—The Administrator of the Small Busi-
8 ness Administration shall submit a report to Congress on
9 the implementation and results of the program established
10 under this section.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$25,000,000 for each
13 of fiscal years 2021 to 2025.

14 **Subtitle DD—Pilot Program to**
15 **Fund Local Incubators**

16 **SEC. 13801. PILOT PROGRAM TO FUND LOCAL INCUBATORS.**

17 (a) ESTABLISHMENT.—The Secretary of Commerce
18 shall establish a competitive program to make grants to
19 States and political subdivisions of States to partner with
20 local incubators in order to provide start-ups with work-
21 space and other resources for use in developing their busi-
22 nesses.

23 (b) ELIGIBILITY.—The Secretary may only award a
24 grant under this section to a State or political subdivision
25 of a State that submits an application at such time, in

1 such form, and with such information and assurances as
2 the Secretary may require, including an identification of
3 one or more incubators with which the State or political
4 subdivision will partner in implementing the grant.

5 (c) LIMITATIONS.—

6 (1) ONE GRANT PER STATE OR POLITICAL SUB-
7 DIVISION.—A State or political subdivision of a
8 State may not receive more than one grant under
9 this section. For purposes of the preceding sentence,
10 a grant received by a State shall not be considered
11 to be received by a political subdivision of the State,
12 and a grant received by a political subdivision of a
13 State shall not be considered to be received by the
14 State.

15 (2) AMOUNT OF GRANT.—A grant awarded
16 under this section may not exceed \$500,000.

17 (d) USE OF FUNDS.—

18 (1) IN GENERAL.—A State or political subdivi-
19 sion of a State that receives a grant under this sec-
20 tion shall use grant funds to partner with one or
21 more incubators located within the territory of such
22 State or political subdivision in order to provide
23 start-ups with workspace and other resources for use
24 in developing their businesses. The partnership may
25 take such form as the Secretary considers appro-

1 piate, including one or more subgrants from the
2 State or political subdivision to the incubator or in-
3 cubators.

4 (2) SPECIFIC EXPENSES INCLUDED.—Grant
5 funds may be used for any expense incurred in order
6 to provide start-ups with workspace and other re-
7 sources for use in developing their businesses, in-
8 cluding—

9 (A) purchase or rental of land;

10 (B) modification of buildings;

11 (C) charges for utility services or broad-
12 band service;

13 (D) fees of consultants for the provision of
14 technical or professional assistance;

15 (E) costs of promoting the incubator or in-
16 cubators; and

17 (F) any other such expense that the Sec-
18 retary considers appropriate.

19 (e) MATCHING REQUIREMENT.—A State or political
20 subdivision of a State may not partner with an incubator
21 (or group of incubators) in implementing a grant under
22 this section unless the incubator (or group of incubators)
23 agrees that, with respect to the expenses to be incurred
24 in carrying out activities within the scope of the partner-
25 ship, the incubator (or group of incubators) will make

1 available from private funds contributions in an amount
2 equal to not less than 50 percent of the amount made
3 available by the State or political subdivision from grant
4 funds under this section.

5 (f) REPORT TO CONGRESS.—Not later than 180 days
6 after the end of fiscal year 2024, the Secretary shall sub-
7 mit to Congress a report on the results achieved by the
8 grant program established under this section. Such report
9 shall include recommendations of the Secretary with re-
10 spect to extending, expanding, or improving the program.

11 (g) DEFINITIONS.—In this section:

12 (1) INCUBATOR.—The term “incubator” means
13 a private-sector entity that—

14 (A) provides start-ups with workspace and
15 other resources (such as utilities, broadband
16 service, and technical or professional assistance)
17 for use in developing their businesses; and

18 (B) may charge start-ups a reasonable fee
19 for such resources.

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of Commerce.

22 (3) START-UP.—The term “start-up” means
23 any business entity (including an individual oper-
24 ating an unincorporated business) that, as of the

1 time the entity receives resources from an incu-
2 bator—

3 (A) has been in operation for not more
4 than 5 years;

5 (B) has not more than 5 employees; and

6 (C) for the most recently completed fiscal
7 year of the entity (if any) and any preceding
8 fiscal year, has annual gross revenues of less
9 than \$150,000.

10 (4) STATE.—The term “State” means each of
11 the several States, the District of Columbia, each
12 commonwealth, territory, or possession of the United
13 States, and each federally recognized Indian tribe.

14 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Secretary to carry
16 out this section \$5,000,000, of which not more than 5 per-
17 cent shall be available for the costs of administering the
18 grant program established under this section, for each of
19 the fiscal years 2021 through 2025.

1 **Subtitle EE—Improving Contract**
2 **Procurement for Small Busi-**
3 **nesses Through More Accurate**
4 **Reporting**

5 **SEC. 13901. SHORT TITLE.**

6 This subtitle may be cited as the “Improving Con-
7 tract Procurement for Small Businesses through More Ac-
8 curate Reporting Act of 2020”.

9 **SEC. 13902. REPORTING REQUIREMENTS FOR CERTAIN**
10 **SMALL BUSINESS CONCERNS.**

11 Section 15(h)(2)(E) of the Small Business Act (15
12 U.S.C. 644(h)(2)(E)) is amended—

13 (1) in clause (i)—

14 (A) in subclause (III), by striking “and” at
15 the end; and

16 (B) by adding at the end the following new
17 subclauses:

18 “(V) that were purchased by an-
19 other entity after the initial contract
20 was awarded and as a result of the
21 purchase, would no longer be deemed
22 to be small business concerns for pur-
23 poses of the initial contract; and

24 “(VI) that were awarded using a
25 procurement method that restricted

1 competition to small business concerns
2 owned and controlled by service-dis-
3 abled veterans, qualified HUBZone
4 small business concerns, small busi-
5 ness concerns owned and controlled by
6 socially and economically disadvan-
7 tagged individuals, small business con-
8 cerns owned and controlled by women,
9 or a subset of any such concerns;”;

10 (2) in clause (ii)—

11 (A) in subclause (IV), by striking “and” at
12 the end; and

13 (B) by adding at the end the following new
14 subclauses:

15 “(VI) that were purchased by an-
16 other entity after the initial contract
17 was awarded and as a result of the
18 purchase, would no longer be deemed
19 to be small business concerns owned
20 and controlled by service-disabled vet-
21 erans for purposes of the initial con-
22 tract; and

23 “(VII) that were awarded using a
24 procurement method that restricted
25 competition to qualified HUBZone

1 small business concerns, small busi-
2 ness concerns owned and controlled by
3 socially and economically disadvan-
4 tagged individuals, small business con-
5 cerns owned and controlled by women,
6 or a subset of any such concerns;”;

7 (3) in clause (iii)—

8 (A) in subclause (V), by striking “and” at
9 the end; and

10 (B) by adding at the end the following new
11 subclauses:

12 “(VII) that were purchased by
13 another entity after the initial con-
14 tract was awarded and as a result of
15 the purchase, would no longer be
16 deemed to be qualified HUBZone
17 small business concerns for purposes
18 of the initial contract; and

19 “(VIII) that were awarded using
20 a procurement method that restricted
21 competition to small business concerns
22 owned and controlled by service-dis-
23 abled veterans, small business con-
24 cerns owned and controlled by socially
25 and economically disadvantaged indi-

1 viduals, small business concerns
2 owned and controlled by women, or a
3 subset of any such concerns;”;

4 (4) in clause (iv)—

5 (A) in subclause (V), by striking “and” at
6 the end; and

7 (B) by adding at the end the following new
8 subclauses:

9 “(VII) that were purchased by
10 another entity after the initial con-
11 tract was awarded and as a result of
12 the purchase, would no longer be
13 deemed to be small business concerns
14 owned and controlled by socially and
15 economically disadvantaged individ-
16 uals for purposes of the initial con-
17 tract; and

18 “(VIII) that were awarded using
19 a procurement method that restricted
20 competition to small business concerns
21 owned and controlled by service-dis-
22 abled veterans, qualified HUBZone
23 small business concerns, small busi-
24 ness concerns owned and controlled by

1 women, or a subset of any such con-
2 cerns;”;

3 (5) in clause (v)—

4 (A) in subclause (IV), by striking “and” at
5 the end;

6 (B) in subclause (V), by inserting “and” at
7 the end; and

8 (C) by adding at the end the following new
9 subclause:

10 “(VI) that were purchased by an-
11 other entity after the initial contract
12 was awarded and as a result of the
13 purchase, would no longer be deemed
14 to be small business concerns owned
15 by an Indian tribe other than an Alas-
16 ka Native Corporation for purposes of
17 the initial contract;”;

18 (6) in clause (vi)—

19 (A) in subclause (IV), by striking “and” at
20 the end;

21 (B) in subclause (V), by inserting “and” at
22 the end; and

23 (C) by adding at the end the following new
24 subclause:

1 “(VI) that were purchased by an-
2 other entity after the initial contract
3 was awarded and as a result of the
4 purchase, would no longer be deemed
5 to be small business concerns owned
6 by a Native Hawaiian Organization
7 for purposes of the initial contract;”;

8 (7) in clause (vii)—

9 (A) in subclause (IV), by striking “and” at
10 the end;

11 (B) in subclause (V), by striking “and” at
12 the end; and

13 (C) by adding at the end the following new
14 subclause:

15 “(VI) that were purchased by an-
16 other entity after the initial contract
17 was awarded and as a result of the
18 purchase, would no longer be deemed
19 to be small business concerns owned
20 by an Alaska Native Corporation for
21 purposes of the initial contract; and”;
22 and

23 (8) in clause (viii)—

24 (A) in subclause (VII), by striking “and”
25 at the end;

1 (B) in subclause (VIII), by striking “and”
2 at the end; and

3 (C) by adding at the end the following new
4 subclauses:

5 “(IX) that were purchased by an-
6 other entity after the initial contract
7 was awarded and as a result of the
8 purchase, would no longer be deemed
9 to be small business concerns owned
10 and controlled by women for purposes
11 of the initial contract; and

12 “(X) that were awarded using a
13 procurement method that restricted
14 competition to small business concerns
15 owned and controlled by service-dis-
16 abled veterans, qualified HUBZone
17 small business concerns, small busi-
18 ness concerns owned and controlled by
19 socially and economically disadvan-
20 taged individuals, or a subset of any
21 such concerns; and”.

1 **Subtitle FF—Expanding Broadcast**
2 **Ownership Opportunities**

3 **SEC. 14201. SHORT TITLE.**

4 This subtitle may be cited as the “Expanding Broad-
5 cast Ownership Opportunities Act of 2020”.

6 **SEC. 14202. FINDINGS.**

7 Congress finds the following:

8 (1) One of the main missions of the Federal
9 Communications Commission, and a compelling gov-
10 ernmental interest, is to ensure that there is a diver-
11 sity of ownership and viewpoints in the broadcasting
12 industry.

13 (2) The Commission should continue to collect
14 relevant data and conduct studies on such diversity
15 and make appropriate recommendations to Congress
16 on how to increase the number of minority- and
17 women-owned broadcast stations.

18 (3) Data from 2014 shows that, of the over
19 1,700 commercial broadcast television stations in the
20 United States, less than 6 percent are owned by
21 women, and less than 3 percent are minority-owned.
22 With respect to radio stations, women owned ap-
23 proximately 7 percent of FM broadcast radio sta-
24 tions, and minorities owned less than 3 percent of
25 such stations.

1 (4) Women and minority ownership is 5 to 10
2 times higher in other industries than in the broad-
3 casting industry.

4 (5) During the 17 years that a minority tax
5 certificate program was in place at the Commission
6 (from 1978 to 1995), the Commission issued 287
7 certificates for radio stations and 40 certificates for
8 television stations.

9 (6) The Commission can also support minority-
10 and women-owned entrants into the broadcasting in-
11 dustry by implementing an incubator program in
12 which existing licensees assist new entrants in the
13 operation of broadcast stations.

14 **SEC. 14203. FCC REPORTS TO CONGRESS.**

15 (a) BIENNIAL REPORT CONTAINING RECOMMENDA-
16 TIONS FOR INCREASING NUMBER OF MINORITY- AND
17 WOMEN-OWNED BROADCAST STATIONS.—Not later than
18 180 days after the date of the enactment of this Act, and
19 not less frequently than every 2 years thereafter, the Com-
20 mission shall submit to Congress a report containing rec-
21 ommendations for how to increase the total number of
22 broadcast stations that are owned or controlled by mem-
23 bers of minority groups or women, or by both members
24 of minority groups and women.

1 (b) BIENNIAL REPORT ON NUMBER OF MINORITY-
2 AND WOMEN-OWNED BROADCAST STATIONS.—Not later
3 than 180 days after the date of the enactment of this Act,
4 and not less frequently than every 2 years thereafter, the
5 Commission shall submit to Congress a report that states
6 the total number of broadcast stations that are owned or
7 controlled by members of minority groups or women, or
8 by both members of minority groups and women, based
9 on data reported to the Commission on Form 323.

10 **SEC. 14204. TAX CERTIFICATE PROGRAM FOR BROADCAST**
11 **STATION TRANSACTIONS FURTHERING OWN-**
12 **ERSHIP BY SOCIALLY DISADVANTAGED INDI-**
13 **VIDUALS.**

14 (a) REQUIREMENTS FOR ISSUANCE OF CERTIFICATE
15 BY FCC.—

16 (1) IN GENERAL.—Part I of title III of the
17 Communications Act of 1934 (47 U.S.C. 301 et
18 seq.) is amended by adding at the end the following:

19 **“SEC. 344. TAX CERTIFICATE PROGRAM FOR BROADCAST**
20 **STATION TRANSACTIONS FURTHERING OWN-**
21 **ERSHIP BY SOCIALLY DISADVANTAGED INDI-**
22 **VIDUALS.**

23 “(a) ISSUANCE OF CERTIFICATE BY COMMISSION.—
24 Upon application by a person who engages in a sale of
25 an interest in a broadcast station described in subsection

1 (b), subject to the rules adopted by the Commission under
2 subsection (c), the Commission shall issue to such person
3 a certificate stating that such sale meets the requirements
4 of this section.

5 “(b) SALES DESCRIBED.—The sales described in this
6 subsection are the following:

7 “(1) SALE RESULTING IN OR PRESERVING OWN-
8 ERSHIP BY SOCIALLY DISADVANTAGED INDIVID-
9 UALS.—A sale of an interest in a broadcast station
10 if, immediately following the sale, the station is
11 owned by socially disadvantaged individuals (regard-
12 less of whether the station was owned by socially
13 disadvantaged individuals before the sale).

14 “(2) SALE BY INVESTOR IN STATION OWNED BY
15 SOCIALLY DISADVANTAGED INDIVIDUALS.—In the
16 case of a person who has contributed capital in ex-
17 change for an interest in a broadcast station that is
18 owned by socially disadvantaged individuals, a sale
19 by such person of some or all of such interest.

20 “(c) RULES.—The Commission shall adopt rules for
21 the issuance of a certificate under subsection (a) that pro-
22 vide for the following:

23 “(1) LIMIT ON VALUE OF SALE.—A limit on the
24 value of an interest the sale of which qualifies for
25 the issuance of such a certificate. The limit shall be

1 no lower than \$10,000,000 and no higher than
2 \$50,000,000.

3 “(2) MINIMUM HOLDING PERIOD.—In the case
4 of a sale described in subsection (b)(1), a minimum
5 period following the sale during which the broadcast
6 station must remain owned by socially disadvantaged
7 individuals. The minimum period shall be no longer
8 than 3 years.

9 “(3) CUMULATIVE LIMIT ON NUMBER OR
10 VALUE OF SALES.—A limit on the total number of
11 sales or the total value of sales, or both, for which
12 a person may be issued certificates under subsection
13 (a).

14 “(4) PARTICIPATION IN STATION MANAGEMENT
15 BY SOCIALLY DISADVANTAGED INDIVIDUALS.—Re-
16 quirements for participation by socially disadvan-
17 taged individuals in the management of the broad-
18 cast station.

19 “(d) ANNUAL REPORT TO CONGRESS.—The Commis-
20 sion shall submit to Congress an annual report describing
21 the sales for which certificates have been issued under sub-
22 section (a) during the period covered by the report.

23 “(e) DEFINITIONS.—In this section:

24 “(1) OWNED BY SOCIALLY DISADVANTAGED IN-
25 DIVIDUALS.—The term ‘owned by socially disadvan-

1 tagged individuals’ means, with respect to a broadcast
2 station, that—

3 “(A) such station is at least 51 percent
4 owned by one or more socially disadvantaged in-
5 dividuals, or, in the case of any publicly owned
6 broadcast station, at least 51 percent of the
7 stock of such station is owned by one or more
8 socially disadvantaged individuals; and

9 “(B) the management and daily business
10 operations of such station are controlled by one
11 or more of such individuals.

12 “(2) SOCIALLY DISADVANTAGED INDIVIDUAL.—
13 The term ‘socially disadvantaged individual’ means a
14 woman or an individual who has been subjected to
15 racial or ethnic prejudice or cultural bias because of
16 the identity of the individual as a member of a
17 group without regard to the individual qualities of
18 the individual.”.

19 (2) DEADLINE FOR ADOPTION OF RULES.—The
20 Commission shall adopt rules to implement section
21 344 of the Communications Act of 1934, as added
22 by paragraph (1), not later than 1 year after the
23 date of the enactment of this Act.

24 (3) REPORT TO CONGRESS ON PROGRAM EX-
25 PANSION.—Not later than 6 years after the date of

1 the enactment of this Act, the Commission shall sub-
2 mit to Congress a report regarding whether Con-
3 gress should expand section 344 of the Communica-
4 tions Act of 1934, as added by paragraph (1), be-
5 yond broadcast stations to cover other entities regu-
6 lated by the Commission.

7 (4) EXAMINATION AND REPORT TO CONGRESS
8 ON NEXUS BETWEEN DIVERSITY OF OWNERSHIP
9 AND DIVERSITY OF VIEWPOINT.—

10 (A) EXAMINATION.—Not later than 60
11 days after the date of the enactment of this
12 Act, the Commission shall initiate an examina-
13 tion of whether there is a nexus between diver-
14 sity of ownership or control of broadcast sta-
15 tions (including ownership or control by mem-
16 bers of minority groups or women, or by both
17 members of minority groups and women) and
18 diversity of the viewpoints expressed in the mat-
19 ter broadcast by broadcast stations.

20 (B) REPORT TO CONGRESS.—Not later
21 than 2 years after the date of the enactment of
22 this Act, the Commission shall submit to Con-
23 gress a report on the findings of the Commis-
24 sion in the examination under subparagraph
25 (A), including supporting data.

1 (b) NONRECOGNITION OF GAIN OR LOSS FOR TAX
2 PURPOSES.—

3 (1) IN GENERAL.—Subchapter O of chapter 1
4 of the Internal Revenue Code of 1986 is amended by
5 inserting after part IV the following new part:

6 **“PART V—SALE OF INTEREST IN CERTAIN**
7 **BROADCAST STATIONS**

8 **“SEC. 1071. NONRECOGNITION OF GAIN OR LOSS FROM**
9 **SALE OF INTEREST IN CERTAIN BROADCAST**
10 **STATIONS.**

11 “(a) NONRECOGNITION OF GAIN OR LOSS.—If a sale
12 of an interest in a broadcast station, within the meaning
13 of section 344 of the Communications Act of 1934, is cer-
14 tified by the Federal Communications Commission under
15 such section, such sale shall, if the taxpayer so elects, be
16 treated as an involuntary conversion of such property
17 within the meaning of section 1033. For purposes of such
18 section as made applicable by the provisions of this sec-
19 tion, stock of a corporation operating a broadcast station
20 shall be treated as property similar or related in service
21 or use to the property so converted. The part of the gain,
22 if any, on such sale to which section 1033 is not applied
23 shall nevertheless not be recognized, if the taxpayer so
24 elects, to the extent that it is applied to reduce the basis
25 for determining gain or loss on any such sale, of a char-

1 acter subject to the allowance for depreciation under sec-
2 tion 167, remaining in the hands of the taxpayer imme-
3 diately after the sale, or acquired in the same taxable year.
4 The manner and amount of such reduction shall be deter-
5 mined under regulations prescribed by the Secretary. Any
6 election made by the taxpayer under this section shall be
7 made by a statement to that effect in his return for the
8 taxable year in which the sale takes place, and such elec-
9 tion shall be binding for the taxable year and all subse-
10 quent taxable years.

11 “(b) MINIMUM HOLDING PERIOD; CONTINUED MAN-
12 AGEMENT.—If—

13 “(1) there is nonrecognition of gain or loss to
14 a taxpayer under this section with respect to a sale
15 of property (determined without regard to this para-
16 graph), and

17 “(2) the taxpayer ceases to fulfill any require-
18 ments of the rules adopted by the Federal Commu-
19 nications Commission under paragraph (2) or (4) of
20 section 344(c) of the Communications Act of 1934
21 (as such rules are in effect on the date of such sale),
22 there shall be no nonrecognition of gain or loss under this
23 section to the taxpayer with respect to such sale, except
24 that any gain or loss recognized by the taxpayer by reason
25 of this subsection shall be taken into account as of the

1 date on which the taxpayer so ceases to fulfill such re-
 2 quirements.

3 “(c) BASIS.—For basis of property acquired on a sale
 4 treated as an involuntary conversion under subsection (a),
 5 see section 1033(b).”.

6 (2) CLERICAL AMENDMENT.—The table of
 7 parts for subchapter O of chapter 1 of the Internal
 8 Revenue Code of 1986 is amended by inserting after
 9 the item related to part IV the following new part:

“PART V—SALE OF INTEREST IN CERTAIN BROADCAST STATIONS

“Section 1071. Nonrecognition of gain or loss from sale of interest in certain
 broadcast stations.”.

10 (c) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply with respect to sales of interests
 12 in broadcast stations after the date that is 1 year after
 13 the date of the enactment of this Act.

14 (d) SUNSET.—The amendments made by this section
 15 shall not apply with respect to sales of interests in broad-
 16 cast stations after the date that is 16 years after the date
 17 of the enactment of this Act.

18 **SEC. 14205. INCUBATOR PROGRAM.**

19 Not later than 180 days after the date of the enact-
 20 ment of this Act, the Commission shall amend its Report
 21 and Order in the matter of rules and policies to promote
 22 new entry and ownership diversity in the broadcasting

1 services, MB Docket No. 17–289, FCC 18–114, adopted
2 on August 2, 2018, to do the following:

3 (1) Expand the incubator program provided for
4 in such Report and Order to permit a licensee to
5 provide financial support or operational support, or
6 both, to a qualifying incubated entity that owns or
7 wants to own a television broadcast station.

8 (2) Expand the eligibility criteria for an incu-
9 bated entity under such program to include broad-
10 cast stations owned by socially disadvantaged indi-
11 viduals.

12 **SEC. 14206. DEFINITIONS.**

13 In this subtitle:

14 (1) BROADCAST STATION.—The term “broad-
15 cast station” has the meaning given such term in
16 section 3 of the Communications Act of 1934 (47
17 U.S.C. 153).

18 (2) COMMISSION.—The term “Commission”
19 means the Federal Communications Commission.

20 (3) OWNED BY SOCIALLY DISADVANTAGED IN-
21 DIVIDUALS.—The term “owned by socially disadvan-
22 tagged individuals” has the meaning given such term
23 in section 344 of the Communications Act of 1934,
24 as added by section 12404.

1 Subtitle GG—Promote Startups Act

2 SEC. 14301. SHORT TITLE.

3 This subtitle may be cited as the “Promote Startups
4 Act of 2020”.

5 SEC. 14302. PERMANENT INCREASE OF LIMITATION ON DE- 6 DUCTION FOR START-UP AND ORGANIZA- 7 TIONAL EXPENDITURES.

8 (a) START-UP EXPENDITURES.—

9 (1) IN GENERAL.—Section 195(b)(1)(A)(ii) of
10 the Internal Revenue Code of 1986 is amended—

11 (A) by striking “\$5,000” and inserting
12 “\$15,000”, and

13 (B) by striking “\$50,000” and inserting
14 “\$150,000”.

15 (2) CONFORMING AMENDMENT.—Section
16 195(b) of such Code is amended by striking para-
17 graph (3).

18 (b) ORGANIZATIONAL EXPENDITURES.—Section
19 248(a)(1)(B) of such Code is amended—

20 (1) by striking “\$5,000” and inserting
21 “\$10,000”, and

22 (2) by striking “\$50,000” and inserting
23 “\$60,000”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to amounts paid or incurred with
 3 respect to—

4 (1) in the case of the amendments made by
 5 subsection (a), trades or businesses beginning in tax-
 6 able years beginning after December 31, 2016, and

7 (2) in the case of the amendments made by
 8 subsection (b), corporations the business of which
 9 begins in taxable years beginning after such date.

10 **Subtitle HH—Inspector General**
 11 **Report on Participation in FAA**
 12 **Programs by Disadvantaged**
 13 **Small Business Concerns**

14 **SEC. 14501. INSPECTOR GENERAL REPORT ON PARTICIPA-**
 15 **TION IN FAA PROGRAMS BY DISADVANTAGED**
 16 **SMALL BUSINESS CONCERNS.**

17 Section 140 of the FAA Modernization and Reform
 18 Act of 2012 is amended—

19 (1) in subsection (c)—

20 (A) in paragraph (1) by striking “each of
 21 fiscal years 2013 through 2018” and inserting
 22 “fiscal year 2020 and periodically thereafter”;
 23 and

24 (B) in paragraph (3)(A) by striking “a
 25 list” and inserting “with respect to the large-

1 and medium-hub airports in the United States
2 that participate in the airport disadvantaged
3 business enterprise program referenced in sub-
4 section (a), a list”; and

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

6 “(d) ASSESSMENT OF EFFORTS.—The Inspector
7 General shall assess the efforts of the Federal Aviation
8 Administration with respect to implementing rec-
9 ommendations suggested in reports submitted under sub-
10 section (c) and shall include in each semiannual report of
11 the Inspector General that is submitted to Congress a de-
12 scription of the results of such assessment.”.

13 **SEC. 14502. MINORITY AND DISADVANTAGED BUSINESS**
14 **PARTICIPATION.**

15 Section 47113 of title 49, United States Code, is
16 amended—

17 (1) in subsection (c)—

18 (A) by striking “The Secretary shall” and
19 inserting the following:

20 “(1) IN GENERAL.—The Secretary shall”; and

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

22 “(2) CONSISTENCY OF INFORMATION.—The
23 Secretary shall develop and maintain a training pro-
24 gram—

1 “(A) for employees of the Federal Aviation
2 Administration who provide guidance and train-
3 ing to entities that certify whether a small busi-
4 ness concern qualifies under this section (and
5 for employees of the other modal administra-
6 tions of the Department of Transportation who
7 provide similar services); and

8 “(B) that ensures Federal officials provide
9 consistent communications with respect to cer-
10 tification requirements.

11 “(3) LISTS OF CERTIFYING AUTHORITIES.—The
12 Secretary shall ensure that each State maintains an
13 accurate list of the certifying authorities in such
14 State for purposes of this section and that the list
15 is—

16 “(A) updated at least twice each year; and

17 “(B) made available to the public.”;

18 (2) in subsection (e) by adding at the end the
19 following:

20 “(4) REPORTING.—The Secretary shall deter-
21 mine, for each fiscal year, the number of individuals
22 who received training under this subsection and shall
23 make such number available to the public on an ap-
24 propriate website operated by the Secretary. If the
25 Secretary determines, with respect to a fiscal year,

1 that fewer individuals received training under this
2 subsection than in the previous fiscal year, the Sec-
3 retary shall submit to Congress, and make available
4 to the public on an appropriate website operated by
5 the Secretary, a report describing the reasons for
6 the decrease.

7 “(5) ASSESSMENT.—Not later than 2 years
8 after the date of enactment of this paragraph, and
9 every 2 years thereafter, the Secretary shall assess
10 the training program, including by soliciting feed-
11 back from stakeholders, and update the training pro-
12 gram as appropriate.”; and

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

14 “(f) TREND ASSESSMENT.—

15 “(1) IN GENERAL.—Not later than 2 years
16 after the date of enactment of this subsection, and
17 at least every 2 years thereafter, the Secretary shall
18 study, using information reported by airports, trends
19 in the participation of small business concerns re-
20 ferred to in subsection (b).

21 “(2) CONTENTS.—The study under paragraph
22 (1) shall include—

23 “(A) an analysis of whether the partici-
24 pation of small business concerns referred to in
25 subsection (b) at reporting airports increased or

1 decreased during the period studied, including
2 for such concerns that were first time partici-
3 pants;

4 “(B) an analysis of the factors relating to
5 any significant increases or decreases in partici-
6 pation compared to prior years; and

7 “(C) development of a plan to respond to
8 the results of the study, including development
9 of recommendations for sharing best practices
10 for maintaining or boosting participation.

11 “(3) REPORTING.—For each study completed
12 under paragraph (1), the Secretary shall submit to
13 Congress, and make available to the program con-
14 tact at each airport that participates in the airport
15 disadvantaged business enterprise program, a report
16 describing the results of the study.”.

17 **SEC. 14503. PASSENGER FACILITY CHARGES.**

18 Section 40117(c) of title 49, United States Code, is
19 amended by adding at the end the following:

20 “(5) With respect to an application under this sub-
21 section that relates to an airport that participates in the
22 airport disadvantaged business enterprise program ref-
23 erenced in section 140(a) of the FAA Modernization and
24 Reform Act of 2012 (49 U.S.C. 47113 note), the applica-
25 tion shall include a detailed description of good faith ef-

1 forts at the airport to contract with disadvantaged busi-
2 ness enterprises in relation to any project that is a subject
3 of the application and to ensure that all small businesses,
4 including those owned by veterans, fairly compete for work
5 funded with passenger facility charges.”.

6 **SEC. 14504. ANNUAL TRACKING OF CERTAIN NEW FIRMS AT**
7 **AIRPORTS WITH A DISADVANTAGED BUSI-**
8 **NESS ENTERPRISE PROGRAM.**

9 (a) TRACKING REQUIRED.—Beginning in fiscal year
10 2020, and each fiscal year thereafter, the Administrator
11 of the Federal Aviation Administration shall require each
12 covered airport to report to the Administrator on the num-
13 ber of new disadvantaged business enterprises that were
14 awarded a contract or concession during the previous fis-
15 cal year at the airport.

16 (b) TRAINING.—The Administrator shall provide
17 training to airports, on an ongoing basis, with respect to
18 compliance with subsection (a).

19 (c) REPORTING.—During the first fiscal year begin-
20 ning after the date of enactment of this Act and every
21 fiscal year thereafter, the Administrator shall update
22 dbE-Connect (or any successor online reporting system)
23 to include information on the number of new disadvan-
24 tagged business enterprises that were awarded a contract

1 or concession during the previous fiscal year at a covered
2 airport.

3 (d) COVERED AIRPORT DEFINED.—In this section,
4 the term “covered airport” means a large- or medium-hub
5 airport that participates in the airport disadvantaged busi-
6 ness enterprise program referenced in section 140(a) of
7 the FAA Modernization and Reform Act of 2012 (49
8 U.S.C. 47113 note).

9 **SEC. 14505. AUDITS.**

10 The Inspector General of the Department of Trans-
11 portation shall conduct periodic audits regarding the accu-
12 racy of the data on disadvantaged business enterprises
13 contained in the Federal Aviation Administration’s report-
14 ing database related to such enterprises or any similar or
15 successor online reporting database developed by the Ad-
16 ministration.

17 **Subtitle II—Disabled Access Credit**
18 **Expansion**

19 **SEC. 14601. SHORT TITLE.**

20 This subtitle may be cited as the “Disabled Access
21 Credit Expansion Act”.

22 **SEC. 14602. EXPANSION OF CREDIT FOR EXPENDITURES TO**
23 **PROVIDE ACCESS TO DISABLED INDIVID-**
24 **UALS.**

25 (a) INCREASE IN DOLLAR LIMITATION.—

1 (1) IN GENERAL.—Subsection (a) of section 44
2 of the Internal Revenue Code of 1986 is amended by
3 striking “\$10,250” and inserting “\$20,500”.

4 (2) INFLATION ADJUSTMENT.—Section 44 of
5 such Code is amended by redesignating subsection
6 (e) as subsection (f) and by inserting after sub-
7 section (d) the following new subsection:

8 “(e) INFLATION ADJUSTMENT.—

9 “(1) IN GENERAL.—In the case of any taxable
10 year beginning after 2020, the \$20,500 amount in
11 subsection (a) shall be increased by an amount equal
12 to—

13 “(A) such dollar amount, multiplied by

14 “(B) the cost of living adjustment deter-
15 mined under section 1(f)(3) for the calendar
16 year in which the taxable year begins, deter-
17 mined by substituting ‘calendar year 2019’ for
18 ‘calendar year 2016’ in subparagraph (A)(ii)
19 thereof.

20 “(2) ROUNDING.—Any amount determined
21 under paragraph (1) which is not a multiple of \$50
22 shall be rounded to the next lowest multiple of
23 \$50.”.

24 (b) INCREASE IN GROSS RECEIPTS LIMITATION.—
25 Subparagraph (A) of section 44(b)(1) of the Internal Rev-

1 enue Code of 1986 is amended by striking “\$1,000,000”
2 and inserting “\$2,500,000”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to taxable years beginning after
5 December 31, 2019.

6 **SEC. 14603. ALTERNATIVE MEANS OF DISPUTE RESOLU-**
7 **TION INVOLVING DISABILITY RIGHTS.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Congress does not directly appropriate
10 funds for the ADA Mediation Program of the Dis-
11 ability Rights Section of the Civil Rights Division of
12 the Department of Justice.

13 (2) The Civil Rights Division receives funds for
14 the ADA Mediation Program from the Office of Al-
15 ternative Dispute Resolution of the Office of Legal
16 Policy of the Department of Justice. The Office of
17 Alternative Dispute Resolution receives appropria-
18 tions through the appropriations account of the De-
19 partment of Justice appropriated under the heading
20 “FEES AND EXPENSES OF WITNESSES” under the
21 heading “LEGAL ACTIVITIES” (referred to in this
22 subsection as the “FEW appropriations account”).

23 (3) The total amount appropriated to the Office
24 of Alternative Dispute Resolution through the FEW

1 appropriations account for fiscal year 2018 is
2 \$3,659,544.

3 (4) Out of this amount, the Office of Alter-
4 native Dispute Resolution funds mediation for all of
5 the litigating units within the Department of Jus-
6 tice.

7 (5) The Civil Rights Division requests funding
8 for the ADA Mediation Program on a quarterly
9 basis and is limited in its ability to use funds to in-
10 crease personnel and provide training concerning the
11 program.

12 (6) Voluntary mediation, under section 514 of
13 the Americans with Disabilities Act of 1990 (42
14 U.S.C. 12212), of disputes between individuals and
15 entities covered by the Americans with Disabilities
16 Act of 1990 (42 U.S.C. 12101 et seq.) requires spe-
17 cific expertise.

18 (7) To best serve the disability community, and
19 entities covered by that Act, the ADA Mediation
20 Program should be able to use funds to increase per-
21 sonnel and provide training concerning the program.

22 (b) ADA MEDIATION PROGRAM.—

23 (1) IN GENERAL.—The Attorney General shall
24 carry out an ADA Mediation Program (referred to
25 in this section as the “Program”).

1 (2) DUTIES AND AUTHORITIES.—In carrying
2 out the Program, the Attorney General—

3 (A) shall facilitate voluntary mediation to
4 resolve disputes arising under the Americans
5 with Disabilities Act of 1990 (42 U.S.C. 12101
6 et seq.);

7 (B) may hire or enter into contracts with
8 personnel for the Program, including increasing
9 the number of such personnel beyond the num-
10 ber of individuals who provided services through
11 the Program on the date of enactment of this
12 section; and

13 (C) provide training for mediators who
14 provide services through the Program.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—

16 (A) IN GENERAL.—There is authorized to
17 be appropriated to the appropriations account
18 of the Department of Justice appropriated
19 under the heading “FEES AND EXPENSES OF
20 WITNESSES” under the heading “LEGAL AC-
21 TIVITIES”, to carry out this section, \$1,000,000
22 (in addition to any other amounts appropriated
23 to that account) for fiscal year 2021.

24 (B) AVAILABILITY OF FUNDS.—Funds ap-
25 propriated under subparagraph (A) may be

1 used to pay for obligations incurred through the
2 Program prior to the date of enactment of this
3 section.

4 **SEC. 14604. ADA INFORMATION LINE DATA COLLECTION**
5 **REPORT.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) As of August 10, 2018, during fiscal year
8 2018, accessibility specialists have answered approxi-
9 mately 38,135 calls to the ADA Information Line.

10 (2) The ADA Information Line receives on av-
11 erage approximately 1,000 calls per week, and does
12 not typically collect data about the kinds of calls it
13 receives.

14 (3) The ADA Information Line takes calls from
15 a variety of individuals and entities interested in the
16 Americans with Disabilities Act of 1990, including—

17 (A) employers covered by such Act;

18 (B) architects and others who work with
19 such employers;

20 (C) public entities, such as schools and
21 public service providers;

22 (D) individuals with disabilities; and

23 (E) entities that provide public accom-
24 modations.

1 (4) ADA.gov provides many resources to indi-
2 viduals and entities, public or private, looking for in-
3 formation on such Act.

4 (b) DEFINITIONS.—In this section—

5 (1) the term “ADA Information Line” means
6 the toll-free line operated by the Attorney General to
7 provide information and materials to the public
8 about the requirements of the Americans with Dis-
9 abilities Act of 1990 (42 U.S.C. 12101 et seq.), in-
10 cluding regulations issued under the Act and tech-
11 nical assistance in accordance with section 507 of
12 the Act (42 U.S.C. 12206); and

13 (2) the term “disability”, with respect to an in-
14 dividual, has the meaning given such term in section
15 3 of such Act (42 U.S.C. 12102).

16 (c) REPORT.—Not later than 2 years after the date
17 of enactment of this Act, the Attorney General shall sub-
18 mit a report to each committee of Congress—

19 (1) outlining the kinds of calls the ADA Infor-
20 mation Line receives;

21 (2) detailing the efforts of the Department of
22 Justice to educate individuals and entities about the
23 existence of the ADA Information Line; and

24 (3) providing recommendations on improve-
25 ments that can be made to provide additional sup-

1 port to individuals with disabilities, and entities cov-
2 ered by the Americans with Disabilities Act of 1990,
3 seeking information on such Act.

4 **Subtitle JJ—RESCUE Act for Black**
5 **and Community Banks**

6 **SEC. 14701. SHORT TITLE.**

7 This subtitle may be cited as the “Reenergized Eco-
8 nomic Sustainability for Community and Urban Entities
9 Act for Black and Community Banks” or the “RESCUE
10 Act for Black and Community Banks”.

11 **SEC. 14702. REGULATION OF BLACK AND COMMUNITY**
12 **BANKS.**

13 (a) OFFICE OF BLACK AND COMMUNITY BANKS.—

14 (1) ESTABLISHMENT.—There is established
15 within the Office of the Comptroller of the Currency
16 an office to be known as the “Office of Black and
17 Community Banks”.

18 (2) SUPERVISION AND EXAMINATION OF BLACK
19 BANKS AND COMMUNITY BANKS.—The Comptroller
20 of the Currency, acting through the Office of Black
21 and Community Banks, shall supervise and examine
22 Black banks and community banks.

23 (3) REGULATORY RELIEF.—

24 (A) IN GENERAL.—The Comptroller shall
25 issue regulations to partially or completely ex-

1 empt Black banks and community banks from
2 Federal banking statutes and regulations, to
3 the extent the Comptroller determines it appro-
4 priate without endangering the safety and
5 soundness of such banks.

6 (B) TREATMENT OF MANUAL UNDER-
7 WRITING.—For purposes of risk-based capital
8 requirements for Black banks and community
9 banks, the Comptroller shall issue regulations
10 to assign a lower level of risk to loans that are
11 issued by such banks using manual under-
12 writing, in recognition of the individualized
13 scrutiny provided by manual underwriting.

14 (C) ENCOURAGING SMALL-DOLLAR LEND-
15 ING.—The Comptroller shall issue regulations
16 to encourage affordable small-dollar lending by
17 Black banks and community banks by providing
18 regulatory flexibility with respect to such lend-
19 ing.

20 (b) REGULATORY RELIEF UNDER THE SECURITIES
21 LAWS.—

22 (1) INVESTMENT PRODUCTS.—With respect to
23 investment products sold by a Black bank or a com-
24 munity bank (or an affiliate of such bank) to indi-
25 viduals in the community in which such bank is lo-

1 cated, the Securities and Exchange Commission
2 shall issue regulations to partially or completely ex-
3 empt the bank from the securities laws and regula-
4 tions issued under the securities laws, to the extent
5 the Commission determines it appropriate without
6 endangering the protection of investors.

7 (2) SECURITIES.—

8 (A) IN GENERAL.—The Securities and Ex-
9 change Commission shall issue regulations to
10 reduce the regulatory burden applicable to
11 Black banks and community banks—

12 (i) under the amendments made by
13 the Jumpstart Our Business Startups Act;

14 (ii) issuing mortgage-backed securi-
15 ties; and

16 (iii) issuing securities backed by loans
17 guaranteed by the Small Business Act.

18 (B) CROWDFUNDING EXEMPTION.—Sec-
19 tion 4A of the Securities Act of 1933 (15
20 U.S.C. 77d–1) shall not apply to Black banks
21 or community banks.

22 (c) CONFORMING CHANGE TO DEFINITION OF AP-
23 PROPRIATE FEDERAL BANKING AGENCY.—Section
24 3(q)(1) of the Federal Deposit Insurance Act (12 U.S.C.
25 1813(q)(1)) is amended—

1 (1) in subparagraph (B), by striking “and” at
2 the end;

3 (2) in subparagraph (C), by adding “and” at
4 the end; and

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

6 “(D) notwithstanding paragraphs (2) and
7 (3), any Black bank or community bank (as
8 such terms are defined under section 14705 of
9 the RESCUE Act for Black and Community
10 Banks);”.

11 **SEC. 14703. CODIFICATION OF THE MINORITY BANK DE-**
12 **POSIT PROGRAM.**

13 (a) IN GENERAL.—

14 (1) IN GENERAL.—Section 1204 of the Finan-
15 cial Institutions Reform, Recovery, and Enforcement
16 Act of 1989 (12 U.S.C. 1811 note) is amended to
17 read as follows:

18 **“SEC. 1204. EXPANSION OF USE OF MINORITY BANKS, WOM-**
19 **EN’S BANKS, AND LOW-INCOME CREDIT**
20 **UNIONS.**

21 “(a) MINORITY BANK DEPOSIT PROGRAM.—

22 “(1) ESTABLISHMENT.—There is established a
23 program to be known as the ‘Minority Bank Deposit
24 Program’ to expand the use of minority banks, wom-
25 en’s banks, and low-income credit unions.

1 “(2) ADMINISTRATION.—The Secretary of the
2 Treasury, acting through the Fiscal Service, shall—

3 “(A) on application by a depository institu-
4 tion or credit union, certify whether such depos-
5 itory institution or credit union is a minority
6 bank, women’s bank, or low-income credit
7 union;

8 “(B) maintain and publish a list of all de-
9 pository institutions and credit unions that have
10 been certified pursuant to subparagraph (A);

11 “(C) periodically distribute the list de-
12 scribed in subparagraph (B) to—

13 “(i) all Federal departments and
14 agencies;

15 “(ii) interested State and local govern-
16 ments; and

17 “(iii) interested private sector compa-
18 nies; and

19 “(D) support the creation of ratings, on-
20 line Black bank resources, and database prod-
21 ucts, including online lending and investment
22 facilities.

23 “(3) INCLUSION OF CERTAIN ENTITIES ON
24 LIST.—A depository institution or credit union that,
25 on the date of the enactment of this section, has a

1 current certification from the Secretary of the
2 Treasury stating that such depository institution or
3 credit union is a minority bank, women’s bank, or
4 low-income credit union shall be included on the list
5 described under paragraph (2)(B).

6 “(b) EXPANDED USE AMONG FEDERAL DEPART-
7 MENTS AND AGENCIES.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the establishment of the program described in sub-
10 section (a), the head of each Federal department or
11 agency shall develop and implement standards and
12 procedures to ensure, to the maximum extent pos-
13 sible as permitted by law, the use of minority banks,
14 women’s banks, and low-income credit unions to
15 serve the financial needs of each such department or
16 agency.

17 “(2) MINIMUM REQUIREMENT.—Notwith-
18 standing paragraph (1), the head of each Federal
19 department or agency shall ensure that at least 10
20 percent of the financial needs of each such depart-
21 ment or agency are met by the use of minority
22 banks, women’s banks, and low-income credit
23 unions.

24 “(3) REPORT TO CONGRESS.—Not later than 2
25 years after the establishment of the program de-

1 scribed in subsection (a), and annually thereafter,
2 the head of each Federal department or agency shall
3 submit to Congress a report on the actions taken to
4 increase the use of minority banks, women’s banks,
5 and low-income credit unions to serve the financial
6 needs of each such department or agency.

7 “(c) DEFINITIONS.—For purposes of this section:

8 “(1) CREDIT UNION.—The term ‘credit union’
9 has the meaning given the term ‘insured credit
10 union’ in section 101 of the Federal Credit Union
11 Act (12 U.S.C. 1752).

12 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
13 pository institution’ has the meaning given the term
14 ‘insured depository institution’ in section 3 of the
15 Federal Deposit Insurance Act (12 U.S.C. 1813).

16 “(3) LOW-INCOME CREDIT UNION.—The term
17 ‘low-income credit union’ means any entity described
18 in section 19(b)(1)(A)(iv) of the Federal Reserve
19 Act.

20 “(4) MINORITY.—The term ‘minority’ means
21 any Black American, Native American, Hispanic
22 American, or Asian American.

23 “(5) MINORITY BANK.—The term ‘minority
24 bank’ means any bank described in clause (i), (ii),

1 or (iii) of section 19(b)(1)(A) of the Federal Reserve
2 Act for which—

3 “(A) more than 50 percent of the out-
4 standing shares of which are held by 1 or more
5 minority individuals;

6 “(B) the majority of the directors on the
7 board of directors of which are minority individ-
8 uals; and

9 “(C) a significant percentage of senior
10 management positions of which are held by mi-
11 nority individuals.

12 “(6) WOMEN’S BANK.—The term ‘women’s
13 bank’ means any bank described in clause (i), (ii),
14 or (iii) of section 19(b)(1)(A) of the Federal Reserve
15 Act for which—

16 “(A) more than 50 percent of the out-
17 standing shares of which are held by 1 or more
18 women;

19 “(B) the majority of the directors on the
20 board of directors of which are women; and

21 “(C) a significant percentage of senior
22 management positions of which are held by
23 women.”.

1 (2) CONFORMING AMENDMENTS.—The fol-
2 lowing provisions are amended by striking
3 “1204(c)(3)” and inserting “1204(c)”:

4 (A) Section 808(b)(3) of the Community
5 Reinvestment Act of 1977 (12 U.S.C.
6 2907(b)(3)).

7 (B) Section 40(g)(1)(B) of the Federal De-
8 posit Insurance Act (12 U.S.C.
9 1831q(g)(1)(B)).

10 (C) Section 704B(h)(4) of the Equal Cred-
11 it Opportunity Act (15 U.S.C. 1691c–2(h)(4)).

12 (b) AMENDMENTS TO THE COMMUNITY REINVEST-
13 MENT ACT.—Section 804(b) of the Community Reinvest-
14 ment Act of 1977 (12 U.S.C. 2903(b)) is amended to read
15 as follows:

16 “(b) COOPERATION WITH MINORITY BANKS,
17 WOMEN’S BANKS, AND LOW-INCOME CREDIT UNIONS
18 CONSIDERED.—

19 “(1) IN GENERAL.—In assessing and taking
20 into account, under subsection (a), the record of a
21 financial institution, the appropriate Federal finan-
22 cial supervisory agency shall consider as a factor
23 capital investment, loan participation, and other ven-
24 tures undertaken by the institution in cooperation
25 with minority banks, women’s banks, community de-

1 velopment financial institutions, and low-income
 2 credit unions provided that these activities help meet
 3 the credit needs of local communities in which such
 4 institutions and credit unions are chartered.

5 “(2) DEFINITIONS.—

6 “(A) FIRREA DEFINITIONS.—The terms
 7 ‘low-income credit union’, ‘minority bank’, and
 8 ‘women’s bank’ have the meanings given such
 9 terms, respectively, in section 1204(c) of the Fi-
 10 nancial Institutions Reform, Recovery, and En-
 11 forcement Act of 1989 (12 U.S.C. 1811 note).

12 “(B) COMMUNITY DEVELOPMENT FINAN-
 13 CIAL INSTITUTION.—The term ‘community de-
 14 velopment financial institution’ has the meaning
 15 given in section 103(5) of the Riegle Commu-
 16 nity Development and Regulatory Improvement
 17 Act of 1994 (12 U.S.C. 4702(5)).”.

18 (c) CONSIDERATIONS WHEN ASSESSING FINANCIAL
 19 INCLUSION FOR FEDERALLY CHARTERED FINANCIAL IN-
 20 STITUTIONS.—

21 (1) IN GENERAL.—In assessing and taking into
 22 account the record of a federally chartered financial
 23 institution under any financial inclusion assessment
 24 process created by the Comptroller of the Currency
 25 in any rule relating to the chartering of a financial

1 institution, the Comptroller shall consider as a fac-
2 tor capital investment, loan participation, and other
3 ventures undertaken by the bank in cooperation with
4 Black banks, women's banks, community develop-
5 ment financial institutions, and low-income credit
6 unions, provided that these activities help meet the
7 financial needs of local communities in which the
8 federally chartered financial institution provides fi-
9 nancial products or services.

10 (2) DEFINITIONS.—For purposes of this sec-
11 tion:

12 (A) COMMUNITY DEVELOPMENT FINAN-
13 CIAL INSTITUTION.—The term “community de-
14 velopment financial institution” has the mean-
15 ing given in section 103(5) of the Riegle Com-
16 munity Development and Regulatory Improve-
17 ment Act of 1994 (12 U.S.C. 4702(5)).

18 (B) FINANCIAL INCLUSION ASSESSMENT
19 PROCESS.—The term “financial inclusion as-
20 sessment process” means any process relating
21 to the chartering of a financial institution
22 whereby the Comptroller of the Currency as-
23 sesses and takes into account the financial in-
24 stitution's record of meeting the financial needs
25 of the bank's entire community, including low-

1 and moderate-income neighborhoods, consistent
2 with the safe and sound operation of such bank.

3 (C) FINANCIAL PRODUCT OR SERVICE.—

4 The term “financial product or service” has the
5 meaning given such term in section 1002 of the
6 Dodd-Frank Wall Street Reform and Consumer
7 Protection Act (12 U.S.C. 5481).

8 (D) FIRREA DEFINITIONS.—The terms
9 “low-income credit union” and “women’s bank”
10 have the meanings given such terms, respec-
11 tively, in section 1204(c) of the Financial Insti-
12 tutions Reform, Recovery, and Enforcement Act
13 of 1989 (12 U.S.C. 1811 note).

14 **SEC. 14704. GAO STUDIES.**

15 (a) NEW MARKETS TAX CREDIT STUDY.—The
16 Comptroller General of the United States shall carry out
17 a study on the award of the new markets tax credit by—

18 (1) surveying communities and specifically talk-
19 ing to Black banks, community banks, and CDFIs
20 that wish to receive the tax credit about why they
21 are not receiving the tax credit;

22 (2) determining where the tax credit money ac-
23 tually went and what it was used for; and

24 (3) to the extent possible, using a case study
25 approach.

1 (b) LOWER-VALUE HOME MORTGAGE LOAN
2 STUDY.—The Comptroller General of the United States
3 shall carry out a study on mortgage loans with a principal
4 amount of \$100,000 or less, including—

5 (1) who is making such loans currently;

6 (2) how communities are encouraging such
7 loans;

8 (3) what changes could encourage banks and
9 other persons to provide more such loans; and

10 (4) any statutory or regulatory changes that
11 the Comptroller believes may be needed to encourage
12 more such loans.

13 (c) BLOCKCHAIN STUDY.—The Comptroller General
14 of the United States shall carry out a study on blockchain
15 technology and whether such technology could be used to
16 increase investment by lower-income individuals in start-
17 ups and other crowd-funded companies.

18 **SEC. 14705. DEFINITIONS.**

19 For purposes of this subtitle:

20 (1) BLACK BANK.—The term “Black bank”
21 means an insured depository institution—

22 (A) more than 50 percent of the ownership
23 or control of which is held by 1 or more Black
24 individuals; and

1 (B) more than 50 percent of the net profit
2 or loss of which accrues to 1 or more Black in-
3 dividuals.

4 (2) CDFI.—The term “CDFI” has the mean-
5 ing given the term “community development finan-
6 cial institution” under section 103 of the Commu-
7 nity Development Banking and Financial Institu-
8 tions Act of 1994.

9 (3) COMMUNITY BANK.—The term “community
10 bank” means an insured depository institution with
11 less than \$100,000,000 in consolidated assets.

12 (4) COMPTROLLER.—The term “Comptroller”
13 means the Comptroller of the Currency, except when
14 used in the context of the Comptroller General of
15 the United States.

16 (5) INSURED CREDIT UNION.—The term “in-
17 sured credit union” has the meaning given such
18 term under section 101 of the Federal Credit Union
19 Act.

20 (6) INSURED DEPOSITORY INSTITUTION.—The
21 term “insured depository institution”—

22 (A) has the meaning given such term
23 under section 3 of the Federal Deposit Insur-
24 ance Act; and

25 (B) includes an insured credit union.

1 (7) SECURITIES LAWS.—The term “securities
2 laws” has the meaning given such term under sec-
3 tion 3 of the Securities Exchange Act of 1934 (15
4 U.S.C. 78c).

5 **Subtitle KK—Small Business Start-**
6 **up Savings Accounts**

7 **SEC. 14801. SHORT TITLE.**

8 This subtitle may be cited as the “Small Business
9 Start-up Savings Accounts Act of 2020”.

10 **SEC. 14802. ESTABLISHMENT OF SMALL BUSINESS START-**
11 **UP SAVINGS ACCOUNTS.**

12 (a) IN GENERAL.—Subpart A of part I of subchapter
13 D of chapter 1 of the Internal Revenue Code of 1986 is
14 amended by inserting after section 408A the following new
15 section:

16 **“SEC. 408B. SMALL BUSINESS START-UP SAVINGS AC-**
17 **COUNTS.**

18 “(a) GENERAL RULE.—Except as provided in this
19 section, a Small Business Start-up Savings Account shall
20 be treated for purposes of this title in the same manner
21 as an individual retirement plan.

22 “(b) SMALL BUSINESS START-UP SAVINGS AC-
23 COUNT.—For purposes of this title, the term ‘Small Busi-
24 ness Start-up Savings Account’ means an individual re-
25 tirement plan which is designated (in such manner as the

1 Secretary may prescribe) at the time of establishment of
2 the plan as a Small Business Start-up Savings Account.

3 “(c) TREATMENT OF CONTRIBUTIONS.—

4 “(1) NO DEDUCTION ALLOWED.—No deduction
5 shall be allowed under section 219 for a contribution
6 to a Small Business Start-up Savings Account.

7 “(2) CONTRIBUTION LIMIT.—

8 “(A) IN GENERAL.—The aggregate
9 amount of contributions for any taxable year to
10 all Small Business Start-up Savings Accounts
11 maintained for the benefit of an individual shall
12 not exceed \$10,000.

13 “(B) AGGREGATE LIMITATION.—The ag-
14 gregate of the amount of contributions for all
15 taxable years with respect to all Small Business
16 Start-up Savings Accounts maintained for the
17 benefit of an individual shall not exceed
18 \$150,000.

19 “(C) COST OF LIVING ADJUSTMENT.—

20 “(i) IN GENERAL.—In the case of a
21 taxable year beginning after 2019, the
22 \$10,000 amount in subparagraph (A) shall
23 be increased by an amount equal to—

24 “(I) such dollar amount, multi-
25 plied by

1 “(II) the cost-of-living adjust-
2 ment determined under section 1(f)(3)
3 for the calendar year in which the tax-
4 able year begins, determined by sub-
5 stituting ‘calendar year 2020’ for ‘cal-
6 endar year 1992’ in subparagraph (B)
7 thereof.

8 “(ii) ROUNDING.—If any amount as
9 adjusted under clause (i) is not a multiple
10 of \$500, such amount shall be rounded to
11 the next lowest multiple of \$500.

12 “(3) CONTRIBUTIONS PERMITTED AFTER AGE
13 70½.—Contributions to a Small Business Start-up
14 Savings Account may be made even after the indi-
15 vidual for whom the account is maintained has at-
16 tained age 70½.

17 “(4) ROLLOVERS FROM RETIREMENT PLANS
18 NOT ALLOWED.—A taxpayer shall not be allowed to
19 make a qualified rollover contribution to a Small
20 Business Start-up Savings Account from any eligible
21 retirement plan (as defined in section 402(c)(8)(B)),
22 except as may be provided by the Secretary in the
23 case of a rollover from another Small Business
24 Start-up Savings Account.

1 “(5) INCOME BASED ON MODIFIED ADJUSTED
2 GROSS INCOME.—

3 “(A) IN GENERAL.—In the case of a tax-
4 able year in which the taxpayer’s adjusted gross
5 income exceeds \$150,000 (\$300,000 in the case
6 of a joint return), the dollar amount in effect
7 for such taxable year under subsection (c)(2)
8 shall be reduced (but not below zero) by the
9 amount determined under subparagraph (B).

10 “(B) AMOUNT OF REDUCTION.—The
11 amount determined under this subparagraph
12 shall be the amount which bears the same ratio
13 to such limitation as—

14 “(i) the excess of—

15 “(I) the taxpayer’s adjusted
16 gross income for such taxable year,
17 over

18 “(II) \$150,000 (\$300,000 in the
19 case of a joint return), bears to

20 “(ii) \$25,000.

21 “(C) MODIFIED ADJUSTED GROSS IN-
22 COME.—The term ‘modified adjusted gross in-
23 come’ means the adjusted gross income of the
24 taxpayer for the taxable year increased by any

1 amount excluded from gross income under sec-
2 tion 911, 931, or 933.

3 “(d) TREATMENT OF DISTRIBUTIONS.—

4 “(1) TAX TREATMENT.—

5 “(A) EXCLUSION OF QUALIFIED DISTRIBUTIONS.—Any qualified distribution from a
6 Small Business Start-up Savings Account shall
7 not be includible in gross income.
8

9 “(B) INCLUSION OF OTHER DISTRIBUTIONS.—Distributions from a Small Business
10 Start-up Savings Account which is not a quali-
11 fied distribution shall be included in gross in-
12 come and, for purposes of section 1, treated as
13 a net capital gain.
14

15 “(2) QUALIFIED DISTRIBUTION.—For purposes
16 of this subsection, the term ‘qualified distribution’
17 means, with respect to any taxable year, any pay-
18 ment or distribution from a Small Business Start-up
19 Savings Account—

20 “(A) to the extent the amount of such pay-
21 ment or distribution does not exceed the sum
22 of—

23 “(i) the aggregate amounts paid or in-
24 curred by the taxpayer for such taxable
25 year with respect to a trade or business for

1 the purchase of equipment or facilities,
2 marketing, training, incorporation, and ac-
3 counting fees, and

4 “(ii) the aggregate capital contribu-
5 tions of the taxpayer with respect to a
6 trade or business for the taxable year (but
7 only to the extent such amounts are used
8 in such trade or business for purposes de-
9 scribed in clause (i)), and

10 “(B) which, in the case of a payment or
11 distribution subsequent to the first payment or
12 distribution from such account (or any prede-
13 cessor to such account)—

14 “(i) is made not later than the close
15 of the 5th taxable year beginning after the
16 date of such first payment or distribution,
17 and

18 “(ii) is made with respect to the same
19 trade or business with respect to which
20 such first payment or distribution was
21 made.

22 “(3) TREATMENT AFTER DEATH OF ACCOUNT
23 BENEFICIARY.—If, by reason of the death of the ac-
24 count beneficiary, any person acquires the account

1 beneficiary's interest in a Small Business Start-up
2 Savings Account—

3 “(A) such account shall cease to be a
4 Small Business Start-up Savings Account as of
5 the date of death, and

6 “(B) an amount equal to the fair market
7 value of the assets in such account on such date
8 shall be includible—

9 “(i) in the case of a person who is not
10 the estate of such beneficiary, in such per-
11 son's gross income for the taxable year
12 which includes such date, or

13 “(ii) in the case of a person who is
14 the estate of such beneficiary, in such
15 beneficiary's gross income for the last tax-
16 able year of such beneficiary.

17 “(C) SPECIAL RULES.—

18 “(i) REDUCTION OF INCLUSION FOR
19 PREDEATH EXPENSES.—The amount in-
20 cludible in gross income under subpara-
21 graph (B) shall be reduced by the amounts
22 described in paragraph (2) which were in-
23 curred by the decedent before the date of
24 the decedent's death and paid by such per-
25 son within 1 year after such date.

1 “(ii) DEDUCTION FOR ESTATE
2 TAXES.—An appropriate deduction shall be
3 allowed under section 691(c) to any person
4 (other than the decedent) with respect to
5 amounts included in gross income under
6 clause (i) by such person.

7 “(4) MANDATORY DISTRIBUTION RULES NOT
8 TO APPLY.—Section 401(a)(9)(A) and the incidental
9 death benefit requirements of section 401(a) shall
10 not apply to any Small Business Start-up Savings
11 Account.”.

12 (b) EXCESS CONTRIBUTIONS.—Section 4973 of such
13 Code is amended by adding at the end the following new
14 subsection:

15 “(i) EXCESS CONTRIBUTIONS TO SMALL BUSINESS
16 START-UP SAVINGS ACCOUNTS.—For purposes of this
17 section, in the case of contributions to all Small Business
18 Start-up Savings Accounts (within the meaning of section
19 408B(b)) maintained for the benefit of an individual, the
20 term ‘excess contributions’ means the sum of—

21 “(1) the excess (if any) of—

22 “(A) the amount contributed to such ac-
23 counts for the taxable year, over

1 “(B) the amount allowable as a contribu-
2 tion under section 408B(c)(2)(A) for such tax-
3 able year, and

4 “(2) the amount determined under this sub-
5 section for the preceding taxable year, reduced by
6 the sum of—

7 “(A) the distributions out of the accounts
8 for the taxable year, and

9 “(B) the excess (if any) of—

10 “(i) the maximum amount allowable
11 as a contribution under section
12 408B(c)(2)(A) for such taxable year, over

13 “(ii) the amount contributed to such
14 accounts for such taxable year, and

15 “(3) the excess (if any) of—

16 “(A) the excess (if any) of—

17 “(i) the aggregate amounts contrib-
18 uted to such accounts for all taxable years,
19 over

20 “(ii) the aggregate amount allowable
21 as contributions under section
22 408B(c)(2)(B) for all taxable years, over

23 “(B) the amount determined under this
24 paragraph for all preceding taxable years.”.

1 (c) CONFORMING AMENDMENT.—The table of sec-
 2 tions for subpart A of part I of subchapter D of chapter
 3 1 of such Code is amended by inserting after the item
 4 relating to section 408A the following new item:

“Sec. 408B. Small Business Start-up Savings Accounts.”.

5 (d) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to taxable years beginning after
 7 December 31, 2020.

8 **Subtitle LL—Small Business Devel-**
 9 **opment Centers and Women’s**
 10 **Business Centers Tax Compli-**
 11 **ance Costs**

12 **SEC. 14901. GRANTS TO SMALL BUSINESS DEVELOPMENT**
 13 **CENTERS AND WOMEN’S BUSINESS CENTERS**
 14 **TO ADDRESS RISING COSTS OF TAX COMPLI-**
 15 **ANCE FOR SMALL BUSINESS CONCERNS.**

16 (a) GRANT AUTHORITY.—The Administrator of the
 17 Small Business Administration may award a grant under
 18 this section to a small business development center or a
 19 women’s business center for the purposes of assisting own-
 20 ers of small business concerns in complying with the Inter-
 21 nal Revenue Code of 1986 and communicating with the
 22 Internal Revenue Service.

23 (b) APPLICATION.—Each applicant for a grant under
 24 this section shall submit to the Administrator an applica-
 25 tion in such form as the Administrator may require. The

1 application shall include information regarding the appli-
2 cant's goals and objectives for helping address the con-
3 cerns of owners of small business concerns related to com-
4 pliance with the Internal Revenue Code of 1986.

5 (c) APPLICABILITY OF GRANT REQUIREMENTS.—An
6 applicant for a grant under this section shall comply with
7 all of the requirements applicable to a grantee under sec-
8 tion 21 or section 29 of the Small Business Act, except
9 that the matching funds requirements of such sections
10 shall not apply.

11 (d) USE OF FUNDS.—A recipient of a grant under
12 this section shall use the grant only for the purposes de-
13 scribed in subsection (a), including working with—

14 (1) the Internal Revenue Service, including
15 local offices of the Office of the Taxpayer Advocate,
16 to help reduce tax compliance costs for such owners;
17 and

18 (2) owners of small business concerns who are
19 subject to an audit by the Internal Revenue Service.

20 (e) MINIMUM GRANT AMOUNT.—A grant awarded
21 under this section may not be in an amount less than
22 \$200,000.

23 (f) COOPERATIVE AGREEMENTS AND CONTRACTS.—
24 The Administrator may enter into a cooperative agree-
25 ment or contract with the recipient of a grant under this

1 section to provide additional assistance for the purposes
2 described in subsection (a).

3 (g) REPORT TO ADMINISTRATOR.—Not later than 18
4 months after the date of receipt of a grant under this sec-
5 tion, the recipient of the grant shall submit to the Admin-
6 istrator a report describing how the grant funds were
7 used.

8 (h) EVALUATION OF PROGRAM.—Not later than 3
9 years after the date of the enactment of this Act, the Ad-
10 ministrator shall submit to Congress a report that con-
11 tains an evaluation of the grant program established
12 under this section.

13 (i) DEFINITIONS.—In this section:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Small Busi-
16 ness Administration.

17 (2) SMALL BUSINESS CONCERN.—The term
18 “small business concern” has the meaning given
19 such term under section 3 of the Small Business Act
20 (15 U.S.C. 632).

21 (3) SMALL BUSINESS DEVELOPMENT CEN-
22 TER.—The term “small business development cen-
23 ter” has the meaning given such term in section 3
24 of the Small Business Act (15 U.S.C. 632).

1 (4) WOMEN’S BUSINESS CENTER.—The term
2 “women’s business center” means a women’s busi-
3 ness center described under section 29 of the Small
4 Business Act (15 U.S.C. 656).

5 (j) LIMITATION ON USE OF FUNDS.—The Adminis-
6 trator may carry out this section only with amounts appro-
7 priated specifically to carry out this section under sub-
8 section (k).

9 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$5,000,000 for each of fiscal years 2022 and 2023.

12 **Subtitle MM—Hire A Hero**

13 **SEC. 15101. SHORT TITLE.**

14 This subtitle may be cited as the “Hire A Hero Act
15 of 2020”.

16 **SEC. 15102. WORK OPPORTUNITY CREDIT TO SMALL BUSI-**
17 **NESSES FOR HIRING MEMBERS OF READY**
18 **RESERVE OR NATIONAL GUARD.**

19 (a) IN GENERAL.—Section 51(d)(1) of the Internal
20 Revenue Code of 1986 is amended by striking “or” at the
21 end of subparagraph (I), by striking the period at the end
22 of subparagraph (J) and inserting “, or”, and by adding
23 at the end the following new subparagraph:

1 “(K) in the case of an eligible employer (as
2 defined in section 408(p)(2)(C)(i)), an indi-
3 vidual who is a member of—

4 “(i) the Ready Reserve (as described
5 in section 10142 of title 10, United States
6 Code), or

7 “(ii) the National Guard (as defined
8 in section 101(c)(1) of title 10, United
9 States Code).”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—The amendment made by
12 this section shall apply to wages paid or incurred
13 after the date of the enactment of this Act in tax-
14 able years ending after such date.

15 (2) CURRENT EMPLOYEES COVERED BY CRED-
16 IT.—For purposes of applying section 51 of the In-
17 ternal Revenue Code of 1986, individuals described
18 in section 51(d)(1)(K) of such Code, as added by
19 this section, who are employed by an eligible em-
20 ployer (as defined in section 408(p)(2)(C)(i) of such
21 Code) on the date of the enactment of this Act shall
22 be treated as beginning work for such employer on
23 such date.

1 **SEC. 15103. PERMANENT EXTENSION OF WORK OPPOR-**
 2 **TUNITY CREDIT FOR EMPLOYERS HIRING**
 3 **QUALIFIED VETERANS AND MEMBERS OF**
 4 **READY RESERVE AND NATIONAL GUARD.**

5 (a) IN GENERAL.—Section 51(c)(4) of the Internal
 6 Revenue Code of 1986 is amended by inserting “(other
 7 than any individual described in subparagraph (B) or (K)
 8 of subsection (d)(1))” after “individual”.

9 (b) EFFECTIVE DATE.—The amendment made by
 10 this section shall apply to individuals who begin work for
 11 the employer after December 31, 2019.

12 **Subtitle NN—Jobs, On-the-Job**
 13 **“Earn-While-You-Learn” Train-**
 14 **ing, and Apprenticeships for**
 15 **Young African-Americans**

16 **SEC. 15201. SHORT TITLE.**

17 This subtitle may be cited as the “Jobs, On-the-Job
 18 ‘Earn-While-You-Learn’ Training, and Apprenticeships
 19 for Young African-Americans Act”.

20 **SEC. 15202. FINDINGS AND PURPOSE.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Young African-American men and women
 23 are the hardest hit by economic instability. Declared
 24 and affirmed by the Federal Reserve, African Ameri-
 25 cans face unemployment rates that are two to three

1 times higher than their White counterparts for the
2 last several decades.

3 (2) During economic recessions in 1974–75,
4 1981–82, 1990–91, and 2008, the African-American
5 community faced significantly higher unemployment
6 rates than their White counterparts.

7 (3) Even during times of economic growth, Af-
8 rican-American communities experience prolonged fi-
9 nancial vulnerability and delayed recovery. Unem-
10 ployment rates decline at a slower rate for African-
11 American men, and even a slower rate for African-
12 American women as compared to their White coun-
13 terparts.

14 (4) This extraordinarily high unemployment
15 rate has a terrible rippling impact on the breakdown
16 of the family structure, as men and women in this
17 age group are in the primary child-producing ages.

18 (5) Affirmed by the Department of Labor, di-
19 versity and inclusion within the workforce benefits
20 employees and businesses across all industries, in-
21 cluding apprenticeship programs, which provide eco-
22 nomic mobility to its participants.

23 (6) Through the combined efforts of building
24 trades unions and community partners at the State
25 and local level, there have been established more

1 than 150 apprenticeship readiness programs across
2 the United States that focus on creating pathways
3 to Registered Programs for people of color, women,
4 and veterans. Overall, from 2009 to 2019, building
5 trades unions and their signatory contractors have
6 invested over \$100,000,000 in outreach efforts tar-
7 geting under-represented communities to participate
8 in apprenticeship readiness programs. Of the 4,800
9 individuals who have successfully completed a build-
10 ing trades apprenticeship readiness program since
11 2016, 70 percent were from communities of color
12 and 22 percent were women.

13 (7) The disproportionately high-unemployment
14 rates, combined with low participation rates from
15 African Americans in registered apprenticeship pro-
16 grams not only constitute a national crisis but a na-
17 tional tragedy for the young African Americans,
18 many of whom are fathers and mothers who, without
19 jobs, are unable to provide for their families or
20 home.

21 (b) PURPOSE.—The purpose of this subtitle is to se-
22 cure jobs, on-the-job training, and apprenticeships for
23 young African Americans ages 18 to 39 with the labor
24 unions, general contractors, and businesses who will re-

1 build the Nation's crumbling infrastructure in cities and
2 communities throughout the Nation.

3 **SEC. 15203. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) this subtitle, while rebuilding the crumbling
6 infrastructure of this great Nation, will simulta-
7 neously help create good paying jobs and job train-
8 ing that will provide young African Americans ages
9 18 to 39 with the technical skills, computer capabili-
10 ties, and other skills necessary in this high tech-
11 nology-driven job market, thus providing young Afri-
12 can Americans with highly developed skills that will
13 make them very competitive and attractive to many
14 employers;

15 (2) this subtitle greatly exemplifies and
16 strengthens the high nobility of purpose that is the
17 founding grace of this great Nation; and

18 (3) the African-American organizations de-
19 scribed in section 15204(c) have a long and rich his-
20 tory of working to improve the lives of African
21 Americans, and can be very helpful in successfully
22 reaching, contacting, and recruiting unemployed
23 young African Americans.

1 **SEC. 15204. URGING EMPLOYMENT, ON-THE-JOB TRAINING,**
2 **AND APPRENTICESHIPS FOR UNEMPLOYED**
3 **YOUNG AFRICAN AMERICANS IN REBUILDING**
4 **THE NATION'S CRUMBLING INFRASTRUC-**
5 **TURE.**

6 (a) IN GENERAL.—The Secretary of Labor shall
7 strongly and urgently encourage those labor unions, gen-
8 eral contractors, and businesses, who will rebuild the Na-
9 tion's crumbling infrastructure, transportation systems,
10 technology and computer networks, and energy distribu-
11 tion systems, to actively recruit, hire, train, and provide
12 apprentice programs registered under the National Ap-
13 prenticeship Act (29 U.S.C. 50 et seq.) to African Ameri-
14 cans ages 18 to 39 through their existing jobs and through
15 apprenticeships and earn-while-you-learn programs, reg-
16 istered under such Act. The Secretary shall provide assist-
17 ance to such labor unions, general contractors, and busi-
18 nesses through every means available under existing law
19 to help coordinate the recruitment of such individuals for
20 such jobs, on-the-job training, and apprenticeships.

21 (b) COORDINATION.—The jobs, on-the-job training,
22 and apprenticeships made available by labor unions, gen-
23 eral contractors, and businesses described in subsection
24 (a) shall be conducted in conjunction with the Secretary
25 of Labor and the labor unions and other associations
26 which the Secretary has identified as those primarily in-

1 volved in the infrastructure rebuilding described in such
2 subsection. Such coordination shall also be done in con-
3 junction with the National Joint Apprenticeship and
4 Training Committee.

5 (c) RECRUITMENT.—The Secretary shall coordinate
6 with labor unions, general contractors, and businesses de-
7 scribed in subsections (a) and (b) to recruit African Amer-
8 icans for the jobs, on-the-job training, and apprenticeships
9 described in subsection (a) by reaching out and seeking
10 assistance from within the African-American community,
11 churches, and civil rights organizations that can offer val-
12 uable assistance to the Secretary of Labor, the labor
13 unions, general contractors, and businesses with identi-
14 fying, locating, and contacting unemployed young African
15 Americans who want jobs, on-the-job training, and ap-
16 prenticeships.

17 **Subtitle OO—Media Diversity**

18 **SEC. 15301. FINDINGS.**

19 The Congress finds the following:

20 (1) The principle that an informed and engaged
21 electorate is critical to a vibrant democracy is deeply
22 rooted in our laws of free speech and underpins the
23 virtues on which we established our Constitution, “in
24 Order to form a more perfect Union, establish Jus-
25 tice, insure domestic Tranquility, provide for the

1 common defences, promote the general Welfare, and
2 secure the Blessings of Liberty to ourselves and our
3 Posterity. . .”.

4 (2) Having independent, diverse, and local
5 media that provide exposure to a broad range of
6 viewpoints and the ability to contribute to the polit-
7 ical debate is central to sustaining that informed en-
8 gagement.

9 (3) It is in the public interest to encourage
10 source, content, and audience diversity on our Na-
11 tion’s shared telecommunications and media plat-
12 forms.

13 (4) The survival of small, independent, and di-
14 verse media outlets that serve diverse audiences and
15 local media markets is essential to preserving local
16 culture and building understanding on important
17 community issues that impact the daily lives of resi-
18 dents.

19 (5) Research by the American Society of News
20 Editors, the Radio Television Digital News Associa-
21 tion, the Pew Research Center, and others has docu-
22 mented the continued challenges of increasing diver-
23 sity among all types of media entities.

24 (6) With increasing media experience and so-
25 phistication, it is even more important to have mi-

1 nority participation in local media to ensure a di-
2 verse range of information sources are available and
3 different ideas and viewpoints are expressed to
4 strengthen social cohesion among different commu-
5 nities.

6 (7) The constriction in small, independent, and
7 diverse media outlets and limited participation of di-
8 verse populations in media ownership and decision-
9 making are combining to negatively impact our goal
10 of increasing local civic engagement and civic knowl-
11 edge through increased voter participation, member-
12 ship in civic groups, and knowledge of local political
13 and civil information.

14 **SEC. 15302. SENSE OF CONGRESS.**

15 That the Congress—

16 (1) reaffirms its commitment to diversity as a
17 core tenet of the public interest standard in media
18 policy; and

19 (2) pledges to work with media entities and di-
20 verse stakeholders to develop common ground solu-
21 tions to eliminate barriers to media diversity.

22 **Subtitle PP—Federal Jobs**

23 **SEC. 15401. SHORT TITLE; DEFINITIONS.**

24 (a) SHORT TITLE.—This subtitle may be cited as the
25 “Federal Jobs Act”.

1 (b) DEFINITIONS.—In this subtitle:

2 (1) AGENCY.—The term “agency” has the
3 meaning given the term “Executive agency” in sec-
4 tion 105 of title 5, United States Code, and includes
5 the United States Postal Service and the Postal
6 Regulatory Commission.

7 (2) AGENCY PLAN.—The term “agency plan”
8 means an Executive agency-specific plan to carry out
9 the Diversity Plan, as described in section 15403.

10 (3) DEPUTY DIRECTOR.—The term “Deputy
11 Director” means the Deputy Director of Manage-
12 ment of the Office of Management and Budget.

13 (4) DIRECTOR.—The term “Director” means
14 the Director of the Office of Personnel Management.

15 (5) DIVERSITY.—The term “diversity” includes
16 characteristics such as national origin, language,
17 race, color, disability, ethnicity, gender, age, religion,
18 sexual orientation, gender identity, socioeconomic
19 status, and family structures.

20 (6) DIVERSITY PLAN.—The term “Diversity
21 Plan” means the Diversity and Inclusion Initiative
22 and Strategic Plan, as described in section 15402.

1 **SEC. 15402. EXECUTIVE BRANCH DIVERSITY AND INCLU-**
2 **SION INITIATIVE AND STRATEGIC PLAN.**

3 (a) IN GENERAL.—The Director of the Office of Per-
4 sonnel Management and the Deputy Director of Manage-
5 ment of the Office of Management and Budget, in coordi-
6 nation with the President’s Management Council and the
7 Chair of the Equal Employment Opportunity Commission,
8 shall—

9 (1) establish a coordinated initiative to promote
10 diversity and inclusion in the executive branch work-
11 force;

12 (2) not later than 90 days after the date of the
13 enactment of this Act—

14 (A) develop and issue a Diversity and In-
15 clusion Strategic Plan applicable to the execu-
16 tive branch, to be updated at a minimum every
17 4 years, that—

18 (i) focuses on workforce diversity,
19 workplace inclusion, and agency account-
20 ability and leadership; and

21 (ii) highlights comprehensive strate-
22 gies for agencies to identify and remove
23 barriers to equal employment opportunity
24 that may exist in recruitment, hiring, pro-
25 motion, retention, professional develop-
26 ment, and training policies and practices;

1 (B) review applicable directives to agencies
2 related to the development or submission of Ex-
3 ecutive agency human capital and other work-
4 force plans and reports in connection with re-
5 cruitment, hiring, promotion, retention, profes-
6 sional development, and training policies and
7 practices, and develop a strategy for consoli-
8 dating such agency plans and reports where ap-
9 propriate and permitted by law; and

10 (C) provide guidance to agencies con-
11 cerning formulation of agency-specific plans
12 under section 15403 to carry out the Diversity
13 Plan;

14 (3) identify appropriate practices to improve
15 the effectiveness of each agency's efforts to recruit,
16 hire, promote, retain, develop, and train a diverse
17 and inclusive workforce, consistent with merit sys-
18 tem principles; and

19 (4) establish a system for regular reporting on
20 agencies' progress in implementing any Executive
21 agency-specific plan to carry out the Diversity Plan.

22 (b) APPLICATION.—For purposes of carrying out this
23 section—

24 (1) the term “diversity” includes characteristics
25 such as national origin, language, race, color, dis-

1 ability, ethnicity, gender, age, religion, sexual ori-
2 entation, gender identity, socioeconomic status, and
3 family structures; and

4 (2) recruitment should be from qualified indi-
5 viduals from appropriate sources in an endeavor to
6 achieve a workforce from all segments of society
7 while avoiding discrimination for or against any em-
8 ployee or applicant on the basis of race, color, reli-
9 gion, sex (including pregnancy or gender identity),
10 national origin, age, disability, sexual orientation or
11 any other prohibited basis.

12 **SEC. 15403. RESPONSIBILITIES OF AGENCIES.**

13 (a) IN GENERAL.—The head of each agency shall—

14 (1) designate the agency’s Chief Human Capital
15 Officer, Director of Equal Employment Opportunity,
16 and Chief Diversity Officer (if any) to be responsible
17 for enhancing employment and promotion opportuni-
18 ties within the agency, including development and
19 implementation of the agency plan;

20 (2) not later than 120 days after the date the
21 Diversity Plan is issued or updated under section
22 15401, develop or update (as the case may be) and
23 submit for review to the Director and the Deputy
24 Director an agency plan for recruiting, hiring, train-
25 ing, developing, advancing, promoting, and retaining

1 a diverse workforce consistent with merit system
2 principles, the agency's overall strategic plan, its
3 human capital operating plan prepared pursuant to
4 part 250 of title 5, Code of Federal Regulations, and
5 any other applicable workforce planning strategies
6 and initiatives;

7 (3) implement the agency plan after incor-
8 porating the plan into the agency's human capital
9 operating plan; and

10 (4) provide information as specified by the re-
11 porting requirements developed under paragraph (4)
12 of section 15401.

13 (b) ANNUAL UPDATES.—Not later than 90 days after
14 the date of the enactment of this Act and annually there-
15 after, the head of each agency, in consultation with the
16 Director and the Deputy Director, shall publish a report
17 on the agency's public Internet website that includes—

18 (1) disaggregated demographic data (sorted by
19 race, color, national origin, religion, sex, age, or dis-
20 ability) relating to the workforce and information on
21 the status of diversity and inclusion efforts of the
22 agency;

23 (2) an analysis of applicant flow data, as avail-
24 able (sorted by race, color, national origin, religion,
25 sex, age, or disability);

1 (3) disaggregated demographic data relating to
2 participants in professional development programs of
3 the agency and the rate of placement into senior po-
4 sitions for participants in such programs; and

5 (4) data related to the employment of tradition-
6 ally underrepresented groups.

7 (c) RETENTION AND EXIT INTERVIEWS OR SUR-
8 VEYS.—

9 (1) DEPARTING EMPLOYEES.—The head of
10 each agency shall provide an opportunity for an exit
11 interview or survey to each agency employee who
12 separates from service with the agency to better un-
13 derstand the employee's reasons for leaving such
14 service.

15 (2) USE OF ANALYSIS FROM INTERVIEWS AND
16 SURVEYS.—The head of each agency shall analyze
17 demographic data and other information obtained
18 through interviews and surveys under paragraphs
19 (1) and (2) to determine—

20 (A) if and how the diversity of those par-
21 ticipating in such interviews and surveys im-
22 pacts the results; and

23 (B) whether to implement any policy
24 changes or make any recommendations.

1 (3) TRACKING DATA.—The head of each agency
2 shall—

3 (A) track demographic data relating to
4 participants in professional development pro-
5 grams and the rate of placement into senior po-
6 sitions for participants in such programs;

7 (B) annually evaluate such data—

8 (i) to identify ways to improve out-
9 reach and recruitment for such programs,
10 consistent with merit system principles;
11 and

12 (ii) to understand how participation in
13 any program offered or sponsored by the
14 agency under subparagraph (A) differs
15 among the demographic categories of the
16 workforce; and

17 (C) actively encourage participation from a
18 range of demographic categories, especially
19 from categories with consistently low participa-
20 tion.

21 **SEC. 15404. LEGISLATIVE AND JUDICIAL BRANCHES.**

22 (a) LEGISLATIVE BRANCH.—Each office treated as
23 an employing office under the Congressional Account-
24 ability Act of 1995 (2 U.S.C. 1301 et seq.) shall, to the
25 greatest extent practicable, carry out the requirements of

1 sections 15402 and 15403 with respect to the legislative
2 branch of Government.

3 (b) JUDICIAL BRANCH.—The Director of the Admin-
4 istrative Office of the United States Courts shall, to the
5 greatest extent practicable, carry out the requirements of
6 sections 15402 and 15403 with respect to the judicial
7 branch of Government.

8 **SEC. 15405. DIVERSITY IN GOVERNMENT PROCUREMENT**
9 **AND GRANTMAKING.**

10 (a) PRIME CONTRACTOR REPORTING TO AGEN-
11 CIES.—Each prime contractor shall submit to the head of
12 the agency with which the contractor is under contract an
13 annual report, that includes a list of prime contractors and
14 subcontractors, and the amounts they receive from the
15 agency, that are economically and socially disadvantaged
16 businesses as defined by part 124 of title 13, Code of Fed-
17 eral Regulations.

18 (b) ANNUAL REPORTS.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of the enactment of this Act, and annually
21 thereafter, the head of each agency shall submit to
22 the appropriate congressional committees a com-
23 prehensive report on activities to increase economi-
24 cally and socially disadvantaged businesses (as de-

1 fined by such part 124) in procurement and grant
2 making.

3 (2) CONTENT.—Each report required under
4 paragraph (1) shall include a description of the ef-
5 forts of the agency—

6 (A) to list, describe, and evaluate all activi-
7 ties used to increase the capacity of minority-
8 led small nongovernmental organizations and
9 civil society organizations to win bids and ob-
10 tain contracts and grants and serve as sub-
11 contractors; and

12 (B) to review any impact the restrictions
13 related to the foreign exemption in Federal con-
14 tracting under part 19 of the Federal Acquisi-
15 tion Regulation have had on economically and
16 socially disadvantaged businesses (as defined by
17 such part 124).

18 **Subtitle QQ—Urban Progress**

19 **SEC. 15501. SHORT TITLE .**

20 This subtitle may be cited as the “Urban Progress
21 Act of 2020”.

1 **PART 1—SUSTAINABLE COMMUNITY ECONOMIC**
2 **DEVELOPMENT**

3 **Subpart A—Rental Assistance Housing Preservation**
4 **and Rehabilitation Act**

5 **SEC. 15511. SHORT TITLE.**

6 This subpart may be cited as the “Rental Assistance
7 Housing Preservation and Rehabilitation Act of 2020”.

8 **SEC. 15512. AMENDMENTS TO RENTAL ASSISTANCE DEM-**
9 **ONSTRATION.**

10 (a) **AMENDMENTS.**—The matter in the heading
11 “Rental Assistance Demonstration” in title II of the
12 Transportation, Housing and Urban Development, and
13 Related Agencies Appropriations Act, 2012 (division C of
14 Public Law 112–55; 125 Stat. 673) is amended—

15 (1) by striking “(except for funds allocated
16 under such section for single room occupancy dwell-
17 ings as authorized by title IV of the McKinney-
18 Vento Homeless Assistance Act)” each place such
19 phrase appears;

20 (2) in the third proviso by inserting “in excess
21 of amounts made available under this heading” after
22 “associated with such conversion”;

23 (3) in the fourth proviso—

24 (A) by striking “60,000” and inserting
25 “150,000”; and

26 (B) by striking “or section 8(e)(2)”; and

1 (4) in the penultimate proviso by striking “and
2 2013” and inserting “through 2021”.

3 (b) APPLICABILITY.—The amendments made by sub-
4 section (a) shall apply only to any amounts that are made
5 available for fiscal year 2022 or any fiscal year thereafter
6 for carrying out the demonstration program established
7 under the heading referred to in subsection (a).

8 **Subpart B—Hire For a Second Chance Act**

9 **SEC. 15521. SHORT TITLE.**

10 This subpart may be cited as the “Hire For a Second
11 Chance Act of 2020”.

12 **SEC. 15522. EXTENSION AND MODIFICATION OF WORK OP-
13 PORTUNITY TAX CREDIT.**

14 (a) CREDIT MADE PERMANENT.—Section 51(c) of
15 the Internal Revenue Code of 1986 is amended by striking
16 paragraph (4) and redesignating paragraph (5) as para-
17 graph (4).

18 (b) INCREASE IN WAGE LIMITATION FOR EX-FEL-
19 ONS.—

20 (1) LIMITATION ON WAGES TAKEN INTO AC-
21 COUNT.—Section 51(b)(3) of such Code is amend-
22 ed—

23 (A) by striking “subsection (d)(3)(A)(iv),
24 and” and inserting “subsection (d)(3)(A)(iv),”;
25 and

1 (B) by striking “subsection
2 (d)(3)(A)(ii)(II))” and inserting “subsection
3 (d)(3)(A)(ii)(II), and \$14,000 in the case of
4 any individual who is an ex-felon by reason of
5 subsection (d)(4))”.

6 (2) INFLATION ADJUSTMENT.—Section 51(b) of
7 such Code is amended by adding at the end the fol-
8 lowing:

9 “(4) ADJUSTMENT FOR INFLATION.—In the
10 case of any taxable year beginning after 2021, the
11 \$14,000 dollar amount contained in paragraph (3)
12 relating to ex-felons shall be increased by an amount
13 equal to the product of—

14 “(A) such dollar amount, and

15 “(B) the cost of living adjustment deter-
16 mined under section 1(f)(3) for the calendar
17 year in which the taxable year begins deter-
18 mined by substituting ‘calendar year 2020’ for
19 ‘calendar year 1992’ in subparagraph (B)
20 thereof.

21 If any increase determined under the preceding sen-
22 tence is not a multiple of \$50, such increase shall
23 be rounded to the next lowest multiple of \$50.”.

1 (c) QUALIFIED EX-FELON.—Section 51(d)(4)(B) of
 2 such Code is amended by striking “1 year” and inserting
 3 “3 years”.

4 (d) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply to individuals who begin work for
 6 the employer after December 31, 2019.

7 **Subpart C—Community Investment and**
 8 **Empowerment Act**

9 **SEC. 15531. SHORT TITLE.**

10 This subpart may be cited as the “Community Invest-
 11 ment and Empowerment Act”.

12 **SEC. 15532. PURPOSE.**

13 The purpose of this subpart is to assist with the eco-
 14 nomic growth of economically disadvantaged communities
 15 that have potential for strong Class 1 commercial invest-
 16 ment, but continue to have a difficult time recruiting Class
 17 1 commercial investment.

18 **SEC. 15533. ECONOMIC GROWTH, RETENTION, AND RE-**
 19 **CRUITMENT OF COMMERCIAL INVESTMENT**
 20 **IN UNDERSERVED COMMUNITIES.**

21 The Small Business Investment Act of 1958 (15
 22 U.S.C. 661 et seq.) is amended by adding at the end the
 23 following new title:

1 **“TITLE VI—ECONOMIC GROWTH,**
2 **RETENTION, AND RECRUIT-**
3 **MENT OF COMMERCIAL IN-**
4 **VESTMENT IN ECONOMICAL-**
5 **LY DISADVANTAGED COMMU-**
6 **NITIES**

7 **“SEC. 511. GRANT PROGRAM.**

8 “(a) AUTHORIZATION.—From amounts appropriated
9 under section 513, the Administrator shall make grants
10 on a competitive basis to communities for—

11 “(1) the creation of a grant and/or revolving
12 loan fund program that helps develop financing
13 packages for Class 1 commercial investment;

14 “(2) lowering real estate property tax rates;

15 “(3) conducting community-wide market anal-
16 ysis to help recruit and/or retain Class 1 commercial
17 investment;

18 “(4) creating employment training programs for
19 Class 1 business customer service, sales, and mana-
20 gerial positions;

21 “(5) retail marketing strategies to solicit new
22 Class 1 commercial investment starts in the commu-
23 nity;

24 “(6) program allowances for activities such as
25 the publication of marketing materials, development

1 of economic development web pages, and educational
2 outreach activities with retail trade associations; and
3 “(7) hiring business recruitment specialists.

4 “(b) ELIGIBILITY.—The Administrator may only
5 make a grant under subsection (a) to communities that—

6 “(1) demographics include—

7 “(A) a median per capita income no higher
8 than \$35,000; and

9 “(B) a lack of Class 1 commercial invest-
10 ment; and

11 “(2) submit an application at such time, in
12 such form, and containing such information and as-
13 surances as the Administrator may require, includ-
14 ing—

15 “(A) a description of how the community
16 through the activities the community carries out
17 with the grant funds will recruit, retain and
18 grow their economy through Class 1 commercial
19 investment; and

20 “(B) a description of the difficulty the
21 community has faced recruiting, retaining and
22 growing their economy through Class 1 com-
23 mercial investment.

24 “(c) MATCHING FUNDS.—

1 “(1) IN GENERAL.—The Administrator may not
2 make a grant to a community under subsection (a)
3 unless the community agrees that, with respect to
4 the costs to be incurred by the community in car-
5 rying out the activities for which the grant is award-
6 ed, the community will make available non-Federal
7 contributions in an amount equal to not less than 10
8 percent of the Federal funds provided under the
9 grant.

10 “(2) SATISFYING MATCHING REQUIREMENTS.—
11 The non-Federal contributions required under para-
12 graph (1) may be—

13 “(A) in cash or in-kind, including services,
14 fairly evaluated; and

15 “(B) from—

16 “(i) any private source;

17 “(ii) a State or local governmental en-
18 tity; or

19 “(iii) a not-for-profit.

20 “(3) WAIVER.—The Administrator may waive
21 or reduce the non-Federal contribution required by
22 paragraph (1) if the community involved dem-
23 onstrates that the eligible entity cannot meet the
24 contribution requirement due to financial hardship.

1 “(d) LIMITATIONS.—Funding appropriated under
2 section 513 will be allocated by the following formula—

3 “(1) no more than up to 5 percent of funds ap-
4 propriated under section 513 shall go to administra-
5 tive costs;

6 “(2) up to 70 percent of funding appropriated
7 under section 513 shall go toward activities de-
8 scribed in sections (a)(1) through (a)(4) after taking
9 into account administrative costs under subsection
10 (c)(1)(A); and

11 “(3) 30 percent of funding appropriated under
12 section 513 shall go toward activities described in
13 sections (a)(5) through (a)(7) after taking into ac-
14 count administrative costs under section (c)(1)(A).

15 **“SEC. 512. DEFINITIONS.**

16 “‘In this title, the following definitions apply:

17 “(1) COMMUNITY.—The term ‘community’
18 means a governance structure that includes county,
19 parish, city, village, township, district or borough.

20 “(2) CLASS 1 COMMERCIAL INVESTMENT.—The
21 term ‘Class 1 commercial investment’ means retail
22 grocery chains, food service retailers, restaurants
23 and franchises, retail stores, cafes, shopping malls,
24 and other shops.

1 “(3) ECONOMICALLY UNDERSERVED COMMU-
 2 NITY.—The term ‘economically underserved commu-
 3 nity’ means an area suffering from low income and
 4 resultant low purchasing power, limiting its ability
 5 to generate sufficient goods and services to be used
 6 in exchange with other areas to meet current con-
 7 sumption needs.

8 **“SEC. 513. AUTHORIZATION OF APPROPRIATIONS.**

9 “‘There is authorized to be appropriated to the Ad-
 10 ministrators to carry out section 511(a) \$40,000,000 for
 11 each of fiscal years 2021 through 2025.’”.

12 **Subpart D—Promote Start-Ups Act**

13 **SEC. 15541. SHORT TITLE.**

14 This subpart may be cited as the “Promote Start-
 15 Ups Act of 2020”.

16 **SEC. 15542. PERMANENT INCREASE OF LIMITATION ON DE-**
 17 **DUCTION FOR START-UP AND ORGANIZA-**
 18 **TIONAL EXPENDITURES.**

19 (a) START-UP EXPENDITURES.—

20 (1) IN GENERAL.—Section 195(b)(1)(A)(ii) of
 21 the Internal Revenue Code of 1986 is amended—

22 (A) by striking “\$5,000” and inserting
 23 “\$15,000”; and

24 (B) by striking “\$50,000” and inserting
 25 “\$150,000”.

1 (2) CONFORMING AMENDMENT.—Section
2 195(b) of such Code is amended by striking para-
3 graph (3).

4 (b) ORGANIZATIONAL EXPENDITURES.—Section
5 248(a)(1)(B) of such Code is amended—

6 (1) by striking “\$5,000” and inserting
7 “\$10,000”; and

8 (2) by striking “\$50,000” and inserting
9 “\$60,000”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to amounts paid or incurred with
12 respect to—

13 (1) in the case of the amendments made by
14 subsection (a), trades or businesses beginning in tax-
15 able years beginning after December 31, 2019; and

16 (2) in the case of the amendments made by
17 subsection (b), corporations the business of which
18 begins in taxable years beginning after such date.

19 **Subpart E—Community College to Career Fund Act**

20 **SEC. 15551. SHORT TITLE.**

21 This subpart may be cited as the “Community Col-
22 lege to Career Fund Act”.

1 **SEC. 15552. COMMUNITY COLLEGE TO CAREER FUND.**

2 (a) IN GENERAL.—Title I of the Workforce Innova-
3 tion and Opportunity Act is amended by adding at the
4 end the following:

5 **“Subtitle F—Community College to**
6 **Career Fund**

7 **“SEC. 199. COMMUNITY COLLEGE AND INDUSTRY PARTNER-**
8 **SHIPS PROGRAM.**

9 “(a) GRANTS AUTHORIZED.—From funds appro-
10 priated under section 199A, the Secretary of Labor (in
11 coordination with the Secretary of Education and the Sec-
12 retary of Commerce) shall award competitive grants to eli-
13 gible entities described in subsection (b) for the purpose
14 of developing, offering, improving, and providing edu-
15 cational or career training programs for workers.

16 “(b) ELIGIBLE ENTITY.—

17 “(1) PARTNERSHIPS WITH EMPLOYERS OR AN
18 EMPLOYER OR INDUSTRY PARTNERSHIP.—

19 “(A) GENERAL DEFINITION.—For pur-
20 poses of this section, an ‘eligible entity’ means
21 any of the entities described in subparagraph
22 (B) (or a consortium of any of such entities) in
23 partnership with employers or an employer or
24 industry partnership representing multiple em-
25 ployers.

1 “(B) DESCRIPTION OF ENTITIES.—The en-
2 tities described in this subparagraph are—

3 “(i) a community college;

4 “(ii) a 4-year public institution of
5 higher education (as defined in section
6 101(a) of the Higher Education Act of
7 1965 (20 U.S.C. 1001(a))) that offers 2-
8 year degrees, and that will use funds pro-
9 vided under this section for activities at
10 the certificate and associate degree levels;

11 “(iii) a Tribal College or University
12 (as defined in section 316(b) of the Higher
13 Education Act of 1965 (20 U.S.C.
14 1059c(b))); or

15 “(iv) a private or nonprofit, 2-year in-
16 stitution of higher education (as defined in
17 section 102 of the Higher Education Act
18 of 1965 (20 U.S.C. 1002)) in the Com-
19 monwealth of Puerto Rico, Guam, the
20 United States Virgin Islands, American
21 Samoa, the Commonwealth of the North-
22 ern Mariana Islands, the Republic of the
23 Marshall Islands, the Federated States of
24 Micronesia, or the Republic of Palau.

25 “(2) ADDITIONAL PARTNERS.—

1 “(A) AUTHORIZATION OF ADDITIONAL
2 PARTNERS.—In addition to partnering with em-
3 ployers or an employer or industry partnership
4 representing multiple employers as described in
5 paragraph (1)(A), an entity described in para-
6 graph (1) may include in the partnership de-
7 scribed in paragraph (1) one or more of the or-
8 ganizations described in subparagraph (B).
9 Each eligible entity that includes one or more
10 such organizations shall collaborate with the
11 State or local board in the area served by the
12 eligible entity.

13 “(B) ORGANIZATIONS.—The organizations
14 described in this subparagraph are as follows:

15 “(i) A provider of adult education (as
16 defined in section 203) or an institution of
17 higher education (as defined in section 101
18 of the Higher Education Act of 1965 (20
19 U.S.C. 1001)).

20 “(ii) A community-based organization.

21 “(iii) A joint labor-management part-
22 nership.

23 “(iv) A State or local board.

24 “(v) Any other organization that the
25 Secretaries consider appropriate.

1 “(c) EDUCATIONAL OR CAREER TRAINING PRO-
2 GRAM.—For purposes of this section, the Governor of the
3 State in which at least one of the entities described in sub-
4 section (b)(1)(B) of an eligible entity is located shall es-
5 tablish criteria for an educational or career training pro-
6 gram leading to a recognized postsecondary credential for
7 which an eligible entity submits a grant proposal under
8 subsection (d).

9 “(d) APPLICATION.—An eligible entity seeking a
10 grant under this section shall submit an application con-
11 taining a grant proposal, for an educational or career
12 training program leading to a recognized postsecondary
13 credential, to the Secretaries at such time and containing
14 such information as the Secretaries determine is required,
15 including a detailed description of—

16 “(1) the extent to which the educational or ca-
17 reer training program described in the grant pro-
18 posal fits within an overall strategic plan consisting
19 of—

20 “(A) the State plan described in section
21 102 or 103, for the State involved;

22 “(B) the local plan described in section
23 108, for each local area that comprises a sig-
24 nificant portion of the area to be served by the
25 eligible entity; and

1 “(C) a strategic plan developed by the eli-
2 gible entity;

3 “(2) the extent to which the program will meet
4 the needs of employers in the area for skilled work-
5 ers in in-demand industry sectors and occupations;

6 “(3) the extent to which the program will meet
7 the educational or career training needs of workers
8 in the area;

9 “(4) the specific educational or career training
10 program and how the program meets the criteria es-
11 tablished under subsection (e), including the manner
12 in which the grant will be used to develop, offer, im-
13 prove, and provide the educational or career training
14 program;

15 “(5) any previous experience of the eligible enti-
16 ty in providing educational or career training pro-
17 grams, the absence of which shall not automatically
18 disqualify an eligible institution from receiving a
19 grant under this section; and

20 “(6) how the program leading to the credential
21 meets the criteria described in subsection (c).

22 “(e) CRITERIA FOR AWARD.—

23 “(1) IN GENERAL.—Grants under this section
24 shall be awarded based on criteria established by the
25 Secretaries, that include the following:

1 “(A) A determination of the merits of the
2 grant proposal submitted by the eligible entity
3 involved to develop, offer, improve, and provide
4 an educational or career training program to be
5 made available to workers.

6 “(B) An assessment of the likely employ-
7 ment opportunities available in the area to indi-
8 viduals who complete an educational or career
9 training program that the eligible entity pro-
10 poses to develop, offer, improve, and provide.

11 “(C) An assessment of prior demand for
12 training programs by individuals eligible for
13 training and served by the eligible entity, as
14 well as availability and capacity of existing (as
15 of the date of the assessment) training pro-
16 grams to meet future demand for training pro-
17 grams.

18 “(2) PRIORITY.—In awarding grants under this
19 section, the Secretaries shall give priority to eligible
20 entities that—

21 “(A) include a partnership, with employers
22 or an employer or industry partnership, that—

23 “(i) pays a portion of the costs of
24 educational or career training programs; or

1 “(ii) agrees to hire individuals who
2 have attained a recognized postsecondary
3 credential resulting from the educational or
4 career training program of the eligible en-
5 tity;

6 “(B) enter into a partnership with a labor
7 organization or labor-management training pro-
8 gram to provide, through the program, tech-
9 nical expertise for occupationally specific edu-
10 cation necessary for a recognized postsecondary
11 credential leading to a skilled occupation in an
12 in-demand industry sector;

13 “(C) are focused on serving individuals
14 with barriers to employment, low-income, non-
15 traditional students, students who are dis-
16 located workers, students who are veterans, or
17 students who are long-term unemployed;

18 “(D) include any eligible entities serving
19 areas with high unemployment rates;

20 “(E) are eligible entities that include an
21 institution of higher education eligible for as-
22 sistance under title III or V of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1051 et seq.; 20
24 U.S.C. 1101 et seq.); and

1 “(F) include a partnership, with employers
2 or an employer or industry partnership, that in-
3 creases domestic production of goods.

4 “(f) USE OF FUNDS.—Grant funds awarded under
5 this section shall be used for one or more of the following:

6 “(1) The development, offering, improvement,
7 and provision of educational or career training pro-
8 grams, that provide relevant job training for skilled
9 occupations, that lead to recognized postsecondary
10 credentials, that will meet the needs of employers in
11 in-demand industry sectors, and that may include
12 registered apprenticeship programs, on-the-job train-
13 ing programs, and programs that support employers
14 in upgrading the skills of their workforce.

15 “(2) The development and implementation of
16 policies and programs to expand opportunities for
17 students to earn a recognized postsecondary creden-
18 tial, including a degree, in in-demand industry sec-
19 tors and occupations, including by—

20 “(A) facilitating the transfer of academic
21 credits between institutions of higher education,
22 including the transfer of academic credits for
23 courses in the same field of study;

24 “(B) expanding articulation agreements
25 and policies that guarantee transfers between

1 such institutions, including through common
2 course numbering and use of a general core
3 curriculum; and

4 “(C) developing or enhancing student sup-
5 port services programs.

6 “(3) The creation of career pathway programs
7 that provide a sequence of education and occupa-
8 tional training that leads to a recognized postsec-
9 ondary credential, including a degree, including pro-
10 grams that—

11 “(A) blend basic skills and occupational
12 training;

13 “(B) facilitate means of transitioning par-
14 ticipants from noncredit occupational, basic
15 skills, or developmental coursework to for-credit
16 coursework within and across institutions;

17 “(C) build or enhance linkages, including
18 the development of dual enrollment programs
19 and early college high schools, between sec-
20 ondary education or adult education programs
21 (including programs established under the Carl
22 D. Perkins Career and Technical Education Act
23 of 2006 (20 U.S.C. 2301 et seq.) and title II
24 of this Act);

1 “(D) are innovative programs designed to
2 increase the provision of training for students,
3 including students who are members of the Na-
4 tional Guard or Reserves, to enter skilled occu-
5 pations in in-demand industry sectors; and

6 “(E) support paid internships that will
7 allow students to simultaneously earn credit for
8 work-based learning and gain relevant employ-
9 ment experience in an in-demand industry sec-
10 tor or occupation, which shall include opportu-
11 nities that transition individuals into employ-
12 ment.

13 “(4) The development and implementation of—

14 “(A) a Pay-for-Performance program that
15 leads to a recognized postsecondary credential,
16 for which an eligible entity agrees to be reim-
17 bursed under the grant primarily on the basis
18 of achievement of specified performance out-
19 comes and criteria agreed to by the Secretary;
20 or

21 “(B) a Pay-for-Success program that leads
22 to a recognized postsecondary credential, for
23 which an eligible entity—

24 “(i) enters into a partnership with an
25 investor, such as a philanthropic organiza-

1 tion that provides funding for a specific
2 project to address a clear and measurable
3 educational or career training need in the
4 area to be served under the grant; and

5 “(ii) agrees to be reimbursed under
6 the grant only if the project achieves speci-
7 fied performance outcomes and criteria
8 agreed to by the Secretary.

9 **“SEC. 199A. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) IN GENERAL.—There are authorized to be ap-
11 propriated such sums as may be necessary to carry out
12 the program established by section 199.

13 “(b) ADMINISTRATIVE COST.—Not more than 5 per-
14 cent of the amounts made available under subsection (a)
15 may be used by the Secretaries to administer the program
16 described in that subsection, including providing technical
17 assistance and carrying out evaluations for the program
18 described in that subsection.

19 “(c) PERIOD OF AVAILABILITY.—The funds appro-
20 priated pursuant to subsection (a) for a fiscal year shall
21 be available for Federal obligation for that fiscal year and
22 the succeeding 2 fiscal years.

23 **“SEC. 199B. DEFINITION.**

24 “For purposes of this subtitle, the term ‘community
25 college’ has the meaning given the term ‘junior or commu-

1 nity college’ in section 312(f) of the Higher Education Act
 2 of 1965 (20 U.S.C. 1058(f)).”.

3 (b) CONFORMING AMENDMENT.—The table of con-
 4 tents for the Workforce Innovation and Opportunity Act
 5 is amended by inserting after the items relating to subtitle
 6 E of title I the following:

“Subtitle F—Community College to Career Fund

“Sec. 199. Community college and industry partnerships program.

“Sec. 199A. Authorization of appropriations.

“Sec. 199B. Definition.”.

7 (c) EFFECTIVE DATE.—This Act, including the
 8 amendments made by this Act, takes effect as if included
 9 in the Workforce Innovation and Opportunity Act.

10 **Subpart F—Youth Summer Jobs and Public Service**
 11 **Act**

12 **SEC. 15561. SHORT TITLE.**

13 This subpart may be cited as the “Youth Summer
 14 Jobs and Public Service Act of 2020”.

15 **SEC. 15562. GRANTS TO STATES FOR SUMMER EMPLOY-**
 16 **MENT FOR YOUTH.**

17 Section 129 of the Workforce Innovation and Oppor-
 18 tunity Act (29 U.S.C. 3164) is amended by adding at the
 19 end the following:

20 “(d) GRANTS TO STATES FOR SUMMER EMPLOY-
 21 MENT FOR YOUTH.—

22 “(1) IN GENERAL.—Notwithstanding any other
 23 provision of this Act, from the amount appropriated

1 under paragraph (2), the Secretary shall award
2 grants to States to provide assistance to local areas
3 that have high concentrations of eligible youth to en-
4 able such local areas to carry out programs de-
5 scribed in subsection (c)(1) that provide summer
6 employment opportunities for eligible youth, which
7 are directly linked to academic and occupational
8 learning, as described in subsection (c)(2)(C). In
9 awarding grants under this subsection, a State
10 shall—

11 “(A) partner with private businesses to the
12 extent feasible to provide employment opportu-
13 nities at such businesses; and

14 “(B) prioritize jobs and work opportunities
15 that directly serve the community.

16 “(2) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated
18 \$100,000,000 to carry out this subsection for each
19 of fiscal years 2022 through 2026.”.

20 **Subpart G—Child Poverty Reduction Act**

21 **SEC. 15571. SHORT TITLE.**

22 This subpart may be cited as the “Child Poverty Re-
23 duction Act of 2020”.

1 **CHAPTER 1—FEDERAL INTERAGENCY**
2 **WORKING GROUP ON REDUCING**
3 **CHILD POVERTY**

4 **SEC. 15572. ESTABLISHMENT OF WORKING GROUP.**

5 There is established in the Administration for Chil-
6 dren and Families of the Department of Health and
7 Human Services a group which shall be known as the Fed-
8 eral Interagency Working Group on Reducing Child Pov-
9 erty (in this Act referred to as the “Working Group”).

10 **SEC. 15573. NATIONAL PLAN TO REDUCE CHILD POVERTY.**

11 (a) PRIMARY GOAL.—

12 (1) DEVELOPMENT OF NATIONAL PLAN.—The
13 primary goal of the Working Group is to develop a
14 national plan—

15 (A) to reduce, within 10 years after the
16 date on which funding is made available to
17 carry out this Act—

18 (i) the number of children living in
19 poverty in the United States to half of the
20 number of such children as reported in the
21 report of the United States Census Bureau
22 on Income, Poverty, and Health Insurance
23 Coverage in the United States: 2013
24 (issued in September 2014); and

1 (ii) the number of children living in
2 extreme poverty in the United States to
3 zero; and

4 (B) to reduce, within 20 years after the
5 date on which funds are made available to carry
6 out this Act, the number of children living in
7 poverty in the United States to zero.

8 (2) CONSULTATION WITH NATIONAL ACADEMY
9 OF SCIENCES.—In developing the national plan
10 under paragraph (1), the Working Group shall con-
11 sider all recommendations, research papers, and re-
12 ports published by the National Academy of Sciences
13 as a result of the workshops conducted pursuant to
14 title II.

15 (3) DEADLINE.—Not later than 180 days after
16 the date of the enactment of this Act, the Working
17 Group shall make substantial progress toward the
18 development of the national plan.

19 (b) ADDITIONAL GOALS.—The national plan under
20 subsection (a) shall include recommendations for achieving
21 the following goals:

22 (1) Understanding the root causes of child pov-
23 erty, including persistent intergenerational poverty,
24 taking into account social, economic, and cultural
25 factors.

1 (2) Improving the accessibility of anti-poverty
2 programs and increasing the rate of enrollment in
3 such programs among eligible children and families
4 by reducing the complexity and difficulty of enrolling
5 in such programs.

6 (3) Eliminating disparate rates of child poverty
7 based on race, ethnicity, gender, and age.

8 (4) Improving the ability of individuals living in
9 poverty, low-income individuals, and unemployed in-
10 dividuals to access quality jobs that help children
11 and their families rise above poverty.

12 (5) Connecting low-income children, discon-
13 nected youth, and their families to education, job
14 training, work, and their communities.

15 (6) Shifting the measures and policies of Fed-
16 eral anti-poverty programs from the goal of helping
17 individuals and families living in poverty to achieve
18 freedom from deprivation toward the goal of helping
19 such individuals and families rise above poverty and
20 achieve long-term economic stability.

21 (c) METHODS.—In developing the national plan
22 under subsection (a), the Working Group shall employ
23 methods for achieving the goals described in subsections
24 (a) and (b) that include—

1 (1) entering into an agreement with the Na-
2 tional Academy of Sciences for a workshop series on
3 the economic and social costs of child poverty, as de-
4 scribed in title II;

5 (2) studying the effect of child poverty on the
6 health and welfare of children, including the access
7 of children living in poverty to health care, housing,
8 proper nutrition, and education;

9 (3) measuring the effect of child poverty on the
10 ability of individuals to achieve economic stability,
11 including such effect on educational attainment,
12 rates of incarceration, lifetime earnings, access to
13 healthcare, and access to housing;

14 (4) updating and applying improved measures
15 of poverty that can meaningfully account for other
16 aspects relating to the measure of poverty, such as
17 the Supplemental Poverty Measure used by the
18 United States Census Bureau; and

19 (5) using and applying fact-based measures to
20 evaluate the long-term effectiveness of anti-poverty
21 programs, taking into account the long-term savings
22 and value to the Federal Government and to State,
23 local, and tribal governments of practices and poli-
24 cies designed to prevent poverty.

1 **SEC. 15574. OTHER DUTIES.**

2 In addition to developing the national plan under sec-
3 tion 15512(a), the Working Group shall—

4 (1) monitor, in consultation with the Domestic
5 Policy Council and the National Economic Council,
6 all Federal activities, programs, and services related
7 to child welfare and child poverty;

8 (2) establish guidelines, policies, goals, and di-
9 rectives related to the achievement of the goals of
10 the national plan, in consultation with nongovern-
11 mental entities providing social services to low-in-
12 come children and families, advocacy groups that di-
13 rectly represent low-income children and families,
14 policy experts, and officials of State, local, and tribal
15 governments who administer or direct policy for
16 anti-poverty programs;

17 (3) advise all relevant Federal agencies regard-
18 ing how to effectively administer and coordinate pro-
19 grams, activities, and services related to child wel-
20 fare and child poverty and how to resolve any dis-
21 putes that arise between or among such agencies as
22 a result of such administration or coordination;

23 (4) provide recommendations to the Congress
24 regarding how to ensure that Federal agencies ad-
25 ministering programs, activities, and services related
26 to child welfare and child poverty have adequate re-

1 sources to increase public awareness of such pro-
2 grams, activities, and services and how to maximize
3 enrollment of eligible individuals;

4 (5) identify methods for improving communica-
5 tion and collaboration among and between State and
6 Federal governmental entities regarding the imple-
7 mentation of State programs related to child welfare
8 and child poverty, such as State programs funded
9 under part A of title IV of the Social Security Act
10 (relating to block grants to States for temporary as-
11 sistance for needy families), and submit rec-
12 ommendations regarding such methods to relevant
13 Federal agencies and congressional committees; and

14 (6) hold hearings in different geographic re-
15 gions of the United States to collect information and
16 feedback from the public regarding personal experi-
17 ences related to child poverty and anti-poverty pro-
18 grams, and make such information and feedback
19 publicly available.

20 **SEC. 15575. MEMBERSHIP.**

21 (a) NUMBER OF MEMBERS.—The Working Group
22 shall be composed of no less than 6 members.

23 (b) EXECUTIVE PAY RATE.—Each member shall be
24 an official of an executive department who occupies a posi-
25 tion for which the rate of pay is equal to or greater than

1 the rate of pay for level IV of the Executive Schedule
2 under section 5313 of title 5, United States Code.

3 (c) REQUIRED PARTICIPATION OF CERTAIN EXECU-
4 TIVE DEPARTMENTS.—The Working Group shall include
5 at least one member who is an official of each of the fol-
6 lowing executive departments:

7 (1) The Department of Justice.

8 (2) The Department of Agriculture.

9 (3) The Department of Labor.

10 (4) The Department of Health and Human
11 Services.

12 (5) The Department of Housing and Urban De-
13 velopment.

14 (6) The Department of Education.

15 (d) APPOINTMENT.—Each member shall be ap-
16 pointed by the head of the executive department that em-
17 ploys such member.

18 (e) OBTAINING OFFICIAL DATA.—On request of the
19 Chairperson, any head of a Federal agency shall furnish
20 directly to the Working Group any information necessary
21 to enable the Working Group to carry out this Act.

22 (f) TERMS.—Each member shall be appointed for the
23 life of the Working Group.

1 (g) VACANCIES.—A vacancy in the Commission shall
2 be filled in the manner in which the original appointment
3 was made.

4 (h) QUORUM.—A majority of members shall con-
5 stitute a quorum.

6 (i) CHAIRPERSON.—The Chairperson of the Working
7 Group shall be appointed by the Secretary of Health and
8 Human Services.

9 (j) MEETINGS.—

10 (1) INITIAL MEETING PERIOD.—The Working
11 Group shall meet on a monthly basis during the
12 180-day period beginning with the date on which
13 funds are made available to carry out this Act.

14 (2) SUBSEQUENT MEETINGS.—After such 180-
15 day period, the Working Group shall meet not less
16 than once every 6 months and at the call of the
17 Chairperson or a majority of members.

18 **SEC. 15576. DIRECTOR AND STAFF.**

19 (a) DIRECTOR.—The Working Group shall have a Di-
20 rector who shall be appointed by the Chairperson.

21 (b) STAFF.—The Director may appoint and fix the
22 pay of additional personnel as the Director considers ap-
23 propriate.

1 (c) DUTIES.—The duties of the Director and staff
2 shall be to achieve the goals and carry out the duties of
3 the Working Group.

4 **SEC. 15577. REPORTING REQUIREMENTS.**

5 (a) ANNUAL REPORT.—Not later than September 30,
6 2021, and annually thereafter, the Chairperson shall sub-
7 mit to the Congress a report describing the activities,
8 projects, and plans of the Federal Government to carry
9 out the goals of the Working Group, which shall include—

10 (1) an accounting of—

11 (A) any increase in efficiency in the deliv-
12 ery of Federal, State, local, and tribal social
13 services and benefits related to child welfare
14 and child poverty;

15 (B) any reduction in the number of chil-
16 dren living in poverty;

17 (C) any reduction in the demand for such
18 social services and benefits for which children
19 living in poverty and near poverty are eligible;
20 and

21 (D) any savings to the Federal Govern-
22 ment as a result of such increases or reduc-
23 tions;

1 (2) an accounting of any increase in the na-
2 tional rate of employment due to the efforts of the
3 Working Group;

4 (3) a summary of the efforts of each State to
5 reduce child poverty within such State, including the
6 administration of State programs funded under part
7 A of title IV of the Social Security Act (relating to
8 block grants to States for temporary assistance for
9 needy families); and

10 (4) legislative language and recommendations
11 regarding reducing child poverty and achieving the
12 other goals and duties of the Working Group.

13 (b) PUBLIC REPORTING REQUIREMENTS.—

14 (1) ANNUAL REPORT AVAILABLE TO PUBLIC.—
15 A version of the annual report required by sub-
16 section (a) shall be made publicly available.

17 (2) ANNUAL UPDATE FROM FEDERAL AGEN-
18 CIES.—The head of each relevant Federal agency
19 shall post on the public internet website of such
20 agency an annual summary of any plans, activities,
21 and results of the agency related to the goals and
22 duties of the Working Group.

1 **CHAPTER 2—WORKSHOPS BY NATIONAL**
2 **ACADEMY OF SCIENCES**

3 **SEC. 15578. REQUIREMENT TO ENTER INTO AGREEMENT**
4 **WITH NATIONAL ACADEMY OF SCIENCES.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date on which funds are made available to carry out this
7 Act, the Secretary of Health and Human Services shall
8 enter into an agreement with the National Academy of
9 Sciences for 2 public workshops to provide the Working
10 Group with information to assist in the development of
11 the national plan under section 15512(a).

12 (b) STEERING COMMITTEE.—The agreement under
13 subsection (a) shall include the creation of a steering com-
14 mittee to plan and conduct such workshops.

15 (c) EXPERTS.—The agreement under subsection (a)
16 shall include the commission of experts to prepare re-
17 search papers that summarize and critique literature on
18 the economic and social costs of child poverty.

19 **SEC. 15579. WORKSHOP TOPICS.**

20 The purpose of the workshops required by section
21 15601(a) shall be to collect information and input from
22 the public on the economic and social costs of child pov-
23 erty, addressing topics that include—

1 (1) the macroeconomic costs of child poverty,
2 including the effects of child poverty on productivity
3 and economic output;

4 (2) the health-related costs of child poverty, in-
5 cluding the costs incurred by the Federal Govern-
6 ment and State, local, and tribal governments due to
7 child illnesses, other child medical problems, and
8 other child health-related expenditures;

9 (3) the effect of child poverty on crime rates;

10 (4) the short-term and long-term effects of
11 child poverty on the Federal budget, including out-
12 lays for anti-poverty programs;

13 (5) poverty metrics such as income poverty,
14 food insecurity, and other measures of deprivation,
15 and the role of such metrics in assessing the effects
16 of poverty and the performance of anti-poverty pro-
17 grams;

18 (6) the effect of child poverty on certain popu-
19 lation groups, including immigrants, single parent
20 families, individuals who have attained the age of 16
21 but have not attained the age of 25 with large stu-
22 dent loans, individuals living in areas of con-
23 centrated poverty, and individuals living on Indian
24 reservations; and

1 (7) the effect of child poverty on individuals
2 and families living in extreme poverty, as compared
3 with such effect on individuals and families living in
4 poverty or near poverty.

5 **SEC. 15580. REPORTING REQUIREMENT.**

6 (a) RESEARCH PAPERS.—The agreement under sec-
7 tion 15601(a) shall include the publication of the research
8 papers required under such section on the public website
9 of the National Academy of Sciences.

10 (b) WORKSHOP SUMMARY.—The agreement under
11 section 15601(a) shall include the publication of a sum-
12 mary of each workshop required under such section on the
13 public website of the National Academy of Sciences.

14 **SEC. 15581. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated \$1,000,000 to
16 carry out this subpart.

17 **CHAPTER 3—DEFINITIONS**

18 **SEC. 15582. DEFINITIONS.**

19 In this part:

20 (1) ANTI-POVERTY PROGRAM.—The term “anti-
21 poverty program” means a program or institution
22 with the primary goal of lifting children or families
23 out of poverty and improving economic opportunities
24 for children or families that operates in whole or in

1 part using Federal, State, local, or tribal govern-
2 ment funds.

3 (2) CHILD.—The term “child” means an indi-
4 vidual who has not attained the age of 18.

5 (3) DEPRIVATION.—The term “deprivation”
6 means, with respect to an individual, that such indi-
7 vidual lacks adequate nutrition, health care, housing,
8 or other resources to provide for basic human needs.

9 (4) DISCONNECTED YOUTH.—The term “dis-
10 connected youth” means individuals who have at-
11 tained the age of 16 but have not attained the age
12 of 25 who are unemployed and not enrolled in
13 school.

14 (5) ECONOMIC STABILITY.—The term “eco-
15 nomic stability” means, with respect to an individual
16 or family, that such individual or family has access
17 to the means and support necessary to effectively
18 cope with adverse or costly life events and to effec-
19 tively recover from the consequences of such events
20 while maintaining a decent standard of living.

21 (6) EXTREME POVERTY.—The term “extreme
22 poverty” means, with respect to an individual or
23 family, that such individual or family has a total an-
24 nual income that is less than the amount that is 50
25 percent of the official poverty threshold for such in-

1 dividual or family, as provided in the report of the
2 United States Census Bureau on Income, Poverty,
3 and Health Insurance Coverage in the United
4 States: 2013 (issued in September 2014).

5 (7) FEDERAL AGENCY.—The term “Federal
6 agency” means an executive department, a Govern-
7 ment corporation, and an independent establish-
8 ment.

9 (8) NEAR POVERTY.—The term “near poverty”
10 means, with respect to an individual or family, that
11 such individual or family has a total annual income
12 that is less than the amount that is 200 percent of
13 the official poverty threshold for such individual or
14 family, as provided in the report of the United
15 States Census Bureau on Income, Poverty, and
16 Health Insurance Coverage in the United States:
17 2013 (issued in September 2014).

18 (9) POVERTY.—The term “poverty” means,
19 with respect to an individual or family, that such in-
20 dividual or family has a total annual income that is
21 less than the amount that is the official poverty
22 threshold for such individual or family, as provided
23 in the report of the United States Census Bureau on
24 Income, Poverty, and Health Insurance Coverage in
25 the United States: 2013 (issued in September 2014).

1 **Subpart H—Hunger-Free Summers for Children**

2 **SEC. 15591. SUMMER SNAP BENEFITS FOR MINOR CHILD-**
 3 **DREN WHO RECEIVED FREE OR REDUCED**
 4 **PRICE SCHOOL LUNCHES.**

5 Section 8(a) of the Food and Nutrition Act of 2008
 6 (7 U.S.C. 2017(a)) is amended by adding at the end the
 7 following:

8 “The value of the allotment for a participating household
 9 that includes a minor child who as of the end of the school
 10 year received free or reduced price school lunches under
 11 the Richard B. Russell National School Lunch Act (42
 12 U.S.C. 1751 et seq.) shall be increased for each such child
 13 by \$150 for each month during which the school attended
 14 by such child is not in session.”.

15 **SEC. 15592. CHILD TAX CREDIT INCREASED FOR FAMILIES**
 16 **UNDER 150 PERCENT OF POVERTY LINE.**

17 (a) IN GENERAL.—Section 24 of the Internal Rev-
 18 enue Code of 1986 is amended by adding at the end the
 19 following new subsection:

20 “(h) SPECIAL RULE FOR FAMILIES UNDER 150 PER-
 21 CENT OF POVERTY LINE.—

22 “(1) IN GENERAL.—In the case of a taxpayer
 23 whose adjusted gross income for the taxable year is
 24 less than 150 percent of an amount equal to the
 25 poverty line (as defined by the Office of Manage-
 26 ment and Budget) for a family of the size involved,

1 subsection (a) shall be applied by substituting
 2 ‘\$2,000’ for ‘\$1,000’.

3 “(2) POVERTY LINE USED.—For purposes of
 4 this subsection, the poverty line used with respect to
 5 a taxable year shall be the most recently published
 6 poverty line during the calendar year ending before
 7 such taxable year begins.”.

8 (b) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to taxable years beginning after
 10 December 31, 2019.

11 **PART 2—COMMUNITY POLICING**

12 **Subpart A—Fair Chance for Youth**

13 **SEC. 15601. SHORT TITLE.**

14 This subpart may be cited as the “Fair Chance for
 15 Youth Act of 2020”.

16 **SEC. 15602. EXPUNGEMENT AND SEALING OF YOUTH CRIMI-** 17 **NAL RECORDS.**

18 Chapter 229 of title 18, United States Code, is
 19 amended by adding at the end the following:

20 **“SUBCHAPTER D—EXPUNGEMENT AND** 21 **SEALING OF YOUTH CRIMINAL RECORDS**

“3631. Youth Offense Expungement and Sealing Review Board.

“3632. Expungement and sealing for youth.

“3633. Definitions.

“3634. Reporting.

1 **“§ 3631. Youth Offense Expungement and Sealing Re-**
2 **view Board**

3 “(a) IN GENERAL.—The Chief Judge for each Fed-
4 eral District shall establish—

5 “(1) a Youth Offense Expungement and Seal-
6 ing Review Board (hereinafter in this section re-
7 ferred to as the ‘Review Board’) to review petitions
8 for discretionary expungement and sealing of youth
9 offenses; and

10 “(2) the rules and procedures governing the op-
11 eration of the Review Board in the exercise of its
12 powers under subsection (c).

13 “(b) COMPOSITION.—The Review Board shall include
14 one representative, selected by the Chief Judge to serve
15 without compensation, from each of the following:

16 “(1) The Department of Justice.

17 “(2) The United States Probation and Pretrial
18 Services System.

19 “(3) The Office of the Federal Defender or a
20 designated Criminal Justice Act panel attorney or
21 private criminal defense attorney.

22 “(c) POWERS.—The Review Board shall—

23 “(1) review petitions under this subchapter to
24 determine whether the youth, and the offense on
25 which the petition is based, meet the eligibility re-

1 requirements for expungement or sealing consider-
2 ation;

3 “(2) for petitions meeting the eligibility require-
4 ments, evaluate those petitions on the merits in
5 order to make a recommendation on the advisability
6 of granting the petition; and

7 “(3) convey its recommendation, with a written
8 explanation, to the Chief Judge in each Federal Dis-
9 trict, or a designee of the Chief Judge, for consider-
10 ation.

11 “(d) RECOMMENDATION.—In making its rec-
12 ommendation, the Review Board—

13 “(1) shall consider all the evidence and testi-
14 mony presented in the petition and any hearings
15 held on the petition;

16 “(2) may not consider any arrest or prosecution
17 that did not result in a conviction and that took
18 place prior to the conviction or arrest the petitioner
19 is seeking to expunge or seal; and

20 “(3) shall balance—

21 “(A) the public safety, the interest of pub-
22 lic knowledge, and any legitimate interest of the
23 Government in maintaining the accessibility of
24 the protected information; against

1 “(B) the interest of the petitioner in hav-
2 ing the petition granted, including the benefit
3 to the petition’s ability to positively contribute
4 to the community, and the petitioner’s conduct
5 and demonstrated desire to be rehabilitated.

6 “(e) COURT TO CONSIDER AND DECIDE UPON PETI-
7 TIONS.—The Court shall consider and decide upon each
8 petition for which the court receives a recommendation
9 from the Review Board. The Court’s decision to grant or
10 deny the petition shall give significant weight to the Re-
11 view Board recommendation. The Court shall grant the
12 petition unless the Government shows the interests de-
13 scribed in subsection (d)(3)(A) outweigh the interests of
14 the petitioner described in subsection (d)(3)(B).

15 “(f) ONE OPPORTUNITY.—A youth may only file a
16 petition for expungement or sealing under this subchapter
17 once and the decision of the district court on the petition
18 shall be final and is not appealable.

19 “(g) ONLINE FORMS FOR PETITIONS.—The Director
20 of the Administrative Office of the United States Courts
21 shall create and make available to the public, online and
22 in paper form, a universal form to file a petition under
23 this section, and establish a process under which indigent
24 petitioners may obtain a waiver of any fee for filing a peti-
25 tion under this section.

1 “(h) MAKING AVAILABLE STANDARD FORMS FOR
2 COURT ORDERS.—The Director of the Administrative Of-
3 fice of the United States Courts shall create and make
4 available to the Chief Judge of every Federal district
5 standard expungement and sealing orders that empower
6 the petitioner to seek destruction of records in accordance
7 with the order.

8 **“§ 3632. Expungement and sealing for youth**

9 “(a) EXPUNGEMENT PETITION ELIGIBILITY.—A
10 youth may petition a district court of the United States
11 for expungement—

12 “(1) of the record of any misdemeanor or non-
13 violent felony drug conviction 3 years after the youth
14 has completed every term of imprisonment related to
15 that misdemeanor or nonviolent felony drug convic-
16 tion;

17 “(2) of the record of any person who has not
18 attained the age of 18 at the time of committing the
19 conduct resulting in conviction for any misdemeanor
20 or nonviolent offense 3 years after the person has
21 completed every term of imprisonment related to
22 that misdemeanor or nonviolent offense conviction;
23 and

24 “(3) of the record of an arrest or prosecution
25 for any nonviolent offense on the date on which the

1 case related to that arrest or prosecution is disposed
2 of.

3 “(b) SEALING PETITION ELIGIBILITY.—A youth may
4 petition a district court of the United States, for sealing—

5 “(1) of the record of any nonviolent conviction
6 5 years after the youth has completed every term of
7 imprisonment related to that nonviolent conviction;

8 “(2) of the record of any person who has not
9 attained the age of 18 at the time of committing the
10 conduct resulting in conviction for any offense 10
11 years after the person has completed every term of
12 imprisonment related to that offense conviction; and

13 “(3) of the record of an arrest or prosecution
14 for any nonviolent offense on the date on which the
15 case related to that arrest or prosecution is disposed
16 of.

17 “(c) NOTICE OF OPPORTUNITY TO FILE PETI-
18 TION.—A youth shall be informed of the eligibility to, pro-
19 cedures for, and benefits of filing an expungement or seal-
20 ing petition—

21 “(1) by the District Court on the date of con-
22 viction;

23 “(2) by the Office of Probation and Pretrial
24 Services on the date the youth completes every term
25 of imprisonment; or

1 “(3) if the arrest or prosecution does not result
2 in a conviction, then by the Department of Justice
3 on the date the case is disposed of.

4 “(d) GRANT OF PETITION.—If a court grants a peti-
5 tion under this section—

6 “(1) the person to whom the record pertains
7 may choose to, but is not required to, disclose the
8 existence of the record, and the offense conduct and
9 any arrest, juvenile delinquency proceeding, adju-
10 dication, conviction, or other result of such pro-
11 ceeding relating to the offense conduct, shall be
12 treated as if it never occurred;

13 “(2) the court shall destroy each paper and
14 electronic copy of the record in the possession of the
15 court;

16 “(3) the court shall issue an expungement or
17 sealing order requiring the destruction of any paper
18 and electronic copies of the record by any court, law
19 enforcement officer, law enforcement agency, treat-
20 ment or rehabilitation services agency, or employee
21 thereof in possession of those copies;

22 “(4) any entity or person listed in paragraph
23 (3) that receives an inquiry relating to the record
24 shall reply to the inquiry stating that no such record
25 exists; and

1 “(5) except as provided in subsection (f), no
2 person shall not be subject to prosecution under any
3 civil or criminal provision of Federal or State law re-
4 lating to perjury, false swearing, or making a false
5 statement for failing to acknowledge the record or
6 respond to any inquiry made of the of petitioner or
7 the parent relating to the record, for any purpose.

8 “(e) CIVIL ACTIONS.—

9 “(1) IN GENERAL.—If an individual who has a
10 record expunged or sealed under this section brings
11 an action that might be defended with the contents
12 of the record, there shall be a rebuttable presump-
13 tion that the defendant has a complete defense to
14 the action.

15 “(2) SHOWING BY PLAINTIFF.—In an action
16 described in paragraph (1), the plaintiff may rebut
17 the presumption of a complete defense by showing
18 that the contents of the record would not prevent
19 the defendant from being liable.

20 “(3) DUTY TO TESTIFY AS TO EXISTENCE OF
21 RECORD.—The court in which an action described in
22 paragraph (1) is filed may require the plaintiff to
23 state under oath whether the plaintiff had a record
24 and whether the record was expunged or sealed.

1 “(4) PROOF OF EXISTENCE OF RECORD.—If the
2 plaintiff in an action described in paragraph (1) de-
3 nied the existence of a record, the defendant may
4 prove the existence of the record in any manner
5 compatible with the applicable laws of evidence.

6 “(f) ATTORNEY GENERAL NONPUBLIC RECORDS.—
7 The Attorney General shall—

8 “(1) maintain a nonpublic database of all
9 records expunged or sealed under this subchapter;

10 “(2) disclose, access, or utilize records con-
11 tained in the nonpublic database only—

12 “(A) in defense of any civil suit arising out
13 of the facts contained in the record;

14 “(B) to determine whether the individual
15 to whom the record relates is eligible for a first-
16 time-offender diversion program;

17 “(C) for a background check that relates
18 to law enforcement employment or any employ-
19 ment that requires a Government security clear-
20 ance; or

21 “(D) if the Attorney General determines
22 that disclosure is necessary to serve the inter-
23 ests of national security; and

1 “(3) to the extent practicable, notify the indi-
2 vidual to whom the record pertains of the disclosure
3 unless it is made pursuant to paragraph (2)(D).

4 **“§ 3633. Definitions**

5 “‘In this subchapter—

6 “(1) the term ‘youth’ means an individual who
7 was 21 years of age or younger at the time of the
8 criminal offense for which the individual was ar-
9 rested, prosecuted, or sentenced;

10 “(2) the term ‘nonviolent felony’ means a Fed-
11 eral criminal felony offense that is not—

12 “(A) a crime of violence; or

13 “(B) a sex offense (as that term is defined
14 in section 111 of the Sex Offender Registration
15 and Notification Act);

16 “(3) the term ‘record’ means information,
17 whether in paper or electronic form, containing any
18 reference to—

19 “(A) an arrest, conviction, or sentence of
20 an individual for an offense;

21 “(B) the institution of juvenile delinquency
22 or criminal proceedings against an individual
23 for the offense; or

1 “(C) adjudication, conviction, or any other
2 result of juvenile delinquency or criminal pro-
3 ceedings;

4 “(4) the term ‘expunge’—

5 “(A) means to destroy a record and oblit-
6 erate the name of the person to whom the
7 record pertains from each official index or pub-
8 lic record; and

9 “(B) has the effect described in section
10 3631(g), including—

11 “(i) the right to treat an offense to
12 which an expunged record relates, and any
13 arrest, juvenile delinquency proceeding, ad-
14 judication, conviction, or other result of
15 such proceeding relating to the offense, as
16 if it never occurred; and

17 “(ii) protection from civil and criminal
18 perjury, false swearing, and false state-
19 ment laws with respect to an expunged
20 record;

21 “(5) the term ‘seal’—

22 “(A) means—

23 “(i) to close a record from public
24 viewing so that the record cannot be exam-
25 ined except by court order; and

1 “(ii) to physically seal the record shut
2 and label the record ‘SEALED’ or, in the
3 case of an electronic record, the sub-
4 stantive equivalent; and

5 “(B) has the effect described in section
6 3631(g), including—

7 “(i) the right to treat an offense to
8 which an expunged record relates, and any
9 arrest, juvenile delinquency proceeding, ad-
10 judication, conviction, or other result of
11 such proceeding relating to the offense, as
12 if it never occurred; and

13 “(ii) protection from civil and criminal
14 perjury, false swearing, and false state-
15 ment laws with respect to an expunged
16 record;

17 “(6) the term ‘conviction’—

18 “(A) means a judgment or disposition in
19 criminal court against a person following a find-
20 ing of guilt by a judge or jury; and

21 “(B) for the purposes of this section—

22 “(i) multiple convictions shall be
23 deemed to be one conviction if the convic-
24 tions result from or relate to the same act
25 or acts committed at the same time; and

1 “(ii) multiple convictions, not to ex-
2 ceed 3, that do not result from or relate to
3 the same act or acts committed at the
4 same time shall be deemed to be one con-
5 viction if the convictions result from or re-
6 late to the same indictment, information,
7 or complaint, or plea of guilty; and

8 “(7) the term ‘destroy’ means to render a file
9 unreadable, whether paper, electronic, or otherwise
10 stored, by shredding, pulverizing, pulping, incin-
11 erating, overwriting, reformatting the media, or
12 other means.

13 **“§ 3634. Reporting**

14 “Not later than 2 years after the date of enactment
15 of this subchapter, and each year thereafter, the Attorney
16 General shall issue a public report that—

17 “(1) describes—

18 “(A) the number of expungement and seal-
19 ing petitions granted and denied; and

20 “(B) the number of instances in which the
21 office of a United States attorney supported or
22 opposed an expungement or sealing petition;
23 and

1 “(2) includes any supporting data that the
2 court determines relevant but does not name any pe-
3 titioner.”.

4 **SEC. 15603. RETROACTIVE EFFECT.**

5 This subpart and the amendments made by this sub-
6 part apply with respect to youth without regard to whether
7 they become involved in the Federal criminal justice sys-
8 tem before, on, or after the date of the enactment of this
9 Act.

10 **Subpart B—Youth Prison Reduction Through Oppor-**
11 **tunities, Mentoring, Intervention, Support, and**
12 **Education**

13 **SEC. 15611. SHORT TITLE.**

14 This subpart may be cited as the “Youth Prison Re-
15 duction through Opportunities, Mentoring, Intervention,
16 Support, and Education Act” or the “Youth PROMISE
17 Act”.

18 **SEC. 15612. DEFINITIONS.**

19 In this subpart:

20 (1) **ADMINISTRATOR.**—The term “Adminis-
21 trator” means the Administrator of the Office of Ju-
22 venile Justice and Delinquency Prevention.

23 (2) **COMMUNITY.**—The term “community”
24 means a unit of local government or an Indian tribe,
25 or part of such a unit or tribe, as determined by

1 such a unit or tribe for the purpose of applying for
2 a grant under this Act.

3 (3) DESIGNATED GEOGRAPHIC AREA.—The
4 term “designated geographic area” means a 5-digit
5 postal ZIP Code assigned to a geographic area by
6 the United States Postal Service.

7 (4) EVIDENCE-BASED.—

8 (A) IN GENERAL.—The term “evidence-
9 based”, when used with respect to a practice re-
10 lating to juvenile delinquency and criminal
11 street gang activity prevention and intervention,
12 means a practice (including a service, program,
13 activity, intervention, technology, or strategy)
14 for which the Administrator has determined—

15 (i) causal evidence documents a rela-
16 tionship between the practice and its in-
17 tended outcome, based on measures of the
18 direction and size of a change, and the ex-
19 tent to which a change may be attributed
20 to the practice; and

21 (ii) the use of scientific methods rules
22 out, to the extent possible, alternative ex-
23 planations for the documented change.

1 (B) SCIENTIFIC METHODS.—For the pur-
2 poses of subparagraph (A), the term “scientific
3 methods” means—

4 (i) evaluation by an experimental trial,
5 in which participants are randomly as-
6 signed to participate in the practice that is
7 subject to such trial; or

8 (ii) evaluation by a quasi-experimental
9 trial, in which the outcomes for partici-
10 pants are compared with outcomes for a
11 control group that is made up of individ-
12 uals who are similar to such participants.

13 (5) INTERVENTION.—The term “intervention”
14 means the provision of programs and services that
15 are supported by research, are evidence-based or
16 promising practices, and are provided to youth who
17 are involved in, or who are identified by evidence-
18 based risk assessment methods as being at high risk
19 of continued involvement in, juvenile delinquency or
20 criminal street gangs, as a result of indications that
21 demonstrate involvement with problems such as tru-
22 ancy, substance abuse, mental health treatment
23 needs, or siblings who have had involvement with ju-
24 venile or criminal justice systems.

1 (6) JUVENILE DELINQUENCY AND CRIMINAL
2 STREET GANG ACTIVITY PREVENTION.—The term
3 “juvenile delinquency and criminal street gang activ-
4 ity prevention” means the provision of programs and
5 resources to children and families who have not yet
6 had substantial contact with criminal justice or juve-
7 nile justice systems, that—

8 (A) are designed to reduce potential juve-
9 nile delinquency and criminal street gang activ-
10 ity risks; and

11 (B) are evidence-based or promising edu-
12 cational, health, mental health, school-based,
13 community-based, faith-based, parenting, job
14 training, social opportunities and experiences,
15 or other programs, for youth and their families,
16 that have been demonstrated to be effective in
17 reducing juvenile delinquency and criminal
18 street gang activity risks.

19 (7) PROMISING.—The term “promising”, when
20 used with respect to a practice relating to juvenile
21 delinquency and criminal street gang activity preven-
22 tion and intervention, means a practice (including a
23 service, program, activity, intervention, technology,
24 or strategy) that, based on statistical analyses or a

1 theory of change, the Administrator has deter-
2 mined—

3 (A) has outcomes from an evaluation that
4 demonstrate such practice reduces juvenile de-
5 linquency and criminal street gang activity; and

6 (B) is part of a study being conducted to
7 determine if such a practice is evidence-based.

8 (8) STATE.—The term “State” means each of
9 the several States, the District of Columbia, the
10 Commonwealth of Puerto Rico, the Virgin Islands,
11 American Samoa, Guam, the Northern Mariana Is-
12 lands, and any other territories or possessions of the
13 United States.

14 (9) THEORY OF CHANGE.—The term “theory of
15 change” means a program planning strategy ap-
16 proved by the Administrator that outlines the types
17 of interventions and outcomes essential to achieving
18 a set of program goals.

19 (10) YOUTH.—The term “youth” means—

20 (A) an individual who is 18 years of age or
21 younger; or

22 (B) in any State in which the maximum
23 age at which the juvenile justice system of such
24 State has jurisdiction over individuals exceeds

1 18 years of age, an individual who is such max-
2 imum age or younger.

3 **SEC. 15613. FINDINGS.**

4 The Congress finds as follows:

5 (1) Youth gang crime has taken a toll on a
6 number of communities, and senseless acts of gang-
7 related violence have imposed economic, social, and
8 human costs.

9 (2) Drug- and alcohol-dependent youth, and
10 youth dually diagnosed with addiction and mental
11 health disorders, are more likely to become involved
12 with the juvenile justice system than youth without
13 such risk factors, absent appropriate prevention and
14 intervention services.

15 (3) Children of color are over-represented rel-
16 ative to the general population at every stage of the
17 juvenile justice system. Black youth are 17 percent
18 of the United States population, but represent 38
19 percent of youth in secure placement juvenile facili-
20 ties, and 58 percent of youth incarcerated in adult
21 prisons.

22 (4) Research funded by the Department of Jus-
23 tice indicates that gang membership is short-lived
24 among adolescents. With very few youth remaining

1 gang-involved throughout their adolescent years, on-
2 going opportunities for intervention exist.

3 (5) Criminal justice costs have become burden-
4 some in many States and cities, requiring reductions
5 in vital educational, social, welfare, mental health,
6 and related services.

7 (6) Direct expenditures for each of the major
8 criminal justice functions, police, corrections, and ju-
9 dicial services, have increased steadily over the last
10 30 years. In fiscal year 2012, Federal, State, and
11 local governments spent an estimated
12 \$265,000,000,000 for police protection, corrections,
13 and judicial and legal services, nearly a 213-percent
14 increase since 1982.

15 (7) Estimates suggest that each year the
16 United States incurs over \$8,000,000,000 in long-
17 term costs for the confinement of young people. The
18 average annual cost to incarcerate one youth is
19 \$146,302.

20 (8) Coordinated efforts of stakeholders in the
21 juvenile justice system in a local community, to-
22 gether with other organizations and community
23 members concerned with the safety and welfare of
24 children, have a strong record of demonstrated suc-
25 cess in reducing the impact of youth and gang-re-

1 lated crime and violence, as demonstrated in Boston,
2 Massachusetts; Chicago, Illinois; Richmond, Vir-
3 ginia; Los Angeles, California; and other commu-
4 nities.

5 (9) Investment in prevention and intervention
6 programs for children and youth, including quality
7 early childhood programs, comprehensive evidence-
8 based school, after school, and summer school pro-
9 grams, mentoring programs, mental health and
10 treatment programs, evidence-based job training
11 programs, and alternative intervention programs,
12 has been shown to lead to decreased youth arrests,
13 decreased delinquency, lower recidivism, and greater
14 financial savings from an educational, economic, so-
15 cial, and criminal justice perspective.

16 (10) Quality early childhood education pro-
17 grams have been demonstrated to help children start
18 school ready to learn and to reduce delinquency and
19 criminal street gang activity risks.

20 (11) Evidence-based mentoring programs have
21 been shown to prevent youth drug abuse and vio-
22 lence.

23 (12) Evidence-based school-based comprehen-
24 sive instructional programs that pair youth with re-

1 sponsible adult mentors have been shown to have a
2 strong impact upon delinquency prevention.

3 (13) After-school programs that connect chil-
4 dren to caring adults and that provide constructive
5 activities during the peak hours of juvenile delin-
6 quency and criminal street gang activity, between 3
7 p.m. and 6 p.m., have been shown to reduce delin-
8 quency and the attendant costs imposed on the juve-
9 nile and criminal justice systems.

10 (14) States with higher levels of educational at-
11 tainment have been shown to have crime rates lower
12 than the national average. Researchers have found
13 that a 5-percent increase in male high school grad-
14 uation rates would produce an annual estimated sav-
15 ings of \$18,500,000,000 in crime-related expenses.

16 (15) Therapeutic programs that engage and
17 motivate high-risk youth and their families to
18 change behaviors that often result in criminal activ-
19 ity have been shown to significantly reduce recidi-
20 vism among juvenile offenders, and significantly re-
21 duce the attendant costs of crime and delinquency
22 imposed upon the juvenile and criminal justice sys-
23 tems.

24 (16) Comprehensive programs that target kids
25 who are already serious juvenile offenders by ad-

1 dressing the multiple factors in peer, school, neigh-
2 borhood, and family environments known to be re-
3 lated to delinquency can reduce recidivism among ju-
4 venile offenders and save the public significant eco-
5 nomic costs.

6 (17) There are many alternatives to incarceration
7 ation of youth that have been proven to be more ef-
8 fective in reducing crime and violence at the Na-
9 tional, State, local, and tribal levels, and the failure
10 to provide for such effective alternatives is a perva-
11 sive problem that leads to increased youth, and later
12 adult, crime and violence.

13 (18) Savings achieved through early interven-
14 tion and prevention are significant, especially when
15 noncriminal justice social, educational, mental
16 health, and economic outcomes are considered.

17 (19) The prevention of child abuse and neglect
18 can help stop a cycle of violence and save up to
19 \$5.00 for every \$1.00 invested in preventing such
20 abuse and neglect.

21 (20) Targeting interventions at special youth
22 risk groups and focusing upon relatively low-cost
23 interventions increases the probability of fiscal ben-
24 efit.

1 (21) Evidence-based intervention treatment fa-
2 cilities have been shown to reduce youth delinquency
3 and to be cost-effective.

4 (22) States, including Wisconsin, Ohio, New
5 York, Texas, and Pennsylvania, have seen a reduc-
6 tion in juvenile incarceration due to a reallocation of
7 criminal justice funds towards prevention programs.

8 **CHAPTER 1—FEDERAL COORDINATION OF**
9 **LOCAL AND TRIBAL JUVENILE JUS-**
10 **TICE INFORMATION AND EFFORTS**

11 **SEC. 15614. PROMISE ADVISORY PANEL.**

12 (a) ORGANIZATION OF STATE ADVISORY GROUP
13 MEMBER REPRESENTATIVES.—Section 223(f) of the Ju-
14 venile Justice and Delinquency Prevention Act of 1974
15 (42 U.S.C. 5633(f)) is amended—

16 (1) in paragraph (1), by striking “an eligible
17 organization composed of member representatives of
18 the State advisory groups appointed under sub-
19 section (a)(3)” and inserting “a nonpartisan, non-
20 profit organization that is described in section
21 501(c)(3) of the Internal Revenue Code of 1986,”;
22 and

23 (2) by amending paragraph (2) to read as fol-
24 lows:

1 “(2) ASSISTANCE.—To be eligible to receive
2 such assistance, such organization shall—

3 “(A) be governed by individuals who—

4 “(i) have been appointed by a chief
5 executive of a State to serve as a State ad-
6 visory group member under subsection
7 (a)(3); and

8 “(ii) are elected to serve as a gov-
9 erning officer of such organization by a
10 majority of the Chairs (or Chair-designees)
11 of all such State advisory groups;

12 “(B) include member representatives from
13 a majority of such State advisory groups, who
14 shall be representative of regionally and demo-
15 graphically diverse States and jurisdictions;

16 “(C) annually seek appointments by the
17 chief executive of each State of one State advi-
18 sory group member and one alternate State ad-
19 visory group member from each such State to
20 implement the advisory functions specified in
21 clauses (iv) and (v) of subparagraph (D), in-
22 cluding serving on the PROMISE Advisory
23 Panel, and make a record of any such appoint-
24 ments available to the public; and

1 “(D) agree to carry out activities that in-
2 clude—

3 “(i) conducting an annual conference
4 of such member representatives for pur-
5 poses relating to the activities of such
6 State advisory groups;

7 “(ii) disseminating information, data,
8 standards, advanced techniques, and pro-
9 gram models;

10 “(iii) reviewing Federal policies re-
11 garding juvenile justice and delinquency
12 prevention;

13 “(iv) advising the Administrator with
14 respect to particular functions or aspects
15 of the work of the Office, and appointing
16 a representative, diverse group of members
17 of such organization under subparagraph
18 (C) to serve as an advisory panel of State
19 juvenile justice advisors (referred to as the
20 ‘PROMISE Advisory Panel’) to carry out
21 the functions specified in subsection (g);
22 and

23 “(v) advising the President and Con-
24 gress with regard to State perspectives on
25 the operation of the Office and Federal

1 legislation pertaining to juvenile justice
2 and delinquency prevention.”.

3 (b) PROMISE ADVISORY PANEL.—Section 223 of
4 the Juvenile Justice and Delinquency Prevention Act of
5 1974 (42 U.S.C. 5633) is further amended by adding at
6 the end the following new subsection:

7 “(g) PROMISE ADVISORY PANEL.—

8 “(1) FUNCTIONS.—The PROMISE Advisory
9 Panel required under subsection (f)(2)(D) shall—

10 “(A) assess successful evidence-based and
11 promising practices related to juvenile delin-
12 quency and criminal street gang activity preven-
13 tion and intervention carried out by PROMISE
14 Coordinating Councils under such Act;

15 “(B) provide the Administrator with a list
16 of individuals and organizations with experience
17 in administering or evaluating practices that
18 serve youth involved in, or at risk of involve-
19 ment in, juvenile delinquency and criminal
20 street gang activity, from which the Adminis-
21 trator shall select individuals who shall—

22 “(i) provide to the Administrator peer
23 reviews of applications submitted by units
24 of local government and Indian tribes pur-
25 suant to title II of such Act, to ensure that

1 such applications demonstrate a clear plan
2 to—

3 “(I) serve youth as part of an en-
4 tire family unit; and

5 “(II) coordinate the delivery of
6 service to youth among agencies; and

7 “(ii) advise the Administrator with re-
8 spect to the award and allocation of
9 PROMISE Planning grants to local and
10 tribal governments that develop PROMISE
11 Coordinating Councils, and of PROMISE
12 Implementation grants to such PROMISE
13 Coordinating Councils, pursuant to title II
14 of such Act; and

15 “(C) develop performance standards to be
16 used to evaluate programs and activities carried
17 out with grants under title II of the Youth
18 PROMISE Act, including the evaluation of
19 changes achieved as a result of such programs
20 and activities related to decreases in juvenile
21 delinquency and criminal street gang activity,
22 including—

23 “(i) prevention of involvement by at-
24 risk youth in juvenile delinquency or crimi-
25 nal street gang activity;

1 “(ii) diversion of youth with a high
2 risk of continuing involvement in juvenile
3 delinquency or criminal street gang activ-
4 ity; and

5 “(iii) financial savings from deferred
6 or eliminated costs, or other benefits, as a
7 result of such programs and activities, and
8 the reinvestment by the unit or tribe of
9 any such savings.

10 “(2) ANNUAL REPORT.—Not later than 18
11 months after the date of the enactment of the Youth
12 PROMISE Act, and annually thereafter, the PROM-
13 ISE Advisory Panel shall prepare a report con-
14 taining the findings and determinations under para-
15 graph (1)(A) and shall submit such report to Con-
16 gress, the President, the Attorney General, and the
17 chief executive and chief law enforcement officer of
18 each State, unit of local government, and Indian
19 tribe.”.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
21 299(a)(1) of the Juvenile Justice and Delinquency Preven-
22 tion Act of 1974 (42 U.S.C. 5671(a)(1)) is amended by
23 striking “2003, 2004, 2005, 2006, and 2007” and insert-
24 ing “2021 through 2024”.

1 **SEC. 15615. GEOGRAPHIC ASSESSMENT OF RESOURCE AL-**
2 **LOCATION.**

3 (a) GRANT FOR COLLECTION OF DATA TO DETER-
4 MINE NEED.—Subject to the availability of appropria-
5 tions, the Administrator shall award a grant, on a com-
6 petitive basis, to an organization to—

7 (1) collect and analyze data related to the exist-
8 ing juvenile delinquency and criminal street gang ac-
9 tivity prevention and intervention needs and re-
10 sources in each designated geographic area;

11 (2) use the data collected and analyzed under
12 paragraph (1) to compile a list of designated geo-
13 graphic areas that have the most need of resources,
14 based on such data, to carry out juvenile delin-
15 quency and criminal street gang activity prevention
16 and intervention;

17 (3) use the data collected and analyzed under
18 paragraph (1) to rank the areas listed under para-
19 graph (2) in descending order by the amount of need
20 for resources to carry out juvenile delinquency and
21 criminal street gang activity prevention and inter-
22 vention, ranking the area with the greatest need for
23 such resources highest; and

24 (4) periodically update the list and rankings
25 under paragraph (3) as the Administrator deter-
26 mines to be appropriate.

1 (b) DATA SOURCES.—In compiling such list and de-
2 termining such rankings, the organization shall collect and
3 analyze data relating to juvenile delinquency and criminal
4 street gang activity prevention and intervention—

5 (1) using the geographic information system
6 and web-based mapping application known as the
7 Socioeconomic Mapping and Resource Topography
8 (SMART) system;

9 (2) from the Department of Health and Human
10 Services, the Department of Labor, the Department
11 of Housing and Urban Development, and the De-
12 partment of Education; and

13 (3) from the annual KIDS Count Data Book
14 and other data made available by the KIDS Count
15 initiative of the Annie E. Casey Foundation.

16 (c) USE OF DATA BY THE ADMINISTRATOR.—The list
17 and rankings required by this section shall be provided
18 to the Administrator to be used to provide funds under
19 this Act in the most strategic and effective manner to en-
20 sure that resources and services are provided to youth in
21 the communities with the greatest need for such resources
22 and services.

23 (d) LIMITATION ON USE OF COLLECTED DATA.—
24 The information collected and analyzed under this section
25 may not be used for any purpose other than to carry out

1 the purposes of this Act. Such information may not be
2 used for any purpose related to the investigation or pros-
3 ecution of any person, or for profiling of individuals based
4 on race, ethnicity, socio-economic status, or any other
5 characteristic.

6 (e) AUTHORIZATION OF APPROPRIATIONS.— There
7 are authorized to be appropriated to carry out this chap-
8 ter—

9 (1) \$100,000,000 for each of fiscal years 2022
10 through 2026;

11 (2) for fiscal year 2022, not more than 5 per-
12 cent of such amount, or \$1,000,000, whichever is
13 less, shall be made available to carry out this sec-
14 tion; and

15 (3) for fiscal years 2022 through 2025, not
16 more than 2 percent of such amount, or \$400,000,
17 whichever is less, shall be made available to carry
18 out this section.

19 **CHAPTER 2—PROMISE GRANTS**

20 **SEC. 15616. PURPOSES.**

21 The purposes of the grant programs established
22 under this chapter are to—

23 (1) enable local and tribal communities to as-
24 sess the unmet needs of youth who are involved in,

1 or are at risk of involvement in, juvenile delinquency
2 or criminal street gangs;

3 (2) develop plans appropriate for a community
4 to address those unmet needs with juvenile delin-
5 quency and gang prevention and intervention prac-
6 tices; and

7 (3) implement and evaluate such plans in a
8 manner consistent with this Act.

9 **Subchapter A—PROMISE Assessment and**
10 **Planning Grants**

11 **SEC. 15617. PROMISE ASSESSMENT AND PLANNING GRANTS**

12 **AUTHORIZED.**

13 (a) GRANTS AUTHORIZED.—The Administrator is
14 authorized to award grants to units of local government
15 and Indian tribes to assist PROMISE Coordinating Coun-
16 cils with planning and assessing evidence-based and prom-
17 ising practices relating to juvenile delinquency and crimi-
18 nal street gang activity prevention and intervention, espe-
19 cially for youth who are involved in, or who are at risk
20 of involvement in, juvenile delinquency and criminal street
21 gang activity. Such PROMISE Coordinating Councils
22 shall—

23 (1) conduct an objective needs and strengths
24 assessment in accordance with section 15603; and

1 (2) develop a PROMISE Plan in accordance
2 with section 204, based on the assessment conducted
3 in accordance with section 15603.

4 (b) GRANT DURATION, AMOUNT, AND ALLOCA-
5 TION.—

6 (1) DURATION.—A grant awarded under this
7 section shall be for a period not to exceed one year.

8 (2) MAXIMUM GRANT AMOUNT.—A grant
9 awarded under this section shall not exceed
10 \$300,000.

11 (c) ALLOCATION.—

12 (1) MINIMUM ALLOCATION.—Subject to the
13 availability of appropriations, the Administrator
14 shall ensure that the total funds allocated under this
15 section to units of local governments and Indian
16 tribes in a State shall not be less than \$1,000,000.

17 (2) RATABLE REDUCTION.—If the amount
18 made available for grants under this section for any
19 fiscal year is less than the amount required to pro-
20 vide the minimum allocation of funds under para-
21 graph (1) to units of local government and Indian
22 tribes in each State, then the amount of such min-
23 imum allocation shall be ratably reduced.

1 **SEC. 15618. PROMISE COORDINATING COUNCILS.**

2 To be eligible to receive a grant under this subpart,
3 a unit of local government or an Indian tribe shall estab-
4 lish a PROMISE Coordinating Council for each commu-
5 nity of such unit or tribe, respectively, for which such unit
6 or tribe is applying for a grant under this subpart. Each
7 such community shall include one or more designated geo-
8 graphic areas identified on the list required under section
9 15512(a)(2). The members of such a PROMISE Coordi-
10 nating Council shall be representatives of public and pri-
11 vate sector entities and individuals that—

12 (1) shall include, to the extent possible, at least
13 one representative from each of the following:

- 14 (A) the local chief executive's office;
15 (B) a local educational agency;
16 (C) a local health agency or provider;
17 (D) a local mental health agency or pro-
18 vider, unless the representative under subpara-
19 graph (C) also meets the requirements of this
20 subparagraph;
21 (E) a local public housing agency;
22 (F) a local law enforcement agency;
23 (G) a local child welfare agency;
24 (H) a local juvenile court;
25 (I) a local juvenile prosecutor's office;

1 (J) a private juvenile residential care enti-
2 ty;

3 (K) a local juvenile public defender's office;

4 (L) a State juvenile correctional entity;

5 (M) a local business community represent-
6 ative; and

7 (N) a local faith-based community rep-
8 resentative;

9 (2) shall include two representatives from each
10 of the following:

11 (A) parents who have minor children, and
12 who have an interest in the local juvenile or
13 criminal justice systems;

14 (B) youth between the ages of 15 and 24
15 who reside in the jurisdiction of the unit or
16 tribe; and

17 (C) members from nonprofit community-
18 based organizations that provide effective delin-
19 quency prevention and intervention to youth in
20 the jurisdiction of the unit or tribe; and

21 (3) may include other members, as the unit or
22 tribe determines to be appropriate.

23 **SEC. 15619. NEEDS AND STRENGTHS ASSESSMENT.**

24 (a) **ASSESSMENT.**—Each PROMISE Coordinating
25 Council receiving funds from a unit of local government

1 or Indian tribe under this subpart shall conduct an objec-
2 tive strengths and needs assessment of the resources of
3 the community for which such PROMISE Coordinating
4 Council was established, to identify the unmet needs of
5 youth in the community with respect to evidence-based
6 and promising practices related to juvenile delinquency
7 and criminal street gang activity prevention and interven-
8 tion. The PROMISE Coordinating Council shall consult
9 with a research partner receiving a grant under section
10 15702 for assistance with such assessment. Such assess-
11 ment shall include, with respect to the community for
12 which such PROMISE Coordinating Council was estab-
13 lished—

14 (1) the number of youth who are at-risk of in-
15 volvement in juvenile delinquency or street gang ac-
16 tivity;

17 (2) the number of youth who are involved in ju-
18 venile delinquency or criminal street gang activity,
19 including the number of such youth who are at high
20 risk of continued involvement;

21 (3) youth unemployment rates during the sum-
22 mer;

23 (4) the number of individuals on public finan-
24 cial assistance (including a breakdown of the num-

1 bers of men, women, and children on such assist-
2 ance);

3 (5) the estimated number of youth who are
4 chronically truant;

5 (6) the number of youth who have dropped out
6 of school in the previous year;

7 (7) for the year before such assessment, the es-
8 timated total amount expended (by the community
9 and other entities) for the incarceration of offenders
10 who were convicted or adjudicated delinquent for an
11 offense that was committed in such community, in-
12 cluding amounts expended for the incarceration of
13 offenders in prisons, jails, and juvenile facilities that
14 are located in the United States but are not located
15 in such community;

16 (8) a comparison of the amount under para-
17 graph (7) with an estimation of the amount that
18 would be expended for the incarceration of offenders
19 described in such paragraph if the number of offend-
20 ers described in such paragraph was equal to the na-
21 tional average incarceration rate per 100,000 popu-
22 lation;

23 (9) a description of evidence-based and prom-
24 ising practices related to juvenile delinquency and
25 criminal street gang activity prevention available for

1 youth in the community, including school-based pro-
2 grams, after school programs (particularly programs
3 that have activities available for youth between 3
4 p.m. and 6 p.m. in the afternoon), weekend activities
5 and programs, youth mentoring programs, faith and
6 community-based programs, summer activities, and
7 summer jobs, if any; and

8 (10) a description of evidence-based and prom-
9 ising intervention practices available for youth in the
10 community.

11 (b) LIMITATION ON USE OF ASSESSMENT INFORMA-
12 TION.—Information gathered pursuant to this section may
13 be used for the sole purpose of developing a PROMISE
14 Plan in accordance with this subpart.

15 **SEC. 15620. PROMISE PLAN COMPONENTS.**

16 (a) IN GENERAL.—Each PROMISE Coordinating
17 Council receiving funds from a unit of local government
18 or Indian tribe under this subpart shall develop a PROM-
19 ISE Plan to provide for the coordination of, and, as appro-
20 priate, to support the delivery of, evidence-based and
21 promising practices related to juvenile delinquency and
22 criminal street gang activity prevention and intervention
23 to youth and families who reside in the community for
24 which such PROMISE Coordinating Council was estab-
25 lished. Such a PROMISE Plan shall—

1 (1) include the strategy by which the PROM-
2 ISE Coordinating Council plans to prioritize and al-
3 locate resources and services toward the unmet
4 needs of youth in the community, consistent with the
5 needs and available resources of communities with
6 the greatest need for assistance, as determined pur-
7 suant to section 15615;

8 (2) include a combination of evidence-based and
9 promising prevention and intervention practices that
10 are responsive to the needs of the community; and

11 (3) ensure that cultural and linguistic needs of
12 the community are met.

13 (b) MANDATORY COMPONENTS.—Each PROMISE
14 Plan shall—

15 (1) include a plan to connect youth identified in
16 paragraphs (1) and (2) of section 15619(a) to evi-
17 dence-based and promising practices related to juve-
18 nile delinquency and criminal street gang activity
19 prevention and intervention;

20 (2) identify the amount or percentage of local
21 funds that are available to the PROMISE Coordi-
22 nating Council to carry out the PROMISE Plan;

23 (3) provide strategies to improve indigent de-
24 fense delivery systems, with particular attention
25 given to groups of children who are disproportion-

1 ately represented in the State delinquency system
2 and Federal criminal justice system, as compared to
3 the representation of such groups in the general
4 population of the State;

5 (4) provide for training (which complies with
6 the American Bar Association Juvenile Justice
7 Standards for the representation and care of youth
8 in the juvenile justice system) of prosecutors, de-
9 fenders, probation officers, judges and other court
10 personnel related to issues concerning the develop-
11 mental needs, challenges, and potential of youth in
12 the juvenile justice system (including training re-
13 lated to adolescent development and mental health
14 issues, and the expected impact of evidence-based
15 practices and cost reduction strategies);

16 (5) ensure that the number of youth involved in
17 the juvenile delinquency and criminal justice systems
18 does not increase as a result of the activities under-
19 taken with the funds provided under this subpart;

20 (6) describe the coordinated strategy that will
21 be used by the PROMISE Coordinating Council to
22 provide at-risk youth with evidence-based and prom-
23 ising practices related to juvenile delinquency and
24 criminal street gang activity prevention and inter-
25 vention;

1 (7) propose the performance evaluation process
2 to be used to carry out section 15622(d), which shall
3 include performance measures to assess efforts to
4 address the unmet needs of youth in the community
5 with evidence-based and promising practices related
6 to juvenile delinquency and criminal street gang ac-
7 tivity prevention and intervention; and

8 (8) identify the research partner the PROMISE
9 Coordinating Council will use to obtain information
10 on evidence-based and promising practices related to
11 juvenile delinquency and criminal street gang activ-
12 ity prevention and intervention, and for the evalua-
13 tion under section 15622(d) of the results of the ac-
14 tivities carried out with funds under this subpart.

15 (c) VOLUNTARY COMPONENTS.—In addition to the
16 components under subsection (b), a PROMISE Plan may
17 include evidence-based or promising practices related to
18 juvenile delinquency and criminal street gang activity pre-
19 vention and intervention in the following categories:

20 (1) Early childhood development services (such
21 as prenatal and neonatal health services), early
22 childhood prevention, voluntary home visiting pro-
23 grams, nurse-family partnership programs, par-
24 enting and healthy relationship skills training, child

1 abuse prevention programs, Early Head Start, and
2 Head Start.

3 (2) Child protection and safety services (such as
4 foster care and adoption assistance programs), fam-
5 ily stabilization programs, child welfare services, and
6 family violence intervention programs.

7 (3) Youth and adolescent development services,
8 including job training and apprenticeship programs,
9 job placement and retention training, education and
10 after school programs (such as school programs with
11 shared governance by students, teachers, and par-
12 ents, and activities for youth between the hours of
13 3 p.m. and 6 p.m. in the afternoon), mentoring pro-
14 grams, conflict resolution skills training, sports,
15 arts, life skills, employment and recreation pro-
16 grams, summer jobs, and summer recreation pro-
17 grams, and alternative school resources for youth
18 who have dropped out of school or demonstrate
19 chronic truancy.

20 (4) Health and mental health services, includ-
21 ing cognitive behavioral therapy, play therapy, and
22 peer mentoring and counseling.

23 (5) Substance abuse counseling and treatment
24 services, including harm-reduction strategies.

1 (6) Emergency, transitional, and permanent
2 housing assistance (such as safe shelter and housing
3 for runaway and homeless youth).

4 (7) Targeted gang prevention, intervention, and
5 exit services such as tattoo removal, successful mod-
6 els of anti-gang crime outreach programs (such as
7 “street worker” programs), and other criminal street
8 gang truce or peacemaking activities.

9 (8) Training and education programs for preg-
10 nant teens and teen parents.

11 (9) Restorative justice programs.

12 (10) Alternatives to detention and confinement
13 programs (such as mandated participation in com-
14 munity service, restitution, counseling, and intensive
15 individual and family therapeutic approaches).

16 (11) Prerelease, postrelease, and reentry serv-
17 ices to assist detained and incarcerated youth with
18 transitioning back into and reentering the commu-
19 nity.

20 **SEC. 15621. AUTHORIZATION OF APPROPRIATIONS.**

21 For fiscal years 2021 through 2025, of the amount
22 made available under section 15624 to carry out this Act
23 for any fiscal year, not more than 15 percent shall be
24 made available to carry out this subpart.

1 **Subchapter B—PROMISE Implementation**
2 **Grants**

3 **SEC. 15622. PROMISE IMPLEMENTATION GRANTS AUTHOR-**
4 **IZED.**

5 (a) PROMISE IMPLEMENTATION GRANTS AUTHOR-
6 IZED.—The Administrator of the Office of Juvenile Jus-
7 tice and Delinquency Prevention is authorized to award
8 grants to units of local government and Indian tribes to
9 assist PROMISE Coordinating Councils with imple-
10 menting PROMISE Plans developed pursuant to sub-
11 chapter A.

12 (b) GRANT DURATION AND AMOUNT.—

13 (1) DURATION.—A grant awarded under this
14 subpart shall be for a 3-year period.

15 (2) MAXIMUM GRANT AMOUNT.—A grant
16 awarded under this subpart shall not be for more
17 than \$10,000,000 per year for each year of the
18 grant period.

19 (c) NON-FEDERAL FUNDS REQUIRED.—For each fis-
20 cal year during the 3-year grant period for a grant under
21 this subpart, each unit of local government or Indian tribe
22 receiving such a grant for a PROMISE Coordinating
23 Council shall provide, from non-Federal funds, in cash or
24 in kind, 25 percent of the costs of the activities carried
25 out with such grant.

1 (d) EVALUATION.—Of any funds provided to a unit
2 of local government or an Indian tribe for a grant under
3 this subpart, not more than \$100,000 shall be used to pro-
4 vide a contract to a competitively selected organization to
5 assess the progress of the unit or tribe in addressing the
6 unmet needs of youth in the community, in accordance
7 with the performance measures under section
8 15620(b)(7).

9 **SEC. 15623. PROMISE IMPLEMENTATION GRANT APPLICA-**
10 **TION REQUIREMENTS.**

11 (a) APPLICATION REQUIRED.—To be eligible to re-
12 ceive a PROMISE Implementation grant under this sub-
13 part, a unit of local government or Indian tribe that re-
14 ceived a PROMISE Assessment and Planning grant under
15 subchapter A shall submit an application to the Adminis-
16 trator of the Office of Juvenile Justice and Delinquency
17 Prevention not later than 1 year after the date such unit
18 of local government or Indian tribe was awarded such
19 grant under subchapter A, in such manner, and accom-
20 panied by such information, as the Administrator, after
21 consultation with the organization under section 223(f)(1)
22 of the Juvenile Justice and Delinquency Prevention Act
23 of 1974 (42 U.S.C. 5633(f)(1)), may require.

24 (b) CONTENTS OF APPLICATION.—Each application
25 submitted under subsection (a) shall—

1 (1) identify potential savings from criminal jus-
2 tice costs, public assistance costs, and other costs
3 avoided by utilizing evidence-based and promising
4 practices related to juvenile delinquency and crimi-
5 nal street gang activity prevention and intervention;

6 (2) document—

7 (A) investment in evidence-based and
8 promising practices related to juvenile delin-
9 quency and criminal street gang activity preven-
10 tion and intervention to be provided by the unit
11 of local government or Indian tribe;

12 (B) the activities to be undertaken with
13 the grants funds;

14 (C) any expected efficiencies in the juvenile
15 justice or other local systems to be attained as
16 a result of implementation of the programs
17 funded by the grant; and

18 (D) outcomes from such activities, in
19 terms of the expected numbers related to re-
20 duced criminal activity;

21 (3) describe how savings sustained from invest-
22 ment in prevention and intervention practices will be
23 reinvested in the continuing implementation of the
24 PROMISE Plan; and

1 (4) provide an assurance that the local fiscal
2 contribution with respect to evidence-based and
3 promising practices related to juvenile delinquency
4 and criminal street gang activity prevention and
5 intervention in the community for which the PROM-
6 ISE Coordinating Council was established for each
7 year of the grant period will not be less than the
8 local fiscal contribution with respect to such prac-
9 tices in the community for the year preceding the
10 first year of the grant period.

11 **SEC. 15624. GRANT AWARD GUIDELINES.**

12 (a) SELECTION AND DISTRIBUTION.—Grants award-
13 ed under this subpart shall be awarded on a competitive
14 basis. The Administrator shall—

15 (1) take such steps as may be necessary to en-
16 sure that grants are awarded to units of local gov-
17 ernments and Indian tribes in areas with the highest
18 concentrations of youth who are—

19 (A) at risk of involvement in juvenile delin-
20 quency or criminal street gang activity; and

21 (B) involved in juvenile delinquency or
22 street gang activity and who are at high-risk of
23 continued involvement; and

24 (2) give consideration to the need for grants to
25 be awarded to units of local governments and Indian

1 tribes in each region of the United States, and
2 among urban, suburban, and rural areas.

3 (b) EXTENSION OF GRANT AWARD.—The Adminis-
4 trator may extend the grant period under section
5 15622(b)(1) for a PROMISE Implementation grant to a
6 unit of local government or an Indian tribe, in accordance
7 with regulations issued by the Administrator.

8 (c) RENEWAL OF GRANT AWARD.—Subject to the
9 availability of appropriations, the Administrator may
10 renew a PROMISE Implementation grant to a unit of
11 local government or an Indian tribe to provide such unit
12 or tribe with additional funds to continue implementation
13 of a PROMISE Plan. Such a renewal—

14 (1) shall be initiated by an application for re-
15 newal from a unit of local government or an Indian
16 tribe;

17 (2) shall be carried out in accordance with reg-
18 ulations issued by the Administrator; and

19 (3) shall not be granted unless the Adminis-
20 trator determines such a renewal to be appropriate
21 based on the results of the evaluation conducted
22 under section 15623(a) with respect to the commu-
23 nity of such unit or tribe for which a PROMISE Co-
24 ordinating Council was established, and for which
25 such unit or tribe is applying for renewal.

1 **SEC. 15625. REPORTS.**

2 Not later than 1 year after the end of the grant pe-
3 riod for which a unit of local government or an Indian
4 tribe receives a PROMISE Implementation grant, and an-
5 nually thereafter for as long as such unit or tribe con-
6 tinues to receive Federal funding for a PROMISE Coordi-
7 nating Council, such unit or tribe shall report to the Ad-
8 ministrator regarding the use of Federal funds to imple-
9 ment the PROMISE Plan developed under subchapter A.

10 **SEC. 15626. AUTHORIZATION OF APPROPRIATIONS.**

11 For fiscal years 2022 through 2025, of the amount
12 made available under section 15624 to carry out this Act
13 for any fiscal year, not more than 75 percent shall be
14 made available to carry out this subpart.

15 **Subchapter C—General PROMISE Grant**
16 **Provisions**

17 **SEC. 15627. NONSUPPLANTING CLAUSE.**

18 A unit of local government or Indian tribe receiving
19 a grant under this title shall use such grant only to supple-
20 ment, and not supplant, the amount of funds that, in the
21 absence of such grant, would be available to address the
22 needs of youth in the community with respect to evidence-
23 based and promising practices related to juvenile delin-
24 quency and criminal street gang activity prevention and
25 intervention.

1 **SEC. 15628. GRANT APPLICATION REVIEW PANEL.**

2 The Administrator of the Office of Juvenile Justice
3 and Delinquency Prevention, in conjunction with the
4 PROMISE Advisory Panel, shall establish and utilize a
5 transparent, reliable, and valid system for evaluating ap-
6 plications for PROMISE Assessment and Planning grants
7 and for PROMISE Implementation grants, and shall de-
8 termine which applicants meet the criteria for funding,
9 based primarily on a determination of greatest need (in
10 accordance with section 15615), with due consideration to
11 other enumerated factors and the indicated ability of the
12 applicant to successfully implement the program described
13 in the application.

14 **SEC. 15629. EVALUATION OF PROMISE GRANT PROGRAMS.**

15 (a) EVALUATION REQUIRED.—Subject to the avail-
16 ability of appropriations under this title, the Adminis-
17 trator shall, in consultation with the organization provided
18 assistance under section 223(f)(1) of the Juvenile Justice
19 and Delinquency Prevention Act of 1974 (42 U.S.C.
20 5633(f)(1)), provide for an evaluation of the programs and
21 activities carried out with grants under this title. In car-
22 rying out this section, the Administrator shall—

23 (1) award grants to institutions of higher edu-
24 cation (including institutions that are eligible to re-
25 ceive funds under part F of title III of the Higher
26 Education Act of 1965 (20 U.S.C. 1067q et seq.)),

1 to facilitate the evaluation process and measurement
2 of achieved outcomes;

3 (2) identify evidence-based and promising prac-
4 tices used by PROMISE Coordinating Councils
5 under PROMISE Implementation grants that have
6 proven to be effective in preventing involvement in,
7 or diverting further involvement in, juvenile delin-
8 quency or criminal street gang activity; and

9 (3) ensure—

10 (A) that such evaluation is based on the
11 performance standards that are developed by
12 the PROMISE Advisory Panel in accordance
13 with section 223(g) of the Juvenile Justice and
14 Delinquency Prevention Act of 1974 (as added
15 by section 15614(b) of this Act);

16 (B) the development of longitudinal and
17 clinical trial evaluation and performance meas-
18 urements with regard to the evidence-based and
19 promising practices funded under this chapter;
20 and

21 (C) the dissemination of the practices iden-
22 tified in paragraph (2) to the National Re-
23 search Center for Proven Juvenile Justice Prac-
24 tices (established under section 15631), units of
25 local government, and Indian tribes to promote

1 the use of such practices by such units and
2 tribes to prevent involvement in, or to divert
3 further involvement in, juvenile delinquency or
4 criminal street gang activity.

5 (b) RESULTS TO THE NATIONAL RESEARCH CENTER
6 FOR PROVEN JUVENILE JUSTICE PRACTICES.—The Ad-
7 ministrator shall provide the results of the evaluation
8 under subsection (a) to the National Research Center for
9 Proven Juvenile Justice Practices established under sec-
10 tion 15631.

11 **SEC. 15630. RESERVATION OF FUNDS.**

12 For fiscal years 2022 through 2026, not more than
13 20 percent of the total amount appropriated to the Office
14 of Juvenile Justice and Delinquency Prevention to carry
15 out Youth Mentoring Programs for each fiscal year shall
16 be made available to carry out this Act.

17 **CHAPTER C—PROMISE RESEARCH**
18 **CENTERS**

19 **SEC. 15631. ESTABLISHMENT OF THE NATIONAL RESEARCH**
20 **CENTER FOR PROVEN JUVENILE JUSTICE**
21 **PRACTICES.**

22 (a) CENTER ESTABLISHED.—Subject to the avail-
23 ability of appropriations, the Administrator shall award a
24 grant to a nonprofit organization with a national reputa-
25 tion for expertise in operating or evaluating effective, evi-

1 dence-based practices related to juvenile delinquency and
2 criminal street gang activity prevention or intervention to
3 develop a National Research Center for Proven Juvenile
4 Justice Practices. Such Center shall—

5 (1) collaborate with institutions of higher edu-
6 cation as regional partners to create a best practices
7 juvenile justice information-sharing network to sup-
8 port the programs and activities carried out with
9 grants under title II of this Act;

10 (2) collect, and disseminate to PROMISE Co-
11 ordinating Councils, research and other information
12 about evidence-based and promising practices related
13 to juvenile delinquency and criminal street gang ac-
14 tivity prevention and intervention to inform the ef-
15 forts of PROMISE Coordinating Councils and re-
16 gional research partners and to support the pro-
17 grams and activities carried out with grants under
18 title II of this Act;

19 (3) increase the public's knowledge and under-
20 standing of effective juvenile justice practices to pre-
21 vent crime and delinquency and reduce recidivism;
22 and

23 (4) develop, manage, and regularly update a
24 site to disseminate proven practices for successful
25 juvenile delinquency prevention and intervention.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
2 amount made available under section 15616 to carry out
3 this Act—

4 (1) for fiscal year 2022, not more than 2.5 per-
5 cent of such amount shall be made available to carry
6 out this section; and

7 (2) for fiscal years 2022 through 2024, not
8 more than 4 percent of such amount shall be made
9 available to carry out this section.

10 **SEC. 15632. GRANTS FOR REGIONAL RESEARCH PROVEN**
11 **PRACTICES PARTNERSHIPS.**

12 (a) GRANT PROGRAM AUTHORIZED.—The Adminis-
13 trator shall, subject to the availability of appropriations,
14 establish a grant program to award grants to institutions
15 of higher education to serve as regional research partners
16 with PROMISE Coordinating Councils that are located in
17 the same geographic region as an institution, in collabora-
18 tion with the National Research Center for Proven Juve-
19 nile Justice Practices authorized under section 15631. Re-
20 gional research partners shall provide research support to
21 such PROMISE Coordinating Councils, including—

22 (1) assistance with preparing PROMISE grant
23 applications under title II, including collection of
24 baseline data for such applications;

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount made available under section 15624 to carry out this Act—

(2) for fiscal years 2022 through 2024, not more than 4 percent of such amount shall be made available to carry out this section.

17 **SEC. 15641. SHORT TITLE.**

20 SEC. 15642. GRANTS TO INCREASE THE RACIAL DIVERSITY
21 OF LAW ENFORCEMENT AGENCIES.

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1 (1) in paragraph (16), by striking “and” at the
2 end;

3 (2) by redesignating paragraph (17) as para-
4 graph (18);

5 (3) by inserting after paragraph (16) the fol-
6 lowing:

7 “(17) to increase the racial diversity of law en-
8 forcement agencies by awarding grants to institu-
9 tions of higher education (as such term is defined in
10 section 101(a) of the Higher Education Act of 1965
11 (20 U.S.C. 1001)), with priority given to Predomi-
12 nantly Black Institutions (as such term is defined in
13 section 318 of the Higher Education Act of 1965
14 (20 U.S.C. 1059e)), historically Black colleges and
15 universities (as such term is defined in section 631
16 of the Higher Education Act of 1965 (20 U.S.C.
17 1132)), institutions of higher education at which not
18 less than 40 percent of the enrolled students are
19 Latino, and institutions of higher education at which
20 not less than 40 percent of the enrolled students are
21 Native American, to support majors related to crimi-
22 nal justice, including psychology, sociology, prelaw,
23 and criminal justice majors; and”;

1 (4) in paragraph (18), as so redesignated, by
 2 striking “paragraphs (1) through (16)” and insert-
 3 ing “paragraphs (1) through (17)”.

4 **PART 3—COMMON SENSE GUN VIOLENCE**
 5 **PREVENTION**

6 **Subpart A—Hadiya Pendleton and Nyasia Pryear-**
 7 **Yard Gun Trafficking and Crime Prevention**

8 **SEC. 15701. SHORT TITLE.**

9 This subpart may be cited as the “Hadiya Pendleton
 10 and Nyasia Pryear-Yard Gun Trafficking and Crime Pre-
 11 vention Act of 2020”.

12 **SEC. 15702. FIREARMS TRAFFICKING.**

13 (a) IN GENERAL.—Chapter 44 of title 18, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 **“§ 932. Trafficking in firearms**

17 “(a) OFFENSES.—It shall be unlawful for any person,
 18 regardless of whether anything of value is exchanged—

19 “(1) to ship, transport, transfer, or otherwise
 20 dispose to a person, two or more firearms in or af-
 21 fecting interstate or foreign commerce, if the trans-
 22 feror knows or has reasonable cause to believe that
 23 such use, carry, possession, or disposition of the fire-
 24 arm would be in violation of, or would result in a

1 violation of any Federal, State, or local law punish-
2 able by a term of imprisonment exceeding 1 year;

3 “(2) to receive from a person, two or more fire-
4 arms in or affecting interstate or foreign commerce,
5 if the recipient knows or has reasonable cause to be-
6 lieve that such receipt would be in violation of, or
7 would result in a violation of any Federal, State, or
8 local law punishable by a term of imprisonment ex-
9 ceeding 1 year;

10 “(3) to make a statement to a licensed im-
11 porter, licensed manufacturer, or licensed dealer re-
12 lating to the purchase, receipt, or acquisition from
13 a licensed importer, licensed manufacturer, or li-
14 censed dealer of two or more firearms that have
15 moved in or affected interstate or foreign commerce
16 that—

17 “(A) is material to—

18 “(i) the identity of the actual buyer of
19 the firearms; or

20 “(ii) the intended trafficking of the
21 firearms; and

22 “(B) the person knows or has reasonable
23 cause to believe is false; or

24 “(4) to direct, promote, or facilitate conduct
25 specified in paragraph (1), (2), or (3).

1 “(b) PENALTIES.—

2 “(1) IN GENERAL.—Any person who violates, or
3 conspires to violate, subsection (a) shall be fined
4 under this title, imprisoned for not more than 20
5 years, or both.

6 “(2) ORGANIZER ENHANCEMENT.—If a viola-
7 tion of subsection (a) is committed by a person in
8 concert with five or more other persons with respect
9 to whom such person occupies a position of orga-
10 nizer, a supervisory position, or any other position of
11 management, such person may be sentenced to an
12 additional term of imprisonment of not more than 5
13 consecutive years.

14 “(c) DEFINITIONS.—In this section—

15 “(1) the term ‘actual buyer’ means the indi-
16 vidual for whom a firearm is being purchased, re-
17 ceived, or acquired; and

18 “(2) the term ‘term of imprisonment exceeding
19 1 year’ does not include any offense classified by the
20 applicable jurisdiction as a misdemeanor and punish-
21 able by a term of imprisonment of 2 years or less.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 44 of title 18, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

“932. Trafficking in firearms.”.

1 (c) DIRECTIVE TO THE SENTENCING COMMISSION.—

2 (1) IN GENERAL.—Pursuant to its authority
3 under section 994(p) of title 28, United States Code,
4 the United States Sentencing Commission shall re-
5 view and, if appropriate, amend the Federal sen-
6 tencing guidelines and policy statements applicable
7 to persons convicted of offenses under section 932 of
8 title 18, United States Code (as added by subsection
9 (a)).

10 (2) REQUIREMENTS.—In carrying out this sec-
11 tion, the Commission shall—

12 (A) review the penalty structure that the
13 guidelines currently provide based on the num-
14 ber of firearms involved in the offense and de-
15 termine whether any changes to that penalty
16 structure are appropriate in order to reflect the
17 intent of Congress that such penalties reflect
18 the gravity of the offense; and

19 (B) review and amend, if appropriate, the
20 guidelines and policy statements to reflect the
21 intent of Congress that guideline penalties for
22 violations of section 932 of title 18, United
23 States Code, and similar offenses be increased
24 substantially when committed by a person who
25 is a member of a gang, cartel, organized crime

1 ring, or other such enterprise or in concert with
2 another person who is a member of a gang, car-
3 tel, organized crime ring or other such enter-
4 prise.

5 **Subpart B—Report on Effects of Gun Violence on**
6 **Public Health**

7 **SEC. 15711. REPORT ON EFFECTS OF GUN VIOLENCE ON**
8 **PUBLIC HEALTH.**

9 Not later than 1 year after the date of the enactment
10 of this Act, and annually thereafter, the Surgeon General
11 of the Public Health Service shall submit to Congress a
12 report on the effects on public health of gun violence in
13 the United States during the relevant period, and the sta-
14 tus of actions taken to address such effects.

15 **SEC. 15712. PROHIBITION ON CERTAIN AMENDMENTS TO**
16 **APPROPRIATIONS MEASURES.**

17 Clause 2 of rule XXI of the Rules of the House of
18 Representatives is amended by adding at the end the fol-
19 lowing new paragraph:

20 “(g) A provision prohibiting the use of funds to
21 study the public health effects of gun violence may
22 not be reported in a general appropriation bill and
23 may not be in order in any amendment thereto.”.

Subpart C—Keeping Guns From High-Risk

Individuals

SEC. 15721. SHORT TITLE.

This subpart may be cited as the “Keeping Guns from High-Risk Individuals Act”.

SEC. 15722. FIREARM PROHIBITIONS APPLICABLE WITH RESPECT TO CERTAIN HIGH-RISK INDIVIDUALS.

(a) SALES OR OTHER DISPOSITIONS.—Section 922(d) of title 18, United States Code, is amended in the first sentence—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(3) by adding at the end the following:

“(10) in the most recent 10-year period, has been convicted in any court of a crime of violence (as defined in section 16);

“(11) has not attained 25 years of age, and has been adjudicated by any court as having committed an offense that would have been a crime of violence (as defined in section 16) if committed by an adult;

“(12) in any period of 3 consecutive years in the most recent 10-year period, has been convicted in any court, on 2 separate occasions, of an offense that has, as an element, the possession or distribu-

1 tion of, or the intent to possess or distribute, alcohol
2 or a controlled substance (as so defined); or

3 “(13) has been convicted in any court of stalk-
4 ing.”.

5 (b) POSSESSION, SHIPMENT, TRANSPORTATION, OR
6 RECEIPT.—Section 922(g) of such title is amended—

7 (1) by striking “or” at the end of paragraph
8 (8);

9 (2) by striking the comma at the end of para-
10 graph (9) and inserting a semicolon; and

11 (3) by inserting after paragraph (9) the fol-
12 lowing:

13 “(10) who, in the most recent 10-year period,
14 has been convicted in any court of a crime of vio-
15 lence (as defined in section 16);

16 “(11) who has not attained 25 years of age and
17 has been adjudicated by any court as having com-
18 mitted an offense that would have been a crime of
19 violence (as defined in section 16) if committed by
20 an adult;

21 “(12) who, in any period of 3 consecutive years
22 in the most recent 10-year period, has been con-
23 victed in any court, on 2 separate occasions, of an
24 offense that has, as an element, the possession or

1 distribution of, or the intent to possess or distribute,
 2 alcohol or a controlled substance (as so defined); or
 3 “(13) who has been convicted in any court of
 4 stalking,”.

5 **Subpart D—Strengthening Gun Checks Act**

6 **SEC. 15731. SHORT TITLE.**

7 This subpart may be cited as the “Strengthening Gun
 8 Checks Act of 2020”.

9 **CHAPTER 1—ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM**

14 **SEC. 15732. STATES TO MAKE DATA ELECTRONICALLY AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**

17 (a) IN GENERAL.—Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note)
 18 is amended to read as follows:

20 “(b) IMPLEMENTATION PLAN.—

21 “(1) IN GENERAL.—Within 1 year after the
 22 date of the enactment of this subsection, the Attorney General, in coordination with the States, shall
 23 establish, for each State or Indian tribal government, a plan to ensure maximum coordination and
 24
 25

1 automation of the reporting of records or making of
2 records available to the National Instant Criminal
3 Background Check System established under section
4 103 of the Brady Handgun Violence Prevention Act,
5 during a 4-year period specified in the plan.

6 “(2) BENCHMARK REQUIREMENTS.—Each such
7 plan shall include annual benchmarks, including
8 qualitative goals and quantitative measures, to en-
9 able the Attorney General to assess implementation
10 of the plan.”.

11 (b) INCENTIVE GRANTS FOR RAPID COMPLIANCE.—
12 Section 506 of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (42 U.S.C. 3756) is amended by add-
14 ing at the end the following:

15 “(c) Of the total amount made available to carry out
16 this subpart for a fiscal year, the Attorney General shall
17 reserve not more than \$50,000,000 for incentive grants
18 by the Attorney General to States that comply with section
19 102(b) of the NICS Improvement Amendments Act of
20 2007 (18 U.S.C. 922 note), in accordance with the fol-
21 lowing:

22 “(1) During the 4-year period covered by a plan
23 established under such section, if the State meets
24 the benchmark established under paragraph (2) of

1 such section, the State may receive an incentive
2 grant under this paragraph.

3 “(2) The Attorney General shall allocate the
4 amounts reserved under this section equally among
5 each State receiving an incentive grant.”.

6 **SEC. 15733. REQUIREMENT THAT FEDERAL AGENCIES CER-**
7 **TIFY THAT THEY HAVE SUBMITTED TO THE**
8 **NATIONAL INSTANT CRIMINAL BACKGROUND**
9 **CHECK SYSTEM ALL RECORDS IDENTIFYING**
10 **PERSONS PROHIBITED FROM PURCHASING**
11 **FIREARMS UNDER FEDERAL LAW.**

12 Section 103(e)(1) of the Brady Handgun Violence
13 Prevention Act (18 U.S.C. 922 note) is amended by add-
14 ing at the end the following:

15 “(F) SEMIANNUAL CERTIFICATION AND
16 REPORTING.—

17 “(i) IN GENERAL.—The head of each
18 Federal department or agency shall submit
19 to the Attorney General a written certifi-
20 cation indicating whether the department
21 or agency has provided to the Attorney
22 General the pertinent information con-
23 tained in any record of any person that the
24 department or agency was in possession of
25 during the time period addressed by the

1 report demonstrating that the person falls
2 within a category described in subsection
3 (g) or (n) of section 922 of title 18, United
4 States Code.

5 “(ii) SUBMISSION DATES.—The head
6 of a Federal department or agency shall
7 submit a certification under clause (i)—

8 “(I) not later than July 31 of
9 each year, which shall address any
10 record the department or agency was
11 in possession of during the period be-
12 ginning on January 1 of the year and
13 ending on June 30 of the year; and

14 “(II) not later than January 31
15 of each year, which shall address any
16 record the department or agency was
17 in possession of during the period be-
18 ginning on July 1 of the previous year
19 and ending on December 31 of the
20 previous year.

21 “(iii) CONTENTS.—A certification re-
22 quired under clause (i) shall state, for the
23 applicable period—

24 “(I) the number of records of the
25 Federal department or agency dem-

1 onstrating that a person fell within
2 each of the categories described in
3 section 922(g) of title 18, United
4 States Code;

5 “(II) the number of records of
6 the Federal department or agency
7 demonstrating that a person fell with-
8 in the category described in section
9 922(n) of title 18, United States
10 Code; and

11 “(III) for each category of
12 records described in subclauses (I)
13 and (II), the total number of records
14 of the Federal department or agency
15 that have been provided to the Attor-
16 ney General.”.

17 **SEC. 15734. ADJUDICATED AS A MENTAL DEFECTIVE.**

18 (a) IN GENERAL.—Section 921(a) of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 “(36) The term ‘adjudicated as a mental defective’
22 shall—

23 “(A) have the meaning given the term in sec-
24 tion 478.11 of title 27, Code of Federal Regulations,
25 or any successor thereto; and

1 “(B) include an order by a court, board, com-
2 mission, or other lawful authority that a person, in
3 response to mental illness, incompetency, or marked
4 subnormal intelligence, be compelled to receive serv-
5 ices—

6 “(i) including counseling, medication, or
7 testing to determine compliance with prescribed
8 medications; and

9 “(ii) not including testing for use of alco-
10 hol or for abuse of any controlled substance or
11 other drug.

12 “(37) The term ‘committed to a mental institution’
13 shall have the meaning given the term in section 478.11
14 of title 27, Code of Federal Regulations, or any successor
15 thereto.”.

16 (b) LIMITATION.—An individual who has been adju-
17 dicated as a mental defective before the effective date de-
18 scribed in section 15603 may not apply for relief from dis-
19 ability under section 101(c)(2) of the NICS Improvement
20 Amendments Act of 2007 (18 U.S.C. 922 note) on the
21 basis that the individual does not meet the requirements
22 in section 921(a)(36) of title 18, United States Code, as
23 added by subsection (a).

24 (c) NICS IMPROVEMENT AMENDMENTS ACT OF
25 2007.—Section 3 of the NICS Improvement Amendments

1 Act of 2007 (18 U.S.C. 922 note) is amended by striking
2 paragraph (2) and inserting the following:

3 “(2) MENTAL HEALTH TERMS.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the terms ‘adjudicated as a
6 mental defective’ and ‘committed to a mental
7 institution’ shall have the meaning given the
8 terms in section 921(a) of title 18, United
9 States Code.

10 “(B) EXCEPTION.—For purposes of sec-
11 tions 102 and 103, the terms ‘adjudicated as a
12 mental defective’ and ‘committed to a mental
13 institution’ shall have the same meanings as on
14 the day before the date of enactment of the Fix
15 Gun Checks Act of 2018 until the end of the
16 2-year period beginning on such date of enact-
17 ment.”.

18 **SEC. 15735. CLARIFICATION THAT FEDERAL COURT INFOR-**
19 **MATION IS TO BE MADE AVAILABLE TO THE**
20 **NATIONAL INSTANT CRIMINAL BACKGROUND**
21 **CHECK SYSTEM.**

22 Section 103(e)(1) of the Brady Handgun Violence
23 Protection Act (18 U.S.C. 922 note), as amended by sec-
24 tion 15733 of this chapter, is amended by adding at the
25 end the following:

1 “(G) APPLICATION TO FEDERAL
2 COURTS.—In this paragraph—

3 “(i) the terms ‘department or agency
4 of the United States’ and ‘Federal depart-
5 ment or agency’ include a Federal court;
6 and

7 “(ii) for purposes of any request, sub-
8 mission, or notification, the Director of the
9 Administrative Office of the United States
10 Courts shall perform the functions of the
11 head of the department or agency.”.

12 **CHAPTER 2—REQUIRING A BACKGROUND**
13 **CHECK FOR EVERY FIREARM SALE**

14 **SEC. 15736. PURPOSE.**

15 The purpose of this chapter is to extend the Brady
16 Law background check procedures to all sales and trans-
17 fers of firearms.

18 **SEC. 15737. FIREARMS TRANSFERS.**

19 (a) IN GENERAL.—Section 922 of title 18, United
20 States Code, is amended—

21 (1) by striking subsection (s) and redesignating
22 subsection (t) as subsection (s);

23 (2) in subsection (s), as so redesignated—

24 (A) in paragraph (3)(C)(ii), by striking

25 “(as defined in subsection (s)(8))”; and

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

2 “(7) In this subsection, the term ‘chief law en-
3 forcement officer’ means the chief of police, the
4 sheriff, or an equivalent officer or the designee of
5 any such individual.”; and

6 (3) by inserting after subsection (s), as so re-
7 designated, the following:

8 “(t)(1) It shall be unlawful for any person who is not
9 a licensed importer, licensed manufacturer, or licensed
10 dealer to transfer a firearm to any other person who is
11 not so licensed, unless a licensed importer, licensed manu-
12 facturer, or licensed dealer has first taken possession of
13 the firearm for the purpose of complying with subsection
14 (s). Upon taking possession of the firearm, the licensee
15 shall comply with all requirements of this chapter as if
16 the licensee were transferring the firearm from the inven-
17 tory of the licensee to the unlicensed transferee.

18 “(2) Paragraph (1) shall not apply to—

19 “(A) a transfer of a firearm by or to any law
20 enforcement agency or any law enforcement officer,
21 armed private security professional, or member of
22 the armed forces, to the extent the officer, profes-
23 sional, or member is acting within the course and
24 scope of employment and official duties;

1 “(B) a transfer between spouses, between do-
2 mestic partners, between parents and their children,
3 between siblings, or between grandparents and their
4 grandchildren;

5 “(C) a transfer to an executor, administrator,
6 trustee, or personal representative of an estate or a
7 trust that occurs by operation of law upon the death
8 of another person;

9 “(D) a temporary transfer that is necessary to
10 prevent imminent death or great bodily harm, if the
11 possession by the transferee lasts only as long as im-
12 mediately necessary to prevent the imminent death
13 or great bodily harm;

14 “(E) a transfer that is approved by the Attor-
15 ney General under section 5812 of the Internal Rev-
16 enue Code of 1986; and

17 “(F) a temporary transfer if the transferor has
18 no reason to believe that the transferee will use or
19 intends to use the firearm in a crime or is prohibited
20 from possessing firearms under State or Federal
21 law, and the transfer takes place and the trans-
22 feree’s possession of the firearm is exclusively—

23 “(i) at a shooting range or in a shooting
24 gallery or other area designated and built for
25 the purpose of target shooting;

1 “(ii) while hunting, trapping, or fishing, if
 2 the hunting, trapping, or fishing is legal in all
 3 places where the transferee possesses the fire-
 4 arm and the transferee holds all licenses or per-
 5 mits required for such hunting, trapping, or
 6 fishing; or

7 “(iii) while in the presence of the trans-
 8 feror.

9 Nothing in this section shall be construed to pre-
 10 empt any State criminal statutory or case law re-
 11 lated to self-defense, heat of passion, or any other
 12 justifying or mitigation action in a crime or potential
 13 crime involving a firearm.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) SECTION 922.—Section 922(y)(2) of such
 16 title is amended in the matter preceding subpara-
 17 graph (A), by striking “, (g)(5)(B), and
 18 (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

19 (2) SECTION 925A.—Section 925A of such title
 20 is amended in the matter preceding paragraph (1),
 21 by striking “subsection (s) or (t) of section 922”
 22 and inserting “section 922(s)”.

23 (c) EFFECTIVE DATE.—The amendment made by
 24 subsection (a)(4) shall take effect 180 days after the date
 25 of the enactment of this Act.

1 **SEC. 15738. LOST AND STOLEN REPORTING.**

2 (a) IN GENERAL.—Section 922 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(aa) It shall be unlawful for any person who lawfully
6 possesses or owns a firearm that has been shipped or
7 transported in, or has been possessed in or affecting, inter-
8 state or foreign commerce, to fail to report the theft or
9 loss of the firearm, within 48 hours after the person dis-
10 covers the theft or loss, to the Attorney General and to
11 the appropriate local authorities.”.

12 (b) PENALTY.—Section 924(a)(1)(B) of such title is
13 amended to read as follows:

14 “(B) knowingly violates subsection (a)(4),
15 (f), (k), (q), or (aa) of section 922;”.

16 **CHAPTER 3—BACKGROUND CHECK**
17 **COMPLETION ACT**

18 **SEC. 15741. SHORT TITLE.**

19 This subpart may be cited as the “Background Check
20 Completion Act”.

1 **SEC. 15742. ELIMINATION OF REQUIREMENT THAT A FIRE-**
2 **ARMS DEALER TRANSFER A FIREARM IF THE**
3 **NATIONAL INSTANT CRIMINAL BACKGROUND**
4 **CHECK SYSTEM HAS BEEN UNABLE TO COM-**
5 **plete A BACKGROUND CHECK OF THE PRO-**
6 **SPECTIVE TRANSFEREE WITHIN 3 BUSINESS**
7 **DAYS.**

8 Section 922(t)(1)(B) of title 18, United States Code,
9 is amended—

- 10 (1) by striking “(i)”;
- 11 (2) by striking “; or” and inserting “; and”;
- 12 and
- 13 (3) by striking clause (ii).

14 **PART 4—MENTAL HEALTH**

15 **SEC. 15801. PRIORITY MENTAL HEALTH NEEDS OF RE-**
16 **GIONAL AND NATIONAL SIGNIFICANCE.**

17 (a) REAUTHORIZATION.—Section 520A of the Public
18 Health Service Act (42 U.S.C. 290bb–32) is amended—

- 19 (1) by redesignating subsection (f) as sub-
- 20 section (h); and
- 21 (2) by amending subsection (h), as redesign-
- 22 nated, to read as follows:

23 “(h) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) IN GENERAL.—There are authorized to be

25 appropriated to carry out this section \$394,550,000

26 for each of fiscal years 2022 through 2027.

1 “(2) ALLOCATIONS.—Of the amounts author-
2 ized by paragraph (1) to be appropriated for each of
3 fiscal years 2022 through 2025—

4 “(A) \$194,500,000 shall be for carrying
5 out subsection (f) (relating to the Resiliency in
6 Communities After Stress and Trauma Pro-
7 gram); and

8 “(B) \$189,500,000 shall be for carrying
9 out subsection (g) (relating to Project
10 AWARE).”.

11 (b) RESILIENCY IN COMMUNITIES AFTER STRESS
12 AND TRAUMA PROGRAM.—Section 520A of the Public
13 Health Service Act (42 U.S.C. 290bb–32), as amended by
14 subsection (a), is further amended by inserting after sub-
15 section (e) the following subsection:

16 “(f) RESILIENCY IN COMMUNITIES AFTER STRESS
17 AND TRAUMA PROGRAM.—

18 “(1) IN GENERAL.—The Secretary shall main-
19 tain the Resiliency in Communities After Stress and
20 Trauma Program of the Substance Abuse and Men-
21 tal Health Services Administration, to be known at
22 the ReCAST Program.

23 “(2) GRANTS.—In carrying out the ReCAST
24 Program, the Secretary shall award grants to State
25 and local health agencies to assist high-risk youth

1 and families and promote resilience and equity in
2 communities that have recently faced civil unrest
3 through—

4 “(A) implementation of evidence-based vio-
5 lence prevention and community youth engage-
6 ment programs; and

7 “(B) linkages to trauma-informed behav-
8 ioral health services.

9 “(3) DEFINITION.—In this subsection, the term
10 ‘civil unrest’—

11 “(A) means demonstrations of mass pro-
12 test and mobilization, civil disobedience, and
13 disruption through violence, often connected
14 with law enforcement issues; and

15 “(B) includes such demonstrations in com-
16 munities that have been affected by a high inci-
17 dence of gun violence not caused by law en-
18 forcement.”.

19 (c) PROJECT AWARE.—Section 520A of the Public
20 Health Service Act (42 U.S.C. 290bb–32), as amended by
21 subsection (b), is further amended by inserting after sub-
22 section (f) the following subsection:

23 “(g) PROJECT AWARE.—

24 “(1) IN GENERAL.—The Secretary shall main-
25 tain the Project Advancing Wellness and Resiliency

1 in Education program of the Substance Abuse and
2 Mental Health Services Administration, to be known
3 as Project AWARE.

4 “(2) GRANTS.—In carrying out Project
5 AWARE, the Secretary shall make grants to State
6 educational agencies to build or expand the capacity
7 of such agencies, in partnership with State mental
8 health agencies overseeing school-aged youth and
9 local education agencies—

10 “(A) to increase awareness of mental
11 health issues among school-aged youth;

12 “(B) to provide training for school per-
13 sonnel and other adults who interact with
14 school-aged youth to detect and respond to
15 mental health issues; and

16 “(C) to connect school-aged youth, who
17 may have behavioral health issues (including se-
18 rious emotional disturbance or serious mental
19 illness), and their families to needed services.

20 “(3) DEFINITION.—In this subsection, the term
21 ‘State educational agency’ means—

22 “(A) a State educational agency as defined
23 in section 8101 of the Elementary and Sec-
24 ondary Education Act of 1965; or

1 “(B) an education agency or authority of
2 an Indian tribe or tribal organization (as such
3 terms are defined in section 4 of the Indian
4 Self-Determination and Education Assistance
5 Act).”.

6 **SEC. 15802. ANNUAL REPORT ON ADVERSE CHILDHOOD EX-**
7 **PERIENCES OF CERTAIN CHILDREN IN COM-**
8 **MUNITIES FACING CIVIL UNREST.**

9 (a) IN GENERAL.—Not later than the end of fiscal
10 year 2022, and annually thereafter, the Secretary of
11 Health and Human Services shall submit a report to the
12 Congress on the adverse childhood experiences of children
13 who are exposed to traumatic experiences in communities
14 that have recently faced civil unrest.

15 (b) DEFINITION.—In this subsection, the term “civil
16 unrest”—

17 (1) means demonstrations of mass protest and
18 mobilization, civil disobedience, and disruption
19 through violence, often connected with law enforce-
20 ment issues; and

21 (2) includes such demonstrations in commu-
22 nities that have been affected by a high incidence of
23 gun violence not caused by law enforcement.

1 **Subtitle RR—Transportation**
2 **Workforce Modernization Act**

3 **SEC. 15901. SHORT TITLE.**

4 This subtitle may be cited as the “Transportation
5 Workforce Modernization Act”.

6 **SEC. 15902. TRANSPORTATION WORKER RETRAINING**
7 **GRANT PROGRAM.**

8 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
9 tation shall establish a program to make grants to eligible
10 entities to develop a curriculum for and establish transpor-
11 tation worker training programs in urban and rural areas
12 to train, upskill, and prepare workers whose jobs may be
13 changed or worsened by automation, or who have been
14 separated from their jobs, or have received notice of im-
15 pending job loss, as a result of being replaced by auto-
16 mated driving systems.

17 (b) **ELIGIBLE ENTITIES.**—The following entities
18 shall be eligible to receive grants under this section:

19 (1) Institutions of higher education.

20 (2) Consortia of institutions of higher edu-
21 cation.

22 (3) Trade associations.

23 (4) Nongovernmental stakeholders.

24 (5) Organizations with a demonstrated capacity
25 to develop and provide career ladder programs

1 through labor-management partnerships and appren-
2 ticeships on a nationwide basis.

3 (c) LIMITATION ON AWARDS.—An entity may only
4 receive one grant per year under this section in an amount
5 determined appropriate by the Secretary.

6 (d) PARTICIPANTS IN TRANSPORTATION WORKER
7 RETRAINING PROGRAMS.—A grant provided under this
8 section may be used for participants in transportation
9 worker retraining programs to pursue a degree or certifi-
10 cation through the coursework or curriculum developed
11 under the program.

12 (e) USE OF FUNDS.—A recipient of a grant under
13 this section may use grant amounts for studies, pilot pro-
14 grams, as well as testing new roles for current jobs, includ-
15 ing mechanical work, diagnostic, and fleet operations man-
16 agement.

17 (f) GENERAL SELECTION CRITERIA.—The Secretary
18 shall select recipients of grants under this section on the
19 basis of the following criteria:

20 (1) Demonstrated research and extension re-
21 sources available to the applicant for carrying out
22 this section.

23 (2) Capability of the applicant to develop cur-
24 riculum in the training or retraining of individuals

1 described in subsection (a) as a result of driverless
2 vehicles.

3 (3) Demonstrated commitment of the recipient
4 to carry out a transportation workforce development
5 program through degree-granting programs or pro-
6 grams that provide other industry-recognized creden-
7 tials.

8 (g) ELIGIBILITY.—An applicant is only eligible for a
9 grant under this section if such applicant—

10 (1) has an established transportation program;

11 (2) has expertise in solving transportation prob-
12 lems through research, training, education, and tech-
13 nology; and

14 (3) shares information with other programs.

15 (h) FEDERAL SHARE.—

16 (1) IN GENERAL.—The Federal share of a
17 grant under this section shall be a dollar for dollar
18 match of the costs of establishing and administering
19 the retraining program and related activities carried
20 out by the grant recipient or consortium of grant re-
21 cipients.

22 (2) AVAILABILITY OF FUNDS.—For a recipient
23 of a grant under this section carrying out activities
24 under such grant in partnership with a public trans-
25 portation agency, not more than 0.5 percent of

1 amounts made available under any such section may
2 qualify as the non-Federal share under paragraph
3 (1).

4 (i) TRACKING OF CERTAIN INFORMATION.—Not later
5 than 1 year after a grant award is made under this sec-
6 tion, the Secretary shall implement a reporting or tracking
7 mechanism to determine—

8 (1) from which sectors of the transportation in-
9 dustry are workers being displaced;

10 (2) for what skills and professions are workers
11 being retrained;

12 (3) how many workers have benefitted from the
13 grant award; and

14 (4) relevant demographic information of im-
15 pacted workers.

16 (j) DEFINITION OF INSTITUTION OF HIGHER EDU-
17 CATION.—In this subtitle, the term “institution of higher
18 education” has the meaning given the term in section 101
19 of the Higher Education Act of 1965 (20 U.S.C. 1001).

20 (k) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated \$50,000,000 for each of fiscal years
23 2022, 2023, and 2024 to carry out this section.

24 (2) AVAILABILITY OF AMOUNTS.—Amounts
25 made available to the Secretary to carry out this sec-

1 tion shall remain available for obligation by the Sec-
2 retary for a period of 3 years after the last day of
3 the fiscal year for which the amounts are authorized.

4 **SEC. 15903. GAO STUDY.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Comptroller General
7 of the United States shall conduct a study and submit to
8 Congress a report on the impact of driverless vehicle adop-
9 tion on—

- 10 (1) the workforce of the United States;
- 11 (2) the trucking, freight, and personal transpor-
12 tation industries;
- 13 (3) wages;
- 14 (4) job losses, including the economic impact on
15 each region of the United States; and
- 16 (5) the creation of new jobs and how transpor-
17 tation sector jobs would change due to driverless ve-
18 hicle adoption.

19 (b) CONSULTATION.—The study shall be carried out
20 in consultation with—

- 21 (1) academics;
- 22 (2) labor unions;
- 23 (3) the Department of Transportation; and
- 24 (4) the Department of Labor.

1 (c) RESEARCH.—The Secretary of Transportation
 2 shall seek to enter into an agreement with an institute
 3 of higher education or nonprofit organization with dem-
 4 onstrated capacity in carrying out research on the subject
 5 of the study required under subsection (a) to conduct such
 6 research. Such agreement shall require the institute or
 7 nonprofit to submit such research to the Comptroller Gen-
 8 eral for inclusion in such study.

9 **Subtitle SS—Skill and Knowledge**
 10 **Investments Leverage Leaders’**
 11 **Untapped Potential Tax Credit**

12 **SEC. 16101. SHORT TITLE.**

13 This subtitle may be cited as the “Skill and Knowl-
 14 edge Investments Leverage Leaders’ Untapped Potential
 15 Tax Credit Act of 2020” or the “SKILL UP Act of
 16 2020”.

17 **SEC. 16102. WORK OPPORTUNITY TAX CREDIT FOR PAR-**
 18 **TICIPATION IN QUALIFYING WORK-BASED**
 19 **LEARNING PROGRAMS.**

20 (a) IN GENERAL.—Paragraph (1) of section 51(d) of
 21 the Internal Revenue Code of 1986 is amended by striking
 22 “or” at the end of subparagraph (I), by striking the period
 23 at the end of subparagraph (J) and inserting “, or”, and
 24 by inserting after subparagraph (J) the following:

1 “(K) a qualified work-based learning par-
2 ticipant.”.

3 (b) WAGES PER YEAR TAKEN INTO ACCOUNT.—
4 Paragraph (3) of section 51(b) of such Code is amended
5 by inserting “or who is a qualified work-based learning
6 participant” after “subsection (d)(3)(A)(ii)(II)”.

7 (c) QUALIFIED WORK-BASED LEARNING PARTICI-
8 PANT.—Section 51(d) of such Code is amended by adding
9 at the end the following:

10 “(16) QUALIFIED WORK-BASED LEARNING PAR-
11 TICIPANT.—

12 “(A) IN GENERAL.—The term ‘qualified
13 work-based learning participant’ means an indi-
14 vidual who—

15 “(i) is a member of one of the tar-
16 geted group referred to in subparagraphs
17 (A) through (J) of paragraph (1), and

18 “(ii) enrolled in a qualifying work-
19 based learning opportunity either—

20 “(I) within 3-month period begin-
21 ning on the hiring date, or

22 “(II) in the case of a program
23 described in subparagraph (B)(iii),
24 during the six-month period prior to
25 the hiring date.

1 “(B) QUALIFYING WORK-BASED LEARNING
2 OPPORTUNITY.—For the purpose of this para-
3 graph, the term ‘qualifying work-based learning
4 opportunity’ means—

5 “(i) an apprenticeship program reg-
6 istered under the Act of August 16, 1937
7 (commonly known as the National Appren-
8 ticeship Act; 50 Stat. 664, chapter 663; 29
9 U.S.C. 50 et seq.),

10 “(ii) a program that has been ap-
11 proved by the designated local agency and
12 that may be provided directly by an em-
13 ployer, or in partnership with one or more
14 training providers, in which—

15 “(I) the training is provided to
16 individuals who are full-time employ-
17 ees of the employer,

18 “(II) training consists of on the
19 job instruction or a combination of on
20 the job and classroom instruction, and

21 “(III) successful completion of
22 the training program, or modules of
23 the training program—

1 “(aa) provides for an in-
 2 crease in hourly wages for the
 3 employee, and

4 “(bb) may provide for the
 5 attainment of a recognized post-
 6 secondary credential (as defined
 7 under the Workforce Innovation
 8 and Opportunity Act), and

9 “(iii) a program that has been ap-
 10 proved by the designated local agency as
 11 under clause (ii) in which a third party
 12 serves as employer of record for purposes
 13 of operating an approved program with the
 14 participating employer.”.

15 (d) CREDIT FOR TAX-EXEMPT EMPLOYERS FOR EM-
 16 PLOYMENT OF QUALIFIED WORK-BASED LEARNING PAR-
 17 TICIPANTS.—

18 (1) IN GENERAL.—Paragraph (1) of section
 19 3111(e) of such Code is amended by inserting “or
 20 qualified work-based learning participant” after
 21 “qualified veteran” both places it appears.

22 (2) OVERALL LIMITATION.—Paragraph (2) of
 23 section 3111(e) of such Code is amended by insert-
 24 ing “or qualified work-based learning participants”
 25 after “qualified veterans”.

1 (3) APPLICABLE PERIOD.—Paragraph (4) of
 2 section 3111(e) of such Code is amended by insert-
 3 ing “or qualified work-based learning participant”
 4 after “qualified veteran” both places it appears.

5 (4) DEFINITIONS.—Paragraph (5) of section
 6 3111(e) of such Code is amended by striking “and”
 7 at the end of subparagraph (A), by striking the pe-
 8 riod at the end of subparagraph (B) and inserting
 9 “, and”, and by inserting after subparagraph (B)
 10 the following:

11 “(C) the term ‘qualified work-based learn-
 12 ing participant’ has the meaning given such
 13 term by section 51(d)(16).”.

14 (e) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply to wages paid after 90 days after
 16 the date of the enactment of this Act, with respect to en-
 17 rollment in qualifying work-based learning programs be-
 18 ginning after such date.

19 **Subtitle TT—Saving Our Street**

20 **SEC. 17101. SHORT TITLE.**

21 This subtitle may be cited as the “Saving Our Street
 22 Act”.

23 **SEC. 17102. GRANTS TO SMALL BUSINESSES.**

24 (a) DEFINITION.—In this section:

1 (1) COVERED PERIOD.—The term “covered pe-
2 riod” means the period beginning on February 15,
3 2020 and ending on December 31, 2020.

4 (2) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty”—

6 (A) means an entity that—

7 (i) is—

8 (I) a community small business,
9 including a self-employed worker,
10 independent contractor, or sole propri-
11 etor, or a community nonprofit with
12 less than—

13 (aa) \$1,000,000 in gross
14 revenue;

15 (bb) \$500,000 in gross re-
16 ceipts for nonprofits; or

17 (cc) 10 employees; or

18 (II) a small business with—

19 (aa) less than 20 employees
20 in a low-income community; and

21 (bb) not less than 50 per-
22 cent of employees who live in a
23 low-income community; and

1 (ii) has suffered a drop in revenue of
2 over 20 percent of gross revenue since
3 February 15, 2020; and

4 (B) does not include entities that are pub-
5 licly traded companies, private equity firms, or
6 hedge funds.

7 (3) EMPLOYEE.—The term “employee” in-
8 cludes—

9 (A) individuals employed on a full-time,
10 part-time, or other basis;

11 (B) independent contractors;

12 (C) any individual in a jurisdiction subject
13 to a stay-at-home order, even if the employee
14 has not physically returned to work.

15 (4) LOW-INCOME COMMUNITY.—The term “low-
16 income community” means a census tract (or equiv-
17 alent geographic area defined by the United States
18 Census Bureau) in which at least 50 percent of
19 households have an income less than 60 percent of
20 the area median gross income, as determined by the
21 Secretary of Housing and Urban Development.

22 (5) PAYROLL COSTS.—The term “payroll costs”
23 means—

24 (A) the sum of payments of any compensa-
25 tion that is a—

1 (i) salary, wage, commission, or simi-
2 lar compensation;

3 (ii) payment of cash tip or equivalent;

4 (iii) payment for vacation, parental,
5 family, medical, or sick leave;

6 (iv) allowance for dismissal or separa-
7 tion;

8 (v) payment required for the provi-
9 sions of group health care benefits, includ-
10 ing insurance premiums;

11 (vi) payment of any retirement ben-
12 efit; or

13 (vii) payment of State or local tax as-
14 sessed on the compensation of employees
15 or owners;

16 (B) the sum of payments of any compensa-
17 tion to or income of a sole proprietor or inde-
18 pendent contractor—

19 (i) that is a wage, commission, in-
20 come, net earnings from self-employment,
21 or similar compensation; and

22 (ii) in an amount that is not more
23 than \$100,000 in 1 year, as prorated for
24 the covered period;

1 (C) the compensation of an individual em-
2 ployee in excess of an annual salary of
3 \$100,000, as prorated for the covered period;

4 (D) qualified sick leave wages for which a
5 credit is allowed under section 7001 of the
6 Families First Coronavirus Response Act (Pub-
7 lic Law 116– 127); or

8 (E) qualified family leave wages for which
9 a credit is allowed under section 7003 of the
10 Families First Coronavirus Response Act (Pub-
11 lic Law 116–127).

12 (6) SOCIALLY AND ECONOMICALLY DISADVAN-
13 TAGED INDIVIDUALS.—The term “socially and eco-
14 nomically disadvantaged individuals” means individ-
15 uals described in paragraphs (5) and (6) of section
16 8(a) of the Small Business Act (15 U.S.C. 637(a)).

17 (7) VETERANS ORGANIZATION.—The term “vet-
18 erans organization” means an organization that is
19 described in section 501(c)(19) of the Internal Rev-
20 enue Code that is exempt from taxation under sec-
21 tion 501(a) of such Code.

22 (b) GRANTS.—

23 (1) IN GENERAL.—The Secretary of the Treas-
24 ury shall create the Microbusiness Assistance Fund
25 which may provide a grant to an eligible entity in an

1 amount not greater than \$250,000 to be used only
2 for—

3 (A) rehiring or hiring employees of the en-
4 tity who were furloughed or laid off after Feb-
5 ruary 15, 2020;

6 (B) payment of, on or after the date de-
7 scribed in subparagraph (A), payroll, salaries,
8 commissions, or similar compensations, payroll
9 taxes, employer compensation, rent (including
10 under a lease agreement) or mortgage, includ-
11 ing payments of interest on any mortgage obli-
12 gation (not including prepayment of or payment
13 of principal on a mortgage obligation), utilities,
14 or insurance;

15 (C) providing healthcare and benefits to
16 employees at the same or similar levels as the
17 entity provided on the date described in sub-
18 paragraph (A), including continuation of group
19 healthcare benefits during periods of paid sick,
20 medical, or family leave, and insurance pre-
21 miums; and

22 (D) debt obligations that were incurred be-
23 fore the covered period.

24 (2) ELIGIBILITY.—No person shall be denied a
25 grant under this subsection on the basis of—

1 (A) any criminal history or involvement
2 with the criminal legal system; or

3 (B) using an individual taxpayer identifica-
4 tion number issued pursuant to section 6109(i)
5 of the Internal Revenue Code of 1986.

6 (3) PRIORITY.—

7 (A) IN GENERAL.—The Secretary shall
8 give priority to people of color, veterans,
9 women-owned community businesses, and so-
10 cially and economically disadvantaged individ-
11 uals as it pertains to historically underrep-
12 resented businesses.

13 (B) HISTORICALLY UNDERREPRESENTED
14 BUSINESSES.—Of the amounts made available
15 under this section, 75 percent shall be provided
16 to businesses or nonprofits owned and con-
17 trolled by 1 or more socially and economically
18 disadvantaged individuals.

19 (4) OTHER ASSISTANCE.—An entity that re-
20 ceives a grant under this subsection shall be eligible
21 to receive assistance under other Federal programs,
22 including the paycheck protection program estab-
23 lished under section 7(a)(36) of the Small Business
24 Act (15 U.S.C. 636(a)(36)) or an economic injury
25 disaster loan made under section 7(b)(2) of the

1 Small Business Act (15 U.S.C. 636(b)(2)) if the
2 funds are used for a purpose other than a purpose
3 described in paragraph (1).

4 (5) SENSE OF CONGRESS.—It is the sense of
5 Congress that eligible entities should rehire employ-
6 ees described in paragraph (1)(A) after the date on
7 which the national emergency under the National
8 Emergencies Act (50 U.S.C. 1601 et seq.) with re-
9 spect to the coronavirus disease 2019 (COVID–19)
10 terminates.

11 (c) AMOUNTS.—

12 (1) IN GENERAL.—Of the amounts made avail-
13 able under this subtitle—

14 (A) \$124,500,000,000 shall be used for
15 grants made under subsection (b);

16 (B) \$400,000,000 shall be used to provide
17 financial education training classes and for help
18 applying for the grants and financial recovery
19 for eligible entities, of which—

20 (i) \$50,000,000 shall be used to pro-
21 vide small businesses and women develop-
22 ment centers with technical assistance and
23 online training and information, of
24 which—

1 (I) \$25,000,000 shall be made
2 available for small businesses; and

3 (II) \$25,000,000 shall be made
4 available for women development cen-
5 ters;

6 (ii) \$50,000,000 shall be used to pro-
7 vide minority business centers with tech-
8 nical assistance and online training and in-
9 formation; and

10 (iii) \$300,000,000 shall be used to
11 provide nonprofit and community organiza-
12 tions with assistance to small business
13 owners; and

14 (C) \$100,000,000 shall be made available
15 for the Department of the Treasury and the In-
16 ternal Revenue Service to carry out this sub-
17 title.

18 (2) AVAILABILITY.—Funds made available
19 under this subtitle shall be available until December
20 20, 2020.

21 (d) NEED.—An eligible entity shall attest in an appli-
22 cation for a grant under this section that the eligible enti-
23 ty—

24 (1) was in business as of February 15, 2020;

1 (2) has suffered a drop in sales of 20 percent
2 or more;

3 (3) meets the criteria as an eligible entity; and

4 (4) will use the grants for authorized expenses.

5 (e) DOCUMENTATION.—An eligible self-employed in-
6 dividual, independent contractor, or sole proprietorship
7 applying for a grant under this section shall submit such
8 documentation as is necessary to establish such individual
9 as eligible, including payroll tax filings reported to the In-
10 ternal Revenue Service, Forms 1099–MISC, and income
11 and expenses from the sole proprietorship, as determined
12 by the Administrator of the Small Business Administra-
13 tion and the Secretary of the Treasury. An applicant may
14 submit to the Secretary of the Treasury a self-certification
15 for employee labor expenses and payroll.

16 (f) MATERIALS.—Any application or informational
17 material related to the grant program provided by Depart-
18 ment of the Treasury or the Internal Revenue Service
19 shall be made available in the 10 most used languages in
20 the United States after English.

21 (g) RECEIPT OF FUNDS.—Any eligible entity shall re-
22 ceive a grant made under subsection (b) not later than
23 14 days after the date on which the entity submitted an
24 application for the grant.

1 (h) REPORTING.—The Secretary of the Treasury
2 shall submit to the Committee on Banking, Housing, and
3 Urban Affairs and the Committee on Small Business and
4 Entrepreneurship of the Senate and the Committee on Fi-
5 nancial Service, the Committee on Small Business, and
6 the Committee on Oversight and Reform of the House of
7 Representatives a report on the information about the eth-
8 nicity, race, industry, geographical demographics, and sex
9 of applicants for grants made under this section.

10 **SEC. 17103. DIRECT APPROPRIATION.**

11 (a) IN GENERAL.—There is appropriated, out of
12 amounts in the Treasury not otherwise appropriated, to
13 the Secretary of the Treasury \$125,000,000,000 to carry
14 out this subtitle.

15 (b) EMERGENCY DESIGNATION.—

16 (1) IN GENERAL.—The amounts provided under
17 this subtitle are designated as an emergency require-
18 ment pursuant to section 4(g) of the Statutory Pay-
19 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

20 (2) DESIGNATION IN SENATE.—In the Senate,
21 this subtitle is designated as an emergency require-
22 ment pursuant to section 4112(a) of H. Con. Res.
23 71 (115th Congress), the concurrent resolution on
24 the budget for fiscal year 2018.

1 **Subtitle UU—Veteran Small**
2 **Business Start-up Credit**

3 **SEC. 18101. SHORT TITLE.**

4 This subtitle may be cited as the “Veterans Jobs Op-
5 portunity Act”.

6 **SEC. 18102. VETERAN SMALL BUSINESS START-UP CREDIT.**

7 (a) IN GENERAL.—Subpart D of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of
9 1986 is amended by adding at the end the following new
10 section:

11 **“SEC. 45T. VETERAN SMALL BUSINESS START-UP CREDIT.**

12 “(a) IN GENERAL.—For purposes of section 38, in
13 the case of an applicable veteran-owned business which
14 elects the application of this section, the veteran small
15 business start-up credit determined under this section for
16 any taxable year is an amount equal to 15 percent of so
17 much of the qualified start-up expenditures of the tax-
18 payer as does not exceed \$80,000.

19 “(b) APPLICABLE VETERAN-OWNED SMALL BUSI-
20 NESS.—For purposes of this section—

21 “(1) IN GENERAL.—The term ‘applicable vet-
22 eran-owned small business’ means a small business
23 owned and controlled by one or more veterans or
24 spouses of veterans and the principal place of busi-
25 ness of which is in an underserved community.

1 “(2) OWNERSHIP AND CONTROL.—The term
2 ‘owned and controlled’ means—

3 “(A) management and operation of the
4 daily business, and—

5 “(B)(i) in the case of a sole proprietorship,
6 sole ownership,

7 “(ii) in the case of a corporation, owner-
8 ship (by vote or value) of not less than 51 per-
9 cent of the stock in such corporation, or

10 “(iii) in the case of a partnership or joint
11 venture, ownership of not less than 51 percent
12 of the profits interests or capital interests in
13 such partnership or joint venture.

14 “(3) SMALL BUSINESS.—The term ‘small busi-
15 ness’ means, with respect to any taxable year, any
16 person engaged in a trade or business in the United
17 States if—

18 “(A) the gross receipts of such person for
19 the preceding taxable year did not exceed
20 \$5,000,000, or

21 “(B) in the case of a person to which sub-
22 paragraph (A) does not apply, such person em-
23 ployed not more than 100 full-time employees
24 during the preceding taxable year.

1 For purposes of subparagraph (B), an employee
2 shall be considered full-time if such employee is em-
3 ployed at least 30 hours per week for 20 or more
4 calendar weeks in the taxable year.

5 “(4) UNDERSERVED COMMUNITY.—The term
6 ‘underserved community’ means any area located
7 within—

8 “(A) a HUBZone (as defined in section
9 3(p) of the Small Business Act (15 U.S.C.
10 632(p))),

11 “(B) an empowerment zone, or enterprise
12 community, designated under section 1391 (and
13 without regard to whether or not such designa-
14 tion remains in effect),

15 “(C) an area of low income or moderate in-
16 come (as recognized by the Federal Financial
17 Institutions Examination Council), or

18 “(D) a county with persistent poverty (as
19 classified by the Economic Research Service of
20 the Department of Agriculture).

21 “(5) VETERAN OR SPOUSE OF VETERAN.—The
22 term ‘veteran or spouse of a veteran’ has the mean-
23 ing given such term by section 7(a)(31)(G)(iii) of
24 the Small Business Act (15 U.S.C.
25 636(a)(31)(G)(iii)).

1 “(c) QUALIFIED START-UP EXPENDITURES.—For
2 purposes of this section—

3 “(1) IN GENERAL.—The term ‘qualified start-
4 up expenditures’ means—

5 “(A) any start-up expenditures (as defined
6 in section 195(c)), or

7 “(B) any amounts paid or incurred during
8 the taxable year for the purchase or lease of
9 real property, or the purchase of personal prop-
10 erty, placed in service during the taxable year
11 and used in the active conduct of a trade or
12 business.

13 “(d) SPECIAL RULES.—For purposes of this sec-
14 tion—

15 “(1) YEAR OF ELECTION.—The taxpayer may
16 elect the application of this section only for the first
17 2 taxable years for which ordinary and necessary ex-
18 penses paid or incurred in carrying on such trade or
19 business are allowable as a deduction by the tax-
20 payer under section 162.

21 “(2) CONTROLLED GROUPS AND COMMON CON-
22 TROL.—All persons treated as a single employer
23 under subsections (a) and (b) of section 52 shall be
24 treated as 1 person.

1 “(3) NO DOUBLE BENEFIT.—If a credit is de-
2 termined under this section with respect to any
3 property, the basis of such property shall be reduced
4 by the amount of the credit attributable to such
5 property.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for subpart D of part IV of subchapter A of chapter 1
8 of such Code is amended by adding at the end the fol-
9 lowing new item:

 “Sec. 45T. Veteran small business start-up credit.”.

10 (c) MADE PART OF GENERAL BUSINESS CREDIT.—
11 Section 38(b) of such Code is amended by striking “plus”
12 at the end of paragraph (31), by striking the period at
13 the end of paragraph (32) and inserting “, plus”, and by
14 adding at the end the following new paragraph:

15 “(33) the veteran small business start-up credit
16 determined under section 45T.”.

17 (d) REPORT BY TREASURY INSPECTOR GENERAL
18 FOR TAX ADMINISTRATION.—Every fourth year after the
19 date of the enactment of this Act, the Treasury Inspector
20 General for Tax Administration shall include in one of the
21 semiannual reports under section 5 of the Inspector Gen-
22 eral Act of 1978 with respect to such year, an evaluation
23 of the program under section 45T of the Internal Revenue
24 Code of 1986 (as added by this section), including an eval-

1 uation of the success of, and accountability with respect
2 to, such program.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to taxable years beginning after
5 the date of the enactment of this Act.

6 **TITLE II—SOCIAL ECONOMIC**
7 **Subtitle A—Commission to Study**
8 **and Develop Reparation Pro-**
9 **posals for African-Americans**

10 **SEC. 20101. SHORT TITLE.**

11 This subtitle may be cited as the “Commission to
12 Study and Develop Reparation Proposals for African-
13 Americans Act”.

14 **SEC. 20102. FINDINGS AND PURPOSE.**

15 (a) FINDINGS.—The Congress finds that—

16 (1) approximately 4,000,000 Africans and their
17 descendants were enslaved in the United States and
18 colonies that became the United States from 1619 to
19 1865;

20 (2) the institution of slavery was constitu-
21 tionally and statutorily sanctioned by the Govern-
22 ment of the United States from 1789 through 1865;

23 (3) the slavery that flourished in the United
24 States constituted an immoral and inhumane depri-
25 vation of Africans’ life, liberty, African citizenship

1 rights, and cultural heritage, and denied them the
2 fruits of their own labor;

3 (4) a preponderance of scholarly, legal, commu-
4 nity evidentiary documentation and popular culture
5 markers constitute the basis for inquiry into the on-
6 going effects of the institution of slavery and its leg-
7 acy of persistent systemic structures of discrimina-
8 tion on living African-Americans and society in the
9 United States; and

10 (5) following the abolition of slavery the United
11 States Government, at the Federal, State, and local
12 level, continued to perpetuate, condone and often
13 profit from practices that continued to brutalize and
14 disadvantage African-Americans, including share
15 cropping, convict leasing, Jim Crow, redlining, un-
16 equal education, and disproportionate treatment at
17 the hands of the criminal justice system; and

18 (6) as a result of the historic and continued dis-
19 crimination, African-Americans continue to suffer
20 debilitating economic, educational, and health hard-
21 ships including but not limited to having nearly
22 1,000,000 black people incarcerated; an unemploy-
23 ment rate more than twice the current white unem-
24 ployment rate; and an average of less than $\frac{1}{16}$ of

1 the wealth of white families, a disparity which has
2 worsened, not improved over time.

3 (b) PURPOSE.—The purpose of this subtitle is to es-
4 tablish a commission to study and develop Reparation pro-
5 posals for African-Americans as a result of—

6 (1) the institution of slavery, including both the
7 Trans-Atlantic and the domestic “trade” which ex-
8 isted from 1565 in colonial Florida and from 1619
9 through 1865 within the other colonies that became
10 the United States, and which included the Federal
11 and State governments which constitutionally and
12 statutorily supported the institution of slavery;

13 (2) the de jure and de facto discrimination
14 against freed slaves and their descendants from the
15 end of the Civil War to the present, including eco-
16 nomic, political, educational, and social discrimina-
17 tion;

18 (3) the lingering negative effects of the institu-
19 tion of slavery and the discrimination described in
20 paragraphs (1) and (2) on living African-Americans
21 and on society in the United States;

22 (4) the manner in which textual and digital in-
23 structional resources and technologies are being used
24 to deny the inhumanity of slavery and the crime

1 against humanity of people of African descent in the
2 United States;

3 (5) the role of Northern complicity in the
4 Southern based institution of slavery;

5 (6) the direct benefits to societal institutions,
6 public and private, including higher education, cor-
7 porations, religious and associational;

8 (7) and thus, recommend appropriate ways to
9 educate the American public of the Commission's
10 findings;

11 (8) and thus, recommend appropriate remedies
12 in consideration of the Commission's findings on the
13 matters described in paragraphs (1), (2), (3), (4),
14 (5), and (6); and

15 (9) submit to the Congress the results of such
16 examination, together with such recommendations.

17 **SEC. 20103. ESTABLISHMENT AND DUTIES.**

18 (a) ESTABLISHMENT.—There is established the Com-
19 mission to Study and Develop Reparation Proposals for
20 African-Americans (hereinafter in this subtitle referred to
21 as the “Commission”).

22 (b) DUTIES.—The Commission shall perform the fol-
23 lowing duties:

24 (1) Identify, compile and synthesize the relevant
25 corpus of evidentiary documentation of the institu-

1 tion of slavery which existed within the United
2 States and the colonies that became the United
3 States from 1619 through 1865. The Commission's
4 documentation and examination shall include but not
5 be limited to the facts related to—

6 (A) the capture and procurement of Afri-
7 cans;

8 (B) the transport of Africans to the United
9 States and the colonies that became the United
10 States for the purpose of enslavement, including
11 their treatment during transport;

12 (C) the sale and acquisition of Africans as
13 chattel property in interstate and intrastate
14 commerce;

15 (D) the treatment of African slaves in the
16 colonies and the United States, including the
17 deprivation of their freedom, exploitation of
18 their labor, and destruction of their culture,
19 language, religion, and families; and

20 (E) the extensive denial of humanity, sex-
21 ual abuse and the chattelization of persons.

22 (2) The role which the Federal and State gov-
23 ernments of the United States supported the institu-
24 tion of slavery in constitutional and statutory provi-
25 sions, including the extent to which such govern-

1 ments prevented, opposed, or restricted efforts of
2 formerly enslaved Africans and their descendants to
3 repatriate to their homeland.

4 (3) The Federal and State laws that discrimi-
5 nated against formerly enslaved Africans and their
6 descendants who were deemed United States citizens
7 from 1868 to the present.

8 (4) The other forms of discrimination in the
9 public and private sectors against freed African
10 slaves and their descendants who were deemed
11 United States citizens from 1868 to the present, in-
12 cluding redlining, educational funding discrepancies,
13 and predatory financial practices.

14 (5) The lingering negative effects of the institu-
15 tion of slavery and the matters described in para-
16 graphs (1), (2), (3), (4), (5), and (6) on living Afri-
17 can-Americans and on society in the United States.

18 (6) Recommend appropriate ways to educate
19 the American public of the Commission's findings.

20 (7) Recommend appropriate remedies in consid-
21 eration of the Commission's findings on the matters
22 described in paragraphs (1), (2), (3), (4), (5), and
23 (6). In making such recommendations, the Commis-
24 sion shall address among other issues, the following
25 questions:

1 (A) How such recommendations comport
2 with international standards of remedy for
3 wrongs and injuries caused by the State, that
4 include full reparations and special measures,
5 as understood by various relevant international
6 protocols, laws, and findings.

7 (B) How the Government of the United
8 States will offer a formal apology on behalf of
9 the people of the United States for the per-
10 petration of gross human rights violations and
11 crimes against humanity on African slaves and
12 their descendants.

13 (C) How Federal laws and policies that
14 continue to disproportionately and negatively
15 affect African-Americans as a group, and those
16 that perpetuate the lingering effects, materially
17 and psycho-social, can be eliminated.

18 (D) How the injuries resulting from mat-
19 ters described in paragraphs (1), (2), (3), (4),
20 (5), and (6) can be reversed and provide appro-
21 priate policies, programs, projects and rec-
22 ommendations for the purpose of reversing the
23 injuries.

1 (E) How, in consideration of the Commis-
2 sion's findings, any form of compensation to the
3 descendants of enslaved African is calculated.

4 (F) What form of compensation should be
5 awarded, through what instrumentalities and
6 who should be eligible for such compensation.

7 (G) How, in consideration of the Commis-
8 sion's findings, any other forms of rehabilita-
9 tion or restitution to African descendants is
10 warranted and what the form and scope of
11 those measures should take.

12 (c) REPORT TO CONGRESS.—The Commission shall
13 submit a written report of its findings and recommenda-
14 tions to the Congress not later than the date which is one
15 year after the date of the first meeting of the Commission
16 held pursuant to section 20104(c).

17 **SEC. 20104. MEMBERSHIP.**

18 (a) NUMBER AND APPOINTMENT.—(1) The Commis-
19 sion shall be composed of 13 members, who shall be ap-
20 pointed, within 90 days after the date of enactment of this
21 Act, as follows:

22 (A) Three members shall be appointed by the
23 President.

24 (B) Three members shall be appointed by the
25 Speaker of the House of Representatives.

1 (C) One member shall be appointed by the
2 President pro tempore of the Senate.

3 (D) Six members shall be selected from the
4 major civil society and reparations organizations
5 that have historically championed the cause of
6 reparatory justice.

7 (2) All members of the Commission shall be persons
8 who are especially qualified to serve on the Commission
9 by virtue of their education, training, activism or experi-
10 ence, particularly in the field of African-American studies
11 and reparatory justice.

12 (b) TERMS.—The term of office for members shall
13 be for the life of the Commission. A vacancy in the Com-
14 mission shall not affect the powers of the Commission and
15 shall be filled in the same manner in which the original
16 appointment was made.

17 (c) FIRST MEETING.—The President shall call the
18 first meeting of the Commission within 120 days after the
19 date of the enactment of this Act or within 30 days after
20 the date on which legislation is enacted making appropria-
21 tions to carry out this subtitle, whichever date is later.

22 (d) QUORUM.—Seven members of the Commission
23 shall constitute a quorum, but a lesser number may hold
24 hearings.

1 (e) CHAIR AND VICE CHAIR.—The Commission shall
2 elect a Chair and Vice Chair from among its members.
3 The term of office of each shall be for the life of the Com-
4 mission.

5 (f) COMPENSATION.—(1) Except as provided in para-
6 graph (2), each member of the Commission shall receive
7 compensation at the daily equivalent of the annual rate
8 of basic pay payable for GS–18 of the General Schedule
9 under section 5332 of title 5, United States Code, for each
10 day, including travel time, during which he or she is en-
11 gaged in the actual performance of duties vested in the
12 Commission.

13 (2) A member of the Commission who is a full-time
14 officer or employee of the United States or a Member of
15 Congress shall receive no additional pay, allowances, or
16 benefits by reason of his or her service to the Commission.

17 (3) All members of the Commission shall be reim-
18 bursed for travel, subsistence, and other necessary ex-
19 penses incurred by them in the performance of their duties
20 to the extent authorized by chapter 57 of title 5, United
21 States Code.

22 **SEC. 20105. POWERS OF THE COMMISSION.**

23 (a) HEARINGS AND SESSIONS.—The Commission
24 may, for the purpose of carrying out the provisions of this
25 subtitle, hold such hearings and sit and act at such times

1 and at such places in the United States, and request the
2 attendance and testimony of such witnesses and the pro-
3 duction of such books, records, correspondence, memo-
4 randa, papers, and documents, as the Commission con-
5 siders appropriate. The Commission may invoke the aid
6 of an appropriate United States district court to require,
7 by subpoena or otherwise, such attendance, testimony, or
8 production.

9 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—
10 Any subcommittee or member of the Commission may, if
11 authorized by the Commission, take any action which the
12 Commission is authorized to take by this section.

13 (c) OBTAINING OFFICIAL DATA.—The Commission
14 may acquire directly from the head of any department,
15 agency, or instrumentality of the executive branch of the
16 Government, available information which the Commission
17 considers useful in the discharge of its duties. All depart-
18 ments, agencies, and instrumentalities of the executive
19 branch of the Government shall cooperate with the Com-
20 mission with respect to such information and shall furnish
21 all information requested by the Commission to the extent
22 permitted by law.

23 **SEC. 20106. ADMINISTRATIVE PROVISIONS.**

24 (a) STAFF.—The Commission may, without regard to
25 section 5311(b) of title 5, United States Code, appoint and

1 fix the compensation of such personnel as the Commission
2 considers appropriate.

3 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
4 LAWS.—The staff of the Commission may be appointed
5 without regard to the provisions of title 5, United States
6 Code, governing appointments in the competitive service,
7 and without regard to the provisions of chapter 51 and
8 subchapter III of chapter 53 of such title relating to classi-
9 fication and General Schedule pay rates, except that the
10 compensation of any employee of the Commission may not
11 exceed a rate equal to the annual rate of basic pay payable
12 for GS–18 of the General Schedule under section 5332
13 of title 5, United States Code.

14 (c) EXPERTS AND CONSULTANTS.—The Commission
15 may procure the services of experts and consultants in ac-
16 cordance with the provisions of section 3109(b) of title 5,
17 United States Code, but at rates for individuals not to
18 exceed the daily equivalent of the highest rate payable
19 under section 5332 of such title.

20 (d) ADMINISTRATIVE SUPPORT SERVICES.—The
21 Commission may enter into agreements with the Adminis-
22 trator of General Services for procurement of financial
23 and administrative services necessary for the discharge of
24 the duties of the Commission. Payment for such services
25 shall be made by reimbursement from funds of the Com-

1 mission in such amounts as may be agreed upon by the
2 Chairman of the Commission and the Administrator.

3 (e) CONTRACTS.—The Commission may—

4 (1) procure supplies, services, and property by
5 contract in accordance with applicable laws and reg-
6 ulations and to the extent or in such amounts as are
7 provided in appropriations Acts; and

8 (2) enter into contracts with departments,
9 agencies, and instrumentalities of the Federal Gov-
10 ernment, State agencies, and private firms, institu-
11 tions, and agencies, for the conduct of research or
12 surveys, the preparation of reports, and other activi-
13 ties necessary for the discharge of the duties of the
14 Commission, to the extent or in such amounts as are
15 provided in appropriations Acts.

16 **SEC. 20107. TERMINATION.**

17 The Commission shall terminate 90 days after the
18 date on which the Commission submits its report to the
19 Congress under section 20103(c).

20 **SEC. 20108. AUTHORIZATION OF APPROPRIATIONS.**

21 To carry out the provisions of this subtitle, there are
22 authorized to be appropriated \$12,000,000.

1 **Subtitle B—Today’s American**
 2 **Dream**

3 **SEC. 20201. SHORT TITLE.**

4 This subtitle may be cited as the “Today’s American
 5 Dream Act”.

6 **PART 1—RETAIL REDLINING AND FOOD DESERTS**

7 **SEC. 20211. ECONOMIC GROWTH, RETENTION, AND RE-**
 8 **CRUITMENT OF COMMERCIAL INVESTMENT**
 9 **IN ECONOMICALLY UNDERSERVED COMMU-**
 10 **NITIES.**

11 The Small Business Investment Act of 1958 (15
 12 U.S.C. 661 et seq.) is amended by adding at the end the
 13 following new title:

14 **“TITLE VIII—ECONOMIC**
 15 **GROWTH, RETENTION, AND**
 16 **RECRUITMENT OF COMMER-**
 17 **CIAL INVESTMENT IN ECO-**
 18 **NOMICALLY UNDERSERVED**
 19 **COMMUNITIES**

20 **“SEC. 811. PURPOSE.**

21 “The purpose of this title is to assist with the eco-
 22 nomic growth of economically underserved communities
 23 that have potential for strong Class 1 commercial invest-
 24 ment, but that continue to have a difficult time recruiting
 25 Class 1 commercial investment.

1 **“SEC. 812. GRANT PROGRAM.**

2 “(a) AUTHORIZATION.—From amounts appropriated
3 under section 814, the Administrator shall make grants
4 on a competitive basis to an eligible community for—

5 “(1) the creation of a grant program or revolv-
6 ing loan fund program (or both) that helps develop
7 financing packages for Class 1 commercial invest-
8 ment in the community;

9 “(2) lowering real estate property tax rates in
10 the community;

11 “(3) conducting community-wide market anal-
12 ysis to help recruit and retain Class 1 commercial
13 investment;

14 “(4) creating employment training programs for
15 Class 1 business customer service, sales, and mana-
16 gerial positions in the community;

17 “(5) retail marketing strategies to solicit new
18 Class 1 commercial investment starts in the commu-
19 nity;

20 “(6) program allowances for activities to pro-
21 mote Class 1 commercial investment in the commu-
22 nity, such as the publication of marketing materials,
23 development of economic development web pages,
24 and educational outreach activities with retail trade
25 associations; and

1 “(7) hiring business recruitment specialists to
2 operate in the community.

3 “(b) ELIGIBILITY.—The Administrator may only
4 make a grant under subsection (a) to a community whose
5 demographics include—

6 “(1) a median per capita income no higher than
7 \$35,000; and

8 “(2) an identified lack of Class 1 commercial
9 investment.

10 “(c) APPLICATION.—A community seeking a grant
11 under subsection (a) shall submit an application at such
12 time, in such form, and containing such information and
13 assurances as the Administrator may require, except that
14 the application shall include—

15 “(1) a description of how the community,
16 through the activities the community proposes to
17 carry out with the grant funds will recruit, retain
18 and grow its economy through Class 1 commercial
19 investment; and

20 “(2) a description of the difficulty the commu-
21 nity has faced recruiting, retaining and growing its
22 economy through Class 1 commercial investment.

23 “(d) MATCHING FUNDS.—

24 “(1) IN GENERAL.—The Administrator may not
25 make a grant to a community under subsection (a)

1 unless the community agrees that, with respect to
2 the costs to be incurred by the community in car-
3 rying out the activities for which the grant is award-
4 ed, the community will make available non-Federal
5 contributions in an amount equal to not less than 10
6 percent of the Federal funds provided under the
7 grant.

8 “(2) SATISFYING MATCHING REQUIREMENTS.—
9 The non-Federal contributions required under para-
10 graph (1) may be—

11 “(A) in cash or in-kind, including services,
12 fairly evaluated; and

13 “(B) from—

14 “(i) any private source;

15 “(ii) State or local governmental enti-
16 ty; or

17 “(iii) nonprofit source.

18 “(3) WAIVER.—The Administrator may waive
19 or reduce the non-Federal contribution required by
20 paragraph (1) if the community involved dem-
21 onstrates that the community cannot meet the con-
22 tribution requirement due to financial hardship.

23 “(e) LIMITATIONS.—Amounts appropriated pursuant
24 to the authorization of appropriations in section 814 for
25 a fiscal year shall be allocated as follows:

1 “(1) No more than 5 percent of such funds
2 shall go to administrative costs;

3 “(2) 70 percent of such funds shall go toward
4 activities described in paragraphs (1) through (4) of
5 subsection (a), after taking into account administra-
6 tive costs under subparagraph (A); and

7 “(3) 30 percent of such funds shall go toward
8 activities described in paragraphs (5) through (7) of
9 subsection (a), after taking into account administra-
10 tive costs under subparagraph (A).

11 **“SEC. 813. DEFINITIONS.**

12 “In this title:

13 “(1) COMMUNITY.—The term ‘community’
14 means a governance structure that includes county,
15 parish, city, village, township, district or borough.

16 “(2) CLASS 1 COMMERCIAL INVESTMENT.—The
17 term ‘Class 1 commercial investment’ means retail
18 grocery chains, food service retailers, restaurants
19 and franchises, retail stores, cafes, shopping malls,
20 and other shops.

21 “(3) ECONOMICALLY UNDERSERVED COMMU-
22 NITY.—The term ‘economically underserved commu-
23 nity’ means an area suffering from low income and
24 resultant low purchasing power, limiting its ability
25 to generate sufficient goods and services to be used

1 in exchange with other areas to meet current con-
2 sumption needs.

3 **“SEC. 814. AUTHORIZATION OF APPROPRIATIONS.**

4 “There is authorized to be appropriated to the Ad-
5 ministrator to make grants under section 812(a)
6 \$40,000,000 for each of fiscal years 2022 through 2027.”.

7 **SEC. 20212. PRODUCER DISCRETION TO PLANT ADDI-**
8 **TIONAL FRUITS AND VEGETABLES ON BASE**
9 **ACRES TO ALLEVIATE FOOD DESERTS WITH-**
10 **OUT A RESULTING REDUCTION IN PAYMENT**
11 **ACRES.**

12 Section 1114(e) of the Agricultural Act of 2014 (7
13 U.S.C. 9014(e)) is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(5) PRODUCER DISCRETION TO PLANT ADDI-
16 TIONAL FRUITS AND VEGETABLES TO ALLEVIATE
17 FOOD DESERTS.—

18 “(A) ADDITIONAL PLANTING AUTHORITY;
19 PURPOSE.—The percentages specified in para-
20 graphs (2) and (3) are increased by an addi-
21 tional five percent of base acres, to 20 percent
22 and 40 percent respectively, if the crops re-
23 ferred to in paragraph (1) grown on the addi-
24 tional base acres are grown solely for sale or
25 donation, directly or indirectly by the producer

1 and with or without processing, in a food
2 desert.

3 “(B) FOOD DESERT DEFINED.—In this
4 paragraph, the term ‘food desert’ means a cen-
5 sus tract that, as determined by the Sec-
6 retary—

7 “(i) has a poverty rate of 20 percent
8 or greater; and

9 “(ii) provides difficult access to a re-
10 tail outlet that provides a wide-variety of
11 fruits and vegetables.”.

12 **PART 2—DIGITAL INFRASTRUCTURE**

13 **SEC. 20221. GAO REPORT ON FEDERAL EFFORTS TO EX-**
14 **PAND BROADBAND SERVICE.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Comptroller General
17 of the United States shall submit to Congress a report
18 on the efficiency and effectiveness of efforts by Federal
19 agencies to expand access to broadband service, including
20 through the programs described in subsection (c).

21 (b) INCLUDED MATTERS.—The report required by
22 subsection (a) shall include—

23 (1) for each program covered by the report and
24 over a period of time for such program considered
25 appropriate by the Comptroller General, an analysis

1 of the number of subscribers that have gained ac-
2 cess, through or as a result of such program, to
3 broadband service that has the capacity to transmit
4 data to enable subscribers to originate and receive
5 high-quality voice, data, graphics, and video; and

6 (2) an analysis of implementation by Federal
7 agencies of the recommendations of the Broadband
8 Opportunity Council, established by the Presidential
9 Memorandum entitled “Expanding Broadband De-
10 ployment and Adoption by Addressing Regulatory
11 Barriers and Encouraging Investment and Train-
12 ing” and dated March 23, 2015.

13 (c) INCLUDED PROGRAMS.—The programs described
14 in this subsection are the following:

15 (1) Federal universal service support mecha-
16 nisms established under section 254 of the Commu-
17 nications Act of 1934 (47 U.S.C. 254).

18 (2) The Broadband Technology Opportunities
19 Program established under section 6001 of the
20 American Recovery and Reinvestment Act of 2009
21 (47 U.S.C. 1305).

22 (3) Rural broadband loans under section 601 of
23 the Rural Electrification Act of 1936 (7 U.S.C.
24 950bb).

1 (4) Telecommunications infrastructure loans
 2 under section 201 of the Rural Electrification Act of
 3 1936 (7 U.S.C. 922).

4 (5) Community Connect grants under the last
 5 proviso under the heading “Distance Learning, Tele-
 6 medicine, and Broadband Program” in title III of
 7 the Agriculture, Rural Development, Food and Drug
 8 Administration, and Related Agencies Appropria-
 9 tions Act, 2004.

10 (6) Distance Learning and Telemedicine grants
 11 under chapter 1 of subtitle D of title XXIII of the
 12 Food, Agriculture, Conservation, and Trade Act of
 13 1990.

14 (d) FEDERAL AGENCY DEFINED.—In this section,
 15 the term “Federal agency” has the meaning given the
 16 term “agency” in section 551 of title 5, United States
 17 Code.

18 **PART 3—DIRECT LENDING**

19 **SEC. 20231. DIRECT LOANS TO SMALL BUSINESS CON-** 20 **CERNS.**

21 (a) IN GENERAL.—From amounts appropriated pur-
 22 suant to subsection (e), the Administrator of the Small
 23 Business Administration shall establish a program to
 24 make direct loans to small business concerns (as defined

1 under section 3 of the Small Business Act (15 U.S.C.
2 632)).

3 (b) AMOUNT.—Loans made under this section shall
4 be in an amount not greater than the lesser of—

5 (1) 5 percent of the annual revenue of the small
6 business concern requesting the loan; or

7 (2) \$250,000.

8 (c) INTEREST RATE.—The interest rate on a loan
9 made under this section shall be equal to the discount win-
10 dow primary credit interest rate most recently published
11 on the Federal Reserve Statistical Release on selected in-
12 terest rates (daily or weekly), commonly referred to as the
13 H.15 release.

14 (d) REPORT.—The Administrator of the Small Busi-
15 ness Administration shall submit a report to Congress on
16 the implementation and results of the program established
17 under this section.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated \$25,000,000 for each
20 of fiscal years 2022 to 2024.

21 **PART 4—NEW ECONOMY AND INNOVATION**

22 **INVESTMENT**

23 **SEC. 20241. COMMISSION ON INNOVATION.**

24 (a) COMPOSITION OF COMMISSION.—There is estab-
25 lished in the Office of Management and Budget, a com-

1 mission, to be known as the Commission on Innovation
2 (hereinafter in this section referred to as the commission),
3 which shall be composed of the following members:

4 (1) The Director of the Office of Management
5 and Budget, or his or her designee, who shall serve
6 as the chair of the Commission.

7 (2) Five individuals from the private sector, to
8 be appointed by the Director of the Office of Man-
9 agement and Budget.

10 (3) A representative appointed by the head of
11 each of the following:

12 (A) The National Institute of Standards
13 and Technology.

14 (B) The National Science Foundation.

15 (C) The Federal Communications Commis-
16 sion.

17 (D) The Department of Commerce.

18 (E) The Department of the Treasury.

19 (F) The General Service Administration.

20 (b) DUTIES OF COMMISSION.—The commission shall
21 study new and developing technologies, and shall make
22 recommendations to each Federal agency on how the agen-
23 cy should take into consideration the existence, possible
24 uses, development, and potential effect that such tech-
25 nologies may have on the agency's carrying out of its stat-

1 utory duties. The commission shall submit a report to
2 Congress not later than 1 year after the effective date of
3 enactment of this Act and annually thereafter on the ac-
4 tivities of the commission during the 12 months imme-
5 diately preceding the date of the report, including sum-
6 maries of all recommendations made to agencies.

7 (c) APPLICATION OF FEDERAL ADVISORY COMMIS-
8 SION ACT.—The provisions of the Federal Advisory Com-
9 mittee Act shall apply to the commission.

10 **SEC. 20242. PILOT PROGRAM TO FUND LOCAL INCUBATORS.**

11 (a) ESTABLISHMENT.—The Secretary of Commerce
12 shall establish a competitive program to make grants to
13 States and political subdivisions of States to partner with
14 local incubators in order to provide start-ups with work-
15 space and other resources for use in developing their busi-
16 nesses.

17 (b) ELIGIBILITY.—The Secretary may only award a
18 grant under this section to a State or political subdivision
19 of a State that submits an application at such time, in
20 such form, and with such information and assurances as
21 the Secretary may require, including an identification of
22 one or more incubators with which the State or political
23 subdivision will partner in implementing the grant.

24 (c) LIMITATIONS.—

1 (1) ONE GRANT PER STATE OR POLITICAL SUB-
2 DIVISION.—A State or political subdivision of a
3 State may not receive more than one grant under
4 this section. For purposes of the preceding sentence,
5 a grant received by a State shall not be considered
6 to be received by a political subdivision of the State,
7 and a grant received by a political subdivision of a
8 State shall not be considered to be received by the
9 State.

10 (2) AMOUNT OF GRANT.—A grant awarded
11 under this section may not exceed \$500,000.

12 (d) USE OF FUNDS.—

13 (1) IN GENERAL.—A State or political subdivi-
14 sion of a State that receives a grant under this sec-
15 tion shall use grant funds to partner with one or
16 more incubators located within the territory of such
17 State or political subdivision in order to provide
18 start-ups with workspace and other resources for use
19 in developing their businesses. The partnership may
20 take such form as the Secretary considers appro-
21 priate, including one or more subgrants from the
22 State or political subdivision to the incubator or in-
23 cubators.

24 (2) SPECIFIC EXPENSES INCLUDED.—Grant
25 funds may be used for any expense incurred in order

1 to provide start-ups with workspace and other re-
2 sources for use in developing their businesses, in-
3 cluding—

4 (A) purchase or rental of land;

5 (B) modification of buildings;

6 (C) charges for utility services or broad-
7 band service;

8 (D) fees of consultants for the provision of
9 technical or professional assistance;

10 (E) costs of promoting the incubator or in-
11 cubators; and

12 (F) any other such expense that the Sec-
13 retary considers appropriate.

14 (e) MATCHING REQUIREMENT.—A State or political
15 subdivision of a State may not partner with an incubator
16 (or group of incubators) in implementing a grant under
17 this section unless the incubator (or group of incubators)
18 agrees that, with respect to the expenses to be incurred
19 in carrying out activities within the scope of the partner-
20 ship, the incubator (or group of incubators) will make
21 available from private funds contributions in an amount
22 equal to not less than 50 percent of the amount made
23 available by the State or political subdivision from grant
24 funds under this section.

1 (f) REPORT TO CONGRESS.—Not later than 180 days
2 after the end of fiscal year 2022, the Secretary shall sub-
3 mit to Congress a report on the results achieved by the
4 grant program established under this section. Such report
5 shall include recommendations of the Secretary with re-
6 spect to extending, expanding, or improving the program.

7 (g) DEFINITIONS.—In this section:

8 (1) INCUBATOR.—The term “incubator” means
9 a private-sector entity that—

10 (A) provides start-ups with workspace and
11 other resources (such as utilities, broadband
12 service, and technical or professional assistance)
13 for use in developing their businesses; and

14 (B) may charge start-ups a reasonable fee
15 for such resources.

16 (2) SECRETARY.—The term “Secretary” means
17 the Secretary of Commerce.

18 (3) START-UP.—The term “start-up” means
19 any business entity (including an individual oper-
20 ating an unincorporated business) that, as of the
21 time the entity receives resources from an incu-
22 bator—

23 (A) has been in operation for not more
24 than 5 years;

25 (B) has not more than 5 employees; and

1 (C) for the most recently completed fiscal
2 year of the entity (if any) and any preceding
3 fiscal year, has annual gross revenues of less
4 than \$150,000.

5 (4) STATE.—The term “State” means each of
6 the several States, the District of Columbia, each
7 commonwealth, territory, or possession of the United
8 States, and each federally recognized Indian tribe.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Secretary to carry
11 out this section \$5,000,000, of which not more than 5 per-
12 cent shall be available for the costs of administering the
13 grant program established under this section, for each of
14 the fiscal years 2022 through 2024.

15 **SEC. 20243. EXTENSION AND IMPROVEMENT OF NEW MAR-**
16 **KETS TAX CREDIT.**

17 (a) EXTENSION.—Section 45D(f)(1) of the Internal
18 Revenue Code of 1986 is amended by adding “, and” at
19 the end of subparagraph (F), by striking the period at
20 the end of subparagraph (G) and inserting “, and”, and
21 by adding at the end the following new subparagraph:

22 “(H) \$10,000,000,000 for each of calendar
23 years 2021 through 2030.”.

24 (b) DEGREE OF DISTRESS OF TARGETED COMMU-
25 NITY TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—

1 (1) IN GENERAL.—Section 45D(f)(2) of such
 2 Code is amended by inserting the following after the
 3 first sentence: “In making allocations under this
 4 paragraph, the Secretary shall take into account the
 5 entity’s business strategy, community impact, man-
 6 agement capacity, and capitalization strategy, and
 7 the degree of distress of the communities served by
 8 the entity.”.

9 (2) CONFORMING AMENDMENT.—Section
 10 45D(f)(2) of such Code is amended by striking
 11 “under the preceding sentence” and inserting
 12 “under this paragraph”.

13 (c) INCREASED CREDIT FOR INVESTMENTS IN COM-
 14 MUNITY DEVELOPMENT ENTITIES SERVING DISTRESSED
 15 COMMUNITIES.—Section 45D of such Code is amended by
 16 redesignating subsections (h) and (i) as subsections (i)
 17 and (j), respectively, and by inserting after subsection (g)
 18 the following new subsection:

19 “(h) INCREASED CREDIT FOR INVESTMENTS IN COM-
 20 MUNITY DEVELOPMENT ENTITIES SERVING DISTRESSED
 21 COMMUNITIES.—

22 “(1) IN GENERAL.—In the case of a qualified
 23 equity investment in a qualified distressed commu-
 24 nity development entity, subsection (a)(2) shall be
 25 applied—

1 “(A) by substituting ‘6 percent’ for ‘5 per-
2 cent’ in subparagraph (A), and

3 “(B) by substituting ‘7 percent’ for ‘6 per-
4 cent’ in subparagraph (B).

5 “(2) QUALIFIED DISTRESSED COMMUNITY DE-
6 VELOPMENT ENTITY.—For purposes of this sub-
7 section—

8 “(A) IN GENERAL.—The term ‘qualified
9 distressed community development entity’
10 means any qualified community development
11 entity if—

12 “(i) a substantial portion of the serv-
13 ices and investment capital provided by
14 such entity is provided with respect to dis-
15 tressed communities, and

16 “(ii) such entity is certified by the
17 Secretary for purposes of this section as
18 being a qualified distressed community de-
19 velopment entity.

20 “(B) DISTRESSED COMMUNITY.—The term
21 ‘distressed community’ means any population
22 census tract (or equivalent county division with-
23 in the meaning of subsection (e)(3)) which
24 would be a low-income community if—

1 “(i) subsection (e)(1)(A) were applied
2 by substituting ‘30 percent’ for ‘20 per-
3 cent’, and

4 “(ii) subsection (e)(1)(B) were applied
5 by substituting ‘60 percent’ for ‘80 per-
6 cent’ each place it appears.”.

7 (d) EFFECTIVE DATES.—

8 (1) EXTENSION.—The amendments made by
9 subsection (a) shall apply to calendar years after
10 2021.

11 (2) DEGREE OF DISTRESS OF TARGETED COM-
12 MUNITY TAKEN INTO ACCOUNT IN MAKING ALLOCA-
13 TIONS.—The amendments made by subsection (b)
14 shall apply to allocations made by the Secretary
15 after the date of the enactment of this Act.

16 (3) INCREASED CREDIT FOR INVESTMENTS IN
17 COMMUNITY DEVELOPMENT ENTITIES SERVING DIS-
18 TRESSED COMMUNITIES.—The amendments made by
19 subsection (c) shall apply to qualified equity invest-
20 ments acquired at original issue after the date of the
21 enactment of this Act.

22 **SEC. 20244. RACE TO THE SHOP.**

23 (a) PROGRAM AUTHORIZED.—From the amounts ap-
24 propriated under subsection (e), the Secretary of Labor
25 shall award grants, on a competitive basis, to eligible enti-

1 ties to increase and improve skills training for current and
2 prospective workers in highly-skilled industries.

3 (b) APPLICATION.—To receive a grant under this sec-
4 tion, an eligible entity shall submit to the Secretary an
5 application at such time, in such manner, and containing
6 such information as the Secretary may require, which shall
7 include the following:

8 (1) A bold economic plan for the eligible entity
9 that builds on the special assets and strengths of the
10 entity in highly-skilled industries, as such assets and
11 strengths are determined by the entity.

12 (2) An identification and prioritization of key
13 weaknesses or barriers (such as lack of strong voca-
14 tional education or skills training system, or absence
15 of customized training for industrial firms and sec-
16 tors), as determined by the eligible entity, to suc-
17 cessfully implementing such plan.

18 (3) A description of strategies that will carry
19 out the plan through projects and investments, with
20 deep and sustainable involvement of highly-skilled
21 industries.

22 (4) A description of how other Federal and
23 non-Federal funds will be leverage in support of
24 such strategies.

1 (5) A description of how the eligible entity will
2 reform the entity’s policies or governance in support
3 of such strategies.

4 (c) USE OF FUNDS.—An eligible entity that receives
5 a grant under this section shall use such grant to carry
6 out the entity’s bold economic plan described in subsection
7 (b)(1).

8 (d) LIMITATION.—An eligible entity may not receive
9 assistance from more than 1 grant awarded under this
10 section for a fiscal year.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$25,000,000 for each
13 of fiscal years 2022 through 2026.

14 (f) DEFINITIONS.—In this subtitle:

15 (1) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means a State or unit of general local govern-
17 ment.

18 (2) HIGHLY-SKILLED INDUSTRY.—The term
19 “highly-skilled industry” includes the manufacturing
20 industry.

21 (3) WIOA TERMS.—The terms “State” and
22 “unit of general local government” have the mean-
23 ings given the terms in section 3 of the Workforce
24 Investment and Opportunity Act (29 U.S.C. 3102).

PART 5—EXPANDED ACCESS TO CARE

SEC. 20251. STUDY ON THE UNINSURED.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall—

(1) conduct a study, in accordance with the standards under section 3101 of the Public Health Service Act (42 U.S.C. 300kk), on the demographic characteristics of the population of individuals who do not have health insurance coverage;

(2) include in such study an analysis of the usage by such population of emergency room and urgent care facilities; and

(3) predict, based on such study, the demographic characteristics of the population of individuals who would remain without health insurance coverage after the end of open enrollment or any special enrollment period.

(b) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress the results of the study under subsection (a) and the prediction made under subsection (a)(3).

(2) REPORTING OF DEMOGRAPHIC CHARACTERISTICS.—The Secretary shall report the demographic

1 characteristics under paragraphs (1), (2), and (3) of
2 subsection (a) on the basis of racial and ethnic
3 group, and shall stratify the reporting on each racial
4 and ethnic group by other demographic characteris-
5 tics that can impact access to health insurance cov-
6 erage, such as sexual orientation, gender identity,
7 primary language, disability status, sex, socio-
8 economic status, age group, and citizenship and im-
9 migration status, in a manner consistent with part
10 1 of this subtitle.

11 **SEC. 20252. VOLUNTEER DENTAL PROJECTS AND ACTION**
12 **FOR DENTAL HEALTH PROGRAM.**

13 Part B of title III of the Public Health Service Act
14 is revised by amending section 317M (42 U.S.C. 247b–
15 14) as follows:

16 (1) by redesignating subsections (e) and (f) as
17 (g) and (h), respectively;

18 (2) by inserting after subsection (d), the fol-
19 lowing:

20 “(e) GRANTS TO SUPPORT VOLUNTEER DENTAL
21 PROJECTS.—

22 “(1) IN GENERAL.—The Secretary, acting
23 through the Director of the Centers for Disease
24 Control and Prevention, may award grants to or
25 enter into contracts with eligible entities to obtain

1 portable or mobile dental equipment, and pay for ap-
2 propriate operational costs, for the provision of free
3 dental services to underserved populations that are
4 delivered in a manner consistent with State licensing
5 laws.

6 “(2) ELIGIBLE ENTITY.—In this subsection, the
7 term ‘eligible entity’ includes a State or local dental
8 association, a State oral health program, a dental
9 education, dental hygiene education, or postdoctoral
10 dental education program accredited by the Commis-
11 sion on Dental Accreditation, and a community-
12 based organization that partners with an academic
13 institution, that—

14 “(A) is exempt from tax under section
15 501(c) of the Internal Revenue Code of 1986;
16 and

17 “(B) offers a free dental services program
18 for underserved populations.

19 “(f) ACTION FOR DENTAL HEALTH PROGRAM.—

20 “(1) IN GENERAL.—The Secretary, acting
21 through the Director of the Centers for Disease
22 Control and Prevention, may award grants to or
23 enter into contracts with eligible entities to collabo-
24 rate with State, county, or local public officials and

1 other stakeholders to develop and implement initia-
2 tives to accomplish any of the following goals:

3 “(A) To improve oral health education and
4 dental disease prevention, including community-
5 wide prevention programs, use of dental
6 sealants and fluoride varnish, and increasing
7 oral health literacy.

8 “(B) To make the health care delivery sys-
9 tem providing dental services more accessible
10 and efficient through the development and ex-
11 pansion of outreach programs that will facili-
12 tate the establishment of dental homes for chil-
13 dren and adults, including the aged, blind, and
14 disabled populations.

15 “(C) To reduce geographic, language, cul-
16 tural, and similar barriers in the provision of
17 dental services.

18 “(D) To help reduce the use of emergency
19 departments by those who seek dental services
20 more appropriately delivered in a dental pri-
21 mary care setting.

22 “(E) To facilitate the provision of dental
23 care to nursing home residents who are dis-
24 proportionately affected by lack of care.

1 “(2) ELIGIBLE ENTITY.—In this subsection, the
 2 term ‘eligible entity’ includes a State or local dental
 3 association, a State oral health program, or a dental
 4 education, dental hygiene, or postdoctoral dental
 5 education program accredited by the Commission on
 6 Dental Accreditation, and a community-based orga-
 7 nization that partners with an academic institution,
 8 that—

9 “(A) is exempt from tax under section
 10 501(c) of the Internal Revenue Code of 1986;
 11 and

12 “(B) partners with public and private
 13 stakeholders to facilitate the provision of dental
 14 services for underserved populations.”; and

15 (3) in subsection (h), as redesignated by para-
 16 graph (1), by striking “fiscal years 2001 through
 17 2005” and inserting “fiscal years 2022 through
 18 2027”.

19 **SEC. 20253. CRITICAL ACCESS HOSPITAL IMPROVEMENTS.**

20 (a) ELIMINATION OF ISOLATION TEST FOR COST-
 21 BASED AMBULANCE REIMBURSEMENT.—

22 (1) IN GENERAL.—Section 1834(l)(8) of the
 23 Social Security Act (42 U.S.C. 1395m(l)(8)) is
 24 amended—

25 (A) in subparagraph (B)—

1 (i) by striking “owned and”; and

2 (ii) by inserting “(including when
3 such services are provided by the entity
4 under an arrangement with the hospital)”
5 after “hospital”; and

6 (B) by striking the comma at the end of
7 subparagraph (B) and all that follows and in-
8 serting a period.

9 (2) EFFECTIVE DATE.—The amendments made
10 by this subsection shall apply to services furnished
11 on or after January 1, 2021.

12 (b) PROVISION OF A MORE FLEXIBLE ALTERNATIVE
13 TO THE CAH DESIGNATION 25 INPATIENT BED LIMIT
14 REQUIREMENT.—

15 (1) IN GENERAL.—Section 1820(c)(2) of the
16 Social Security Act (42 U.S.C. 1395i–4(c)(2)) is
17 amended—

18 (A) in subparagraph (B)(iii), by striking
19 “provides not more than” and inserting “sub-
20 ject to subparagraph (F), provides not more
21 than”; and

22 (B) by adding at the end the following new
23 subparagraph:

24 “(F) ALTERNATIVE TO 25 INPATIENT BED
25 LIMIT REQUIREMENT.—

1 “(i) IN GENERAL.—A State may elect
2 to treat a facility, with respect to the des-
3 ignation of the facility for a cost-reporting
4 period, as satisfying the requirement of
5 subparagraph (B)(iii) relating to a max-
6 imum number of acute care inpatient beds
7 if the facility elects, in accordance with a
8 method specified by the Secretary and be-
9 fore the beginning of the cost reporting pe-
10 riod, to meet the requirement under clause
11 (ii).

12 “(ii) ALTERNATE REQUIREMENT.—
13 The requirement under this clause, with
14 respect to a facility and a cost-reporting
15 period, is that the total number of inpa-
16 tient bed days described in subparagraph
17 (B)(iii) during such period will not exceed
18 7,300. For purposes of this subparagraph,
19 an individual who is an inpatient in a bed
20 in the facility for a single day shall be
21 counted as one inpatient bed day.

22 “(iii) WITHDRAWAL OF ELECTION.—
23 The option described in clause (i) shall not
24 apply to a facility for a cost-reporting pe-
25 riod if the facility (for any two consecutive

1 cost-reporting periods during the previous
2 5 cost-reporting periods) was treated under
3 such option and had a total number of in-
4 patient bed days for each of such two cost-
5 reporting periods that exceeded the num-
6 ber specified in such clause.”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall apply to cost-reporting peri-
9 ods beginning on or after the date of the enactment
10 of this Act.

11 **SEC. 20254. COMMUNITY HEALTH CENTER COLLABORATIVE**
12 **ACCESS EXPANSION.**

13 Section 330 of the Public Health Service Act (42
14 U.S.C. 254b) is amended by adding at the end the fol-
15 lowing:

16 “(t) MISCELLANEOUS PROVISIONS.—

17 “(1) RULE OF CONSTRUCTION WITH RESPECT
18 TO RURAL HEALTH CLINICS.—Nothing in this sec-
19 tion shall be construed to prevent a community
20 health center from contracting with a federally cer-
21 tified rural health clinic (as defined by section
22 1861(aa)(2) of the Social Security Act) for the deliv-
23 ery of primary health care and other mental, dental,
24 and physical health services that are available at the
25 rural health clinic to individuals who would other-

1 wise be eligible for free or reduced cost care if that
2 individual were able to obtain that care at the com-
3 munity health center. Such services may be limited
4 in scope to those primary health care and other
5 mental, dental, and physical health services available
6 in that rural health clinic.

7 “(2) ENABLING SERVICES.—To the extent pos-
8 sible, enabling services such as transportation and
9 translation assistance shall be provided by rural
10 health clinics described in paragraph (1).

11 “(3) ASSURANCES.—In order for a rural health
12 clinic to receive funds under this section through a
13 contract with a community health center for the de-
14 livery of primary health care and other services de-
15 scribed in paragraph (1), such rural health clinic
16 shall establish policies to ensure—

17 “(A) nondiscrimination based upon the
18 ability of a patient to pay;

19 “(B) the establishment of a sliding fee
20 scale for low-income patients; and

21 “(C) any such services should be subject to
22 full reimbursement according to the Prospective
23 Payment System scale.”.

1 **Subtitle C—Minority Bank Deposit**
2 **Program**

3 **SEC. 20301. FINDINGS.**

4 Congress finds the following:

5 (1) On March 5, 1969, pursuant to Executive
6 Order 11458, the Minority Bank Deposit Program
7 was established as a national program supporting
8 minority-owned business enterprise. It was expanded
9 in 1971 under Executive Order 11625 and in 1979
10 under Executive Order 12138. The Competitive
11 Equality Banking Act of 1987 (Public Law 100–86)
12 and the Financial Institutions Reform, Recovery and
13 Enforcement Act of 1989 (Public Law 101–73) in-
14 clude provisions supporting the intent of the Minor-
15 ity Bank Deposit Program.

16 (2) Under the leadership of President Jimmy
17 Carter, on April 8, 1977, a memorandum for all
18 heads of Federal agencies and departments was
19 signed. This document promoted the use of minor-
20 ity-owned business enterprises by placing deposits in
21 minority banks. The agency assigned to head this
22 program was the Department of the Treasury.

23 (3) The Fiscal Assistant Secretary of the De-
24 partment of the Treasury is responsible for certi-

1 fying financial institutions that are eligible for par-
 2 ticipation in the Minority Bank Deposit Program.

3 (4) Although the program continues today, the
 4 overwhelming majority of financial institutions cer-
 5 tified under the Minority Bank Deposit Program do
 6 not have existing relationships with the Federal
 7 agencies which suggests the need for reforms to in-
 8 crease utilization of eligible institutions.

9 **SEC. 20302. MINORITY BANK DEPOSIT PROGRAM.**

10 (a) IN GENERAL.—Section 1204 of the Financial In-
 11 stitutions Reform, Recovery, and Enforcement Act of
 12 1989 (12 U.S.C. 1811 note) is amended to read as follows:

13 **“SEC. 1204. EXPANSION OF USE OF MINORITY BANKS, WOM-**
 14 **EN’S BANKS, AND LOW-INCOME CREDIT**
 15 **UNIONS.**

16 “(a) MINORITY BANK DEPOSIT PROGRAM.—

17 “(1) ESTABLISHMENT.—There is established a
 18 program to be known as the ‘Minority Bank Deposit
 19 Program’ to expand the use of minority banks, wom-
 20 en’s banks, and low-income credit unions.

21 “(2) ADMINISTRATION.—The Secretary of the
 22 Treasury, acting through the Fiscal Service, shall—

23 “(A) on application by a depository institu-
 24 tion or credit union, certify whether such depos-
 25 itory institution or credit union is a minority

1 bank, women’s bank, or low-income credit
2 union;

3 “(B) maintain and publish a list of all de-
4 pository institutions and credit unions that have
5 been certified pursuant to subparagraph (A);
6 and

7 “(C) periodically distribute the list de-
8 scribed in subparagraph (B) to—

9 “(i) all Federal departments and
10 agencies;

11 “(ii) interested State and local govern-
12 ments; and

13 “(iii) interested private sector compa-
14 nies.

15 “(3) INCLUSION OF CERTAIN ENTITIES ON
16 LIST.—A depository institution or credit union that,
17 on the date of the enactment of this section, has a
18 current certification from the Secretary of the
19 Treasury stating that such depository institution or
20 credit union is a minority bank, women’s bank, or
21 low-income credit union shall be included on the list
22 described under paragraph (2)(B).

23 “(b) EXPANDED USE AMONG FEDERAL DEPART-
24 MENTS AND AGENCIES.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the establishment of the program described in sub-
3 section (a), the head of each Federal department or
4 agency shall develop and implement standards and
5 procedures to ensure, to the maximum extent pos-
6 sible as permitted by law, the use of minority banks,
7 women’s banks, and low-income credit unions to
8 serve the financial needs of each such department or
9 agency.

10 “(2) REPORT TO CONGRESS.—Not later than 2
11 years after the establishment of the program de-
12 scribed in subsection (a), and annually thereafter,
13 the head of each Federal department or agency shall
14 submit to Congress a report on the actions taken to
15 increase the use of minority banks, women’s banks,
16 and low-income credit unions to serve the financial
17 needs of each such department or agency.

18 “(c) DEFINITIONS.—For purposes of this section:

19 “(1) CREDIT UNION.—The term ‘credit union’
20 has the meaning given the term ‘insured credit
21 union’ in section 101 of the Federal Credit Union
22 Act (12 U.S.C. 1752).

23 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
24 pository institution’ has the meaning given the term

1 ‘insured depository institution’ in section 3 of the
2 Federal Deposit Insurance Act (12 U.S.C. 1813).

3 “(3) LOW-INCOME CREDIT UNION.—The term
4 ‘low-income credit union’ means any entity described
5 in section 19(b)(1)(A)(iv) of the Federal Reserve
6 Act.

7 “(4) MINORITY.—The term ‘minority’ means
8 any Black American, Native American, Hispanic
9 American, or Asian American.

10 “(5) MINORITY BANK.—The term ‘minority
11 bank’ means any bank described in clause (i), (ii),
12 or (iii) of section 19(b)(1)(A) of the Federal Reserve
13 Act—

14 “(A) more than 50 percent of the out-
15 standing shares of which are held by 1 or more
16 minority individuals;

17 “(B) the majority of the directors on the
18 board of directors of which are minority individ-
19 uals; and

20 “(C) a significant percentage of senior
21 management positions of which are held by mi-
22 nority individuals.

23 “(6) WOMEN’S BANK.—The term ‘women’s
24 bank’ means any bank described in clause (i), (ii),

1 or (iii) of section 19(b)(1)(A) of the Federal Reserve
2 Act—

3 “(A) more than 50 percent of the out-
4 standing shares of which are held by 1 or more
5 women;

6 “(B) the majority of the directors on the
7 board of directors of which are women; and

8 “(C) a significant percentage of senior
9 management positions of which are held by
10 women.”.

11 (b) CONFORMING AMENDMENTS.—The following pro-
12 visions are amended by striking “1204(c)(3)” and insert-
13 ing “1204(c)”:

14 (1) Section 808(b)(3) of the Community Rein-
15 vestment Act of 1977 (12 U.S.C. 2907(b)(3)).

16 (2) Section 40(g)(1)(B) of the Federal Deposit
17 Insurance Act (12 U.S.C. 1831q(g)(1)(B)).

18 (3) Section 704B(h)(4) of the Equal Credit Op-
19 portunity Act (15 U.S.C. 1691c–2(h)(4)).

20 **SEC. 20303. AMENDMENTS TO THE COMMUNITY REINVEST-**
21 **MENT ACT.**

22 Section 804(b) of the Community Reinvestment Act
23 of 1977 (12 U.S.C. 2903(b)) is amended to read as fol-
24 lows:

1 “(b) COOPERATION WITH MINORITY BANKS,
2 WOMEN’S BANKS, AND LOW-INCOME CREDIT UNIONS
3 CONSIDERED.—

4 “(1) IN GENERAL.—In assessing and taking
5 into account, under subsection (a), the record of a
6 financial institution, the appropriate Federal finan-
7 cial supervisory agency shall consider as a factor
8 capital investment, loan participation, and other ven-
9 tures undertaken by the institution in cooperation
10 with minority banks, women’s banks, community de-
11 velopment financial institutions, and low-income
12 credit unions provided that these activities help meet
13 the credit needs of local communities in which such
14 institutions and credit unions are chartered.

15 “(2) DEFINITIONS.—

16 “(A) FIRREA DEFINITIONS.—The terms
17 ‘low-income credit union’, ‘minority bank’, and
18 ‘women’s bank’ have the meanings given such
19 terms, respectively, in section 1204(c) of the Fi-
20 nancial Institutions Reform, Recovery, and En-
21 forcement Act of 1989 (12 U.S.C. 1811 note).

22 “(B) COMMUNITY DEVELOPMENT FINAN-
23 CIAL INSTITUTION.—The term ‘community de-
24 velopment financial institution’ has the meaning
25 given in section 103(5) of the Riegle Commu-

1 nity Development and Regulatory Improvement
2 Act of 1994 (12 U.S.C. 4702(5)).”.

3 **SEC. 20304. CONSIDERATIONS WHEN ASSESSING FINANCIAL**
4 **INCLUSION FOR FEDERALLY CHARTERED FI-**
5 **NANCIAL INSTITUTIONS.**

6 (a) IN GENERAL.—In assessing and taking into ac-
7 count the record of a federally chartered financial institu-
8 tion under any financial inclusion assessment process cre-
9 ated by the Comptroller of the Currency in any rule relat-
10 ing to the chartering of a financial institution, the Comp-
11 troller shall consider as a factor capital investment, loan
12 participation, and other ventures undertaken by the bank
13 in cooperation with minority banks, women’s banks, com-
14 munity development financial institutions, and low-income
15 credit unions, provided that these activities help meet the
16 financial needs of local communities in which the federally
17 chartered financial institution provides financial products
18 or services.

19 (b) DEFINITIONS.—For purposes of this section:

20 (1) COMMUNITY DEVELOPMENT FINANCIAL IN-
21 STITUTION.—The term “community development fi-
22 nancial institution” has the meaning given in section
23 103(5) of the Riegle Community Development and
24 Regulatory Improvement Act of 1994 (12 U.S.C.
25 4702(5)).

1 (2) FINANCIAL INCLUSION ASSESSMENT PROC-
2 ESS.—The term “financial inclusion assessment
3 process” means any process relating to the char-
4 tering of a financial institution whereby the Comp-
5 troller of the Currency assesses and takes into ac-
6 count the financial institution’s record of meeting
7 the financial needs of the bank’s entire community,
8 including low- and moderate-income neighborhoods,
9 consistent with the safe and sound operation of such
10 bank.

11 (3) FINANCIAL PRODUCT OR SERVICE.—The
12 term “financial product or service” has the meaning
13 given such term in section 1002 of the Dodd-Frank
14 Wall Street Reform and Consumer Protection Act
15 (12 U.S.C. 5481).

16 (4) FIRREA DEFINITIONS.—The terms “low-
17 income credit union”, “minority bank”, and “wom-
18 en’s bank” have the meanings given such terms, re-
19 spectively, in section 1204(c) of the Financial Insti-
20 tutions Reform, Recovery, and Enforcement Act of
21 1989 (12 U.S.C. 1811 note).

1 **Subtitle D—Ensuring Diverse**
2 **Leadership**

3 **SEC. 20401. SHORT TITLE.**

4 This subtitle may be cited as the “Ensuring Diverse
5 Leadership Act of 2020”.

6 **SEC. 20402. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) while significant progress has occurred due
9 to the antidiscrimination amendments to the Federal
10 Reserve Act, barriers continue to pose significant ob-
11 stacles for candidates reflective of gender diversity
12 and racial or ethnic diversity for Federal Reserve
13 bank president positions in the Federal Reserve Sys-
14 tem;

15 (2) the continuing barriers described in para-
16 graph (1) merit the following amendment;

17 (3) Congress has received and reviewed testi-
18 mony and documentation of the historical lack of
19 gender, racial, and ethnic diversity from numerous
20 sources, including congressional hearings, scientific
21 reports, reports issued by public and private agen-
22 cies, news stories, and reports of related barriers by
23 organizations and individuals, which show that
24 race-, ethnicity-, and gender-neutral efforts alone are
25 insufficient to address the problem;

1 (4) the testimony and documentation described
2 in paragraph (3) demonstrate that barriers across
3 the United States prove problematic for full and fair
4 participation in developing monetary policy by indi-
5 viduals reflective of gender diversity and racial or
6 ethnic diversity; and

7 (5) the testimony and documentation described
8 in paragraph (3) provide a strong basis that there
9 is a compelling need for the below amendment to ad-
10 dress the historical lack of gender, racial, and ethnic
11 diversity in the Federal Reserve regional bank presi-
12 dents selection process in the Federal Reserve Sys-
13 tem.

14 **SEC. 20403. FEDERAL RESERVE BANK PRESIDENTS.**

15 (a) IN GENERAL.—The provision designated “fifth”
16 of the fourth undesignated paragraph of section 4 of the
17 Federal Reserve Act (12 U.S.C. 341) is amended by in-
18 serting after “employees.” the following: “In making the
19 appointment of a president, the bank shall interview at
20 least one individual reflective of gender diversity and one
21 individual reflective of racial or ethnic diversity.”.

22 (b) REPORT.—Not later than January 1 of each year,
23 each Federal reserve bank shall submit to the Committee
24 on Banking, Housing, and Urban Affairs of the Senate,
25 the Committee on Financial Services of the House of Rep-

1 representatives, and the Office of Inspector General for the
 2 Board of Governors of the Federal Reserve System and
 3 the Bureau of Consumer Financial Protection a report de-
 4 scribing the applicant pool demographic for the position
 5 of the president of the Federal reserve bank for the pre-
 6 ceding fiscal year, if applicable.

7 **SEC. 20404. TECHNICAL ADJUSTMENTS.**

8 (a) AMERICAN COMPETITIVENESS AND WORKFORCE
 9 IMPROVEMENT ACT OF 1998.—Section 418(b) of the
 10 American Competitiveness and Workforce Improvement
 11 Act of 1998 (8 U.S.C. 1184 note) is amended by striking
 12 “Chairman of the Board of Governors” and inserting
 13 “Chair of the Board of Governors”.

14 (b) BRETTON WOODS AGREEMENTS ACT.—The
 15 Bretton Woods Agreements Act (22 U.S.C. 286 et seq.)
 16 is amended—

17 (1) in section 4(a), by striking “Chairman of
 18 the Board of Governors” and inserting “Chair of the
 19 Board of Governors”; and

20 (2) in section 45(a)(1), by striking “chairman
 21 of the board of Governors” and inserting “Chair of
 22 the Board of Governors”.

23 (c) DODD-FRANK WALL STREET REFORM AND CON-
 24 SUMER PROTECTION ACT.—The Dodd-Frank Wall Street
 25 Reform and Consumer Protection Act (12 U.S.C. 5301

1 et seq.) is amended by striking “Chairman of the Board”
2 each place such term appears and inserting “Chair of the
3 Board”.

4 (d) EMERGENCY ECONOMIC STABILIZATION ACT OF
5 2008.—The Emergency Economic Stabilization Act of
6 2008 (12 U.S.C. 5201 et seq.) is amended by striking
7 “Chairman of the Board” each place such term appears
8 and inserting “Chair of the Board”.

9 (e) EMERGENCY LOAN GUARANTEE ACT.—Section 2
10 of the Emergency Loan Guarantee Act (15 U.S.C. 1841)
11 is amended by striking “Chairman of the Board of Gov-
12 ernors” and inserting “Chair of the Board of Governors”.

13 (f) EMERGENCY STEEL LOAN GUARANTEE AND
14 EMERGENCY OIL AND GAS GUARANTEED LOAN ACT OF
15 1999.—The Emergency Steel Loan Guarantee and Emer-
16 gency Oil and Gas Guaranteed Loan Act of 1999 (15
17 U.S.C. 1841 note) is amended—

18 (1) in section 101(e)(2)—

19 (A) by striking “Chairman of the Board of
20 Governors” and inserting “Chair of the Board
21 of Governors”; and

22 (B) by striking “Chairman,” and inserting
23 “Chair,”; and

24 (2) in section 201(d)(2)(B)—

1 (A) by striking “Chairman of the Board of
2 Governors” and inserting “Chair of the Board
3 of Governors”; and

4 (B) by striking “Chairman,” and inserting
5 “Chair,”.

6 (g) FARM CREDIT ACT OF 1971.—Section
7 4.9(d)(1)(C) of the Farm Credit Act of 1971 (12 U.S.C.
8 2160(d)(1)(C)) is amended by striking “Chairman of the
9 Board of Governors” and inserting “Chair of the Board
10 of Governors”.

11 (h) FEDERAL DEPOSIT INSURANCE ACT.—The Fed-
12 eral Deposit Insurance Act (12 U.S.C. 1811 et seq.) is
13 amended—

14 (1) in section 7(a)(3), by striking “Chairman of
15 the Board of Governors” and inserting “Chair of the
16 Board of Governors”; and

17 (2) in section 10(k)(5)(B)(ii), by striking
18 “Chairman of the Board of Governors” and insert-
19 ing “Chair of the Board of Governors”.

20 (i) FEDERAL RESERVE ACT.—The Federal Reserve
21 Act (12 U.S.C. 226 et seq.) is amended—

22 (1) by striking “chairman” each place such
23 term appears and inserting “chair”;

1 (2) by striking “Chairman” each place such
2 term appears other than in section 11(r)(2)(B) and
3 inserting “Chair”;

4 (3) in section 2, in the sixth undesignated para-
5 graph—

6 (A) in the second sentence, by striking
7 “his” and inserting “the Comptroller of the
8 Currency’s”; and

9 (B) in the third sentence, by striking “his”
10 and inserting “the director’s”;

11 (4) in section 4—

12 (A) in the third undesignated paragraph,
13 by striking “his office” and inserting “the Of-
14 fice of the Comptroller of the Currency”;

15 (B) in the fourth undesignated paragraph,
16 in the provision designated “fifth”, by striking
17 “his” and inserting “the person’s”;

18 (C) in the eighth undesignated paragraph,
19 by striking “his” and inserting “the chair’s”;

20 (D) in the seventeenth undesignated para-
21 graph—

22 (i) by striking “his” and inserting
23 “the officer’s”; and

24 (ii) by striking “he” and inserting
25 “the individual”;

1 (E) in the twentieth undesignated para-
2 graph—

3 (i) by striking “He” each place such
4 term appears and inserting “The chair”;

5 (ii) in the third sentence—

6 (I) by striking “his” and insert-
7 ing “the”; and

8 (II) by striking “he” and insert-
9 ing a comma; and

10 (iii) in the fifth sentence, by striking
11 “he” and inserting “the chair”; and

12 (F) in the twenty-first undesignated para-
13 graph, by striking “his” each place such term
14 appears and inserting “the agent’s”;

15 (5) in section 6, in the second undesignated
16 paragraph, by striking “he” and inserting “the
17 Comptroller of the Currency”;

18 (6) in section 9A(c)(2)(C), by striking “he” and
19 inserting “the participant”;

20 (7) in section 10—

21 (A) by striking “he” each place such term
22 appears and inserting “the member”;

23 (B) in the second undesignated paragraph,
24 by striking “his” and inserting “the member’s”;
25 and

1 (C) in the fourth undesignated para-
2 graph—

3 (i) in the second sentence, by striking
4 “his” and inserting “the chair’s”;

5 (ii) in the fifth sentence, by striking
6 “his” and inserting “the member’s”; and

7 (iii) in the sixth sentence, by striking
8 “his” and inserting “the member’s”;

9 (8) in section 12, by striking “his” and insert-
10 ing “the member’s”;

11 (9) in section 13, in the tenth undesignated
12 paragraph, by striking “his” and inserting “the
13 assured’s”;

14 (10) in section 16—

15 (A) by striking “he” each place such term
16 appears and inserting “the agent”;

17 (B) in the seventh undesignated para-
18 graph—

19 (i) by striking “his” and inserting
20 “the agent’s”; and

21 (ii) by striking “himself” and insert-
22 ing “the agent”;

23 (C) in the tenth undesignated paragraph,
24 by striking “his” and inserting “the Sec-
25 retary’s”; and

1 (D) in the fifteenth undesignated para-
2 graph, by striking “his” and inserting “the
3 agent’s”;

4 (11) in section 18, in the eighth undesignated
5 paragraph, by striking “he” and inserting “the Sec-
6 retary of the Treasury”;

7 (12) in section 22—

8 (A) in subsection (f), by striking “his” and
9 inserting “the director’s or officer’s”; and

10 (B) in subsection (g)—

11 (i) in paragraph (1)(D)—

12 (I) by striking “him” and insert-
13 ing “the officer”; and

14 (II) by striking “he” and insert-
15 ing “the officer”; and

16 (ii) in paragraph (2)(A), by striking
17 “him as his” and inserting “the officer as
18 the officer’s”; and

19 (13) in section 25A—

20 (A) in the twelfth undesignated para-
21 graph—

22 (i) by striking “he” each place such
23 term appears and inserting “the member”;
24 and

1 (ii) by striking “his” and inserting
2 “the member’s”;

3 (B) in the fourteenth undesignated para-
4 graph, by striking “his” and inserting “the di-
5 rector’s or officer’s”; and

6 (C) in the twenty-second undesignated
7 paragraph, by striking “his” each place such
8 term appears and inserting “such individual’s”.

9 (j) FEDERAL RESERVE REFORM ACT OF 1977.—Sec-
10 tion 204(b) of the Federal Reserve Reform Act of 1977
11 (12 U.S.C. 242 note) is amended by striking “Chairman
12 or Vice Chairman of the Board of Governors” and insert-
13 ing “Chair or Vice Chair of the Board of Governors”.

14 (k) FINANCIAL INSTITUTIONS REFORM, RECOVERY,
15 AND ENFORCEMENT ACT OF 1989.—The Financial Insti-
16 tutions Reform, Recovery, and Enforcement Act of 1989
17 is amended—

18 (1) in section 308 (12 U.S.C. 1463 note)—

19 (A) in subsection (a), by striking “Chair-
20 man of the Board of Governors” and inserting
21 “Chair of the Board of Governors”; and

22 (B) in subsection (c), by striking “Chair-
23 man of the Board of Governors” and inserting
24 “Chair of the Board of Governors”;

1 (2) in section 1001(a) (12 U.S.C. 1811 note),
2 by striking “Chairman of the Board of Governors”
3 and inserting “Chair of the Board of Governors”;
4 and

5 (3) in section 1205(b)(1)(A) (12 U.S.C. 1818
6 note)—

7 (A) by striking “Chairman of the Board of
8 Governors” and inserting “Chair of the Board
9 of Governors”; and

10 (B) by striking “Chairman’s” and insert-
11 ing “Chair’s”.

12 (l) FOOD, CONSERVATION, AND ENERGY ACT OF
13 2008.—Section 13106(a) of the Food, Conservation, and
14 Energy Act of 2008 (7 U.S.C. 2 note) is amended by strik-
15 ing “Chairman of the Board of Governors” and inserting
16 “Chair of the Board of Governors”.

17 (m) HOUSING AND COMMUNITY DEVELOPMENT ACT
18 OF 1992.—Section 1313(a)(3) of the Housing and Com-
19 munity Development Act of 1992 (12 U.S.C. 4513(a)(3))
20 is amended—

21 (1) in the heading, by striking “CHAIRMAN”
22 and inserting “CHAIR”;

23 (2) by striking “Chairman of the Board of Gov-
24 ernors” and inserting “Chair of the Board of Gov-
25 ernors”; and

1 (3) by striking “Chairman regarding” and in-
2 serting “Chair regarding”.

3 (n) INSPECTOR GENERAL ACT OF 1978.—Section 8G
4 of the Inspector General Act of 1978 is amended by strik-
5 ing “Chairman of the Board of Governors” each place
6 such term appears and inserting “Chair of the Board of
7 Governors”.

8 (o) INTERNATIONAL LENDING SUPERVISION ACT OF
9 1983.—Section 908(b)(3)(C) of the International Lending
10 Supervision Act of 1983 (12 U.S.C. 3907(b)(3)(C)) is
11 amended by striking “Chairman of the Board of Gov-
12 ernors” and inserting “Chair of the Board of Governors”.

13 (p) NEIGHBORHOOD REINVESTMENT CORPORATION
14 ACT.—Section 604(a)(3) of the Neighborhood Reinvest-
15 ment Corporation Act (42 U.S.C. 8103(a)(3)) is amended
16 by striking “Chairman” each place it appears and insert-
17 ing “Chair”.

18 (q) PUBLIC LAW 93–495.—Section 202(a)(1) of Pub-
19 lic Law 93–495 (12 U.S.C. 2402(a)(1)) is amended—

20 (1) by striking “Chairman of the Board of Gov-
21 ernors” and inserting “Chair of the Board of Gov-
22 ernors”; and

23 (2) by striking “his” and inserting “the
24 Chair’s”.

1 (r) SARBANES-OXLEY ACT OF 2002.—Section
2 101(e)(4)(A) of the Sarbanes-Oxley Act of 2002 (15
3 U.S.C. 7211(e)(4)(A)) is amended by striking “Chairman
4 of the Board of Governors” and inserting “Chair of the
5 Board of Governors”.

6 (s) SECURITIES EXCHANGE ACT OF 1934.—Section
7 17A(f)(4)(C) of the Securities Exchange Act of 1934 (15
8 U.S.C. 78q–1(f)(4)(C)) is amended by striking “Chairman
9 of the Board of Governors” and inserting “Chair of the
10 Board of Governors”.

11 (t) TITLE 31.—Title 31, United States Code, is
12 amended—

13 (1) in section 1344(b)(7), by striking “Chair-
14 man of the Board of Governors” and inserting
15 “Chair of the Board of Governors”; and

16 (2) in section 5318A, by striking “Chairman of
17 the Board of Governors” each place such term ap-
18 pears and inserting “Chair of the Board of Gov-
19 ernors”.

20 (u) TRADE ACT OF 1974.—Section 163(b)(3) of the
21 Trade Act of 1974 (19 U.S.C. 2213(b)(3)) is amended by
22 striking “Chairman of the Board of Governors” and in-
23 serting “Chair of the Board of Governors”.

24 (v) DEEMING OF NAME.—Any reference in a law,
25 regulation, document, paper, or other record of the United

1 States to the Chairman of the Board of Governors of the
2 Federal Reserve System shall be deemed to be a reference
3 to the Chair of the Board of Governors of the Federal
4 Reserve System.

5 **Subtitle E—Startup Opportunity**
6 **Accelerator**

7 **SEC. 20501. SHORT TITLE.**

8 This subtitle may be cited as the “Startup Oppor-
9 tunity Accelerator Act of 2020” or the “SOAR Act”.

10 **SEC. 20502. FINDINGS.**

11 Congress finds that—

12 (1) startups have contributed greatly to the
13 United States economy, with research showing that
14 between 1982 and 2011, businesses 5 years or
15 younger were responsible for nearly every net new
16 job created;

17 (2) startups face common challenges as they
18 seek to transform their ideas into successful, high-
19 growth businesses;

20 (3) 4 metropolitan areas in 3 States—the San
21 Francisco Bay Area, New York City, Boston, and
22 Los Angeles—receive nearly 75 percent of all ven-
23 ture capital investment, which is a critical source of
24 funding for high-growth startups;

1 (4) of startups that receive venture capital
2 funding, 2 percent are African-American-owned, 6
3 percent are Latino-owned, and only 13 percent are
4 owned solely by women;

5 (5) incubators and accelerators are new models
6 of growth that drive innovation by connecting entre-
7 preneurial individuals and teams to create viable
8 business ventures and social initiatives;

9 (6) incubators and accelerators support prom-
10 ising startups through partnerships, mentoring, and
11 resources connecting them with seasoned entre-
12 preneurs;

13 (7) the goal of an incubator or an accelerator
14 is to help create and grow young businesses by pro-
15 viding them with necessary financial, technical, and
16 industry support and financial and technical serv-
17 ices; and

18 (8) startups offer unique opportunities for
19 growth and development for women, minority, and
20 veterans to become successful entrepreneurs and
21 leaders in new and developed fields.

22 **SEC. 20503. FUNDING FOR ORGANIZATIONS THAT SUPPORT**
23 **STARTUP BUSINESSES.**

24 (a) IN GENERAL.—The Small Business Act (15
25 U.S.C. 631 et seq.) is amended—

1 (1) by redesignating section 49 (15 U.S.C. 631
2 note) as section 50; and

3 (2) by inserting after section 48 the following:

4 **“SEC. 49. FUNDING FOR ORGANIZATIONS THAT SUPPORT**
5 **STARTUP BUSINESSES.**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘accelerator’ means an organiza-
8 tion that—

9 “(A) frequently provides, but is not exclu-
10 sively designed to provide, seed investment in
11 exchange for a small amount of equity;

12 “(B) works with a startup for a predeter-
13 mined amount of time;

14 “(C) provides mentorship and instruction
15 to scale businesses; or

16 “(D) offers startup capital or the oppor-
17 tunity to raise capital from outside investors;

18 “(2) the term ‘disability’ has the meaning given
19 the term in section 3 of the Americans with Disabil-
20 ities Act of 1990 (42 U.S.C. 12102);

21 “(3) the term ‘eligible entity’ means an organi-
22 zation—

23 “(A) that is located in the United States;

24 “(B) the primary purpose of which is to
25 support new small business concerns; and

1 “(C) that is often classified as an accel-
2 erator;

3 “(4) the term ‘new small business concern’
4 means a small business concern that has been in op-
5 eration for not more than 5 years;

6 “(5) the term ‘small business concern owned
7 and controlled by socially and economically disadvan-
8 taged individuals’ has the meaning given the term in
9 section 8(d)(3)(C); and

10 “(6) the term ‘State’ means any State of the
11 United States, the District of Columbia, the Com-
12 monwealth of Puerto Rico, and any territory or pos-
13 session of the United States.

14 “(b) FUNDING.—

15 “(1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this section, the Adminis-
17 trator shall develop and begin implementing a pro-
18 gram to award cash grants of not more than
19 \$100,000 to eligible entities to support new small
20 business concerns.

21 “(2) USE OF FUNDS.—A grant under this sec-
22 tion—

23 “(A) may be used for construction costs,
24 space acquisition, and programmatic purposes;
25 and

1 “(B) may not be used to provide capital or
2 professional services to new small business con-
3 cerns directly or through the subaward of
4 funds.

5 “(3) DISBURSAL OF FUNDS.—In disbursing
6 funds under this section, the Administrator may use
7 incremental or scheduled payments.

8 “(c) APPLICATION.—

9 “(1) IN GENERAL.—An eligible entity desiring a
10 grant under this section shall demonstrate that the
11 eligible entity will use the grant to provide assistance
12 to not less than 10 new small business concerns per
13 year.

14 “(2) REQUIREMENTS.—In soliciting applica-
15 tions and awarding grants to eligible entities under
16 this section, the Administrator shall employ a
17 streamlined and inclusive approach that—

18 “(A) widely publicizes funding opportuni-
19 ties to a broad audience, including through the
20 use of digital resources such as the website of
21 the Administration and social media;

22 “(B) utilizes an easily accessible submis-
23 sion process or platform;

24 “(C) shall make every effort to minimize—

1 “(i) the use of forms, detailed budg-
2 ets, supporting documentation, or written
3 submissions; and

4 “(ii) any other burdensome require-
5 ment;

6 “(D) focuses on solution-based approaches
7 and results-based outcomes;

8 “(E) encourages innovation; and

9 “(F) allows proposals or pitches to be pre-
10 sented using various formats or media.

11 “(d) CRITERIA.—The Administrator shall establish
12 criteria for a grant under this section shall give priority
13 to eligible entities that are providing or plan to provide
14 to new small business concerns—

15 “(1) office, manufacturing, or warehouse space,
16 including appropriate operations infrastructure;

17 “(2) access to capital either directly from the
18 eligible entity (using amounts other than the
19 amounts provided under the grant) or through guid-
20 ance and contacts for acquiring capital from outside
21 investors;

22 “(3) access to professional services either di-
23 rectly from the eligible entity (using amounts other
24 than the amounts provided under the grant) or
25 through guidance and contacts for acquiring profes-

1 sional services, including accounting and legal serv-
2 ices; or

3 “(4) a formal structured mentorship or develop-
4 mental program that assists new small business con-
5 cerns with building business skills and competencies.

6 “(e) CONSIDERATIONS IN CHOOSING RECIPIENTS.—

7 In determining whether to award a grant under this sec-
8 tion to an eligible entity, the Administrator shall take into
9 account—

10 “(1) for eligible entities that have in operation
11 a program to support new small business concerns,
12 the record of the eligible entity in assisting new
13 small business concerns, including, for each of the 3
14 full years before the date on which the eligible entity
15 applies for a grant under this section—

16 “(A) the retention rate of new small busi-
17 ness concerns in the program of the eligible en-
18 tity;

19 “(B) the average period of participation by
20 new small business concerns in the program of
21 the eligible entity;

22 “(C) the total, average, and median capital
23 raised by new small business concerns partici-
24 pating in the program of the eligible entity; and

1 “(D) the total, average, and median num-
2 ber of employees of new small business concerns
3 participating in the program of the eligible enti-
4 ty;

5 “(2) for all eligible entities—

6 “(A) the number of new small business
7 concerns assisted or anticipated to be assisted
8 by the eligible entity;

9 “(B) the number of new small business
10 concerns applying or anticipated to apply for
11 assistance from the eligible entity;

12 “(C) whether the program of the eligible
13 entity provides or would provide assistance to
14 individuals in gender, racial, or ethnic groups
15 underrepresented by existing programs to assist
16 new small business concerns; and

17 “(D) other metrics determined appropriate
18 by the Administrator;

19 “(3) the need in the geographic area to be
20 served by the program to be carried out using the
21 grant for additional assistance for new small busi-
22 ness concerns, if the area has sufficient population
23 density, as determined by the Administrator;

24 “(4) the level of experience of the entrepre-
25 neurial leadership of the eligible entity; and

1 “(5) the ability of the eligible entity to use and
2 leverage local strengths, including human resources,
3 infrastructure, and educational institutions.

4 “(f) REQUIREMENT TO AWARD GRANTS TO CERTAIN
5 ACCELERATORS.—In order to promote diversity in entre-
6 preneurship, the Administrator shall award not less than
7 50 percent of amounts appropriated for grants in a given
8 fiscal year to—

9 “(1) accelerators located in an area described in
10 subparagraph (A), (B), or (C) of section 3(p)(1);
11 and

12 “(2) accelerators for which not less than 50
13 percent of the small business concerns served by the
14 accelerator are small business concerns—

15 “(A) owned and controlled by socially and
16 economically disadvantaged individuals;

17 “(B) owned and controlled by women; or

18 “(C) that are not less than 51 percent
19 owned by one or more—

20 “(i) Native Americans;

21 “(ii) individuals participating in the
22 Transition Assistance Program of the De-
23 partment of Defense;

24 “(iii) individuals who—

1 “(I) served on active duty in any
2 branch of the Armed Forces, includ-
3 ing the National Guard and Reserves;
4 and

5 “(II) were discharged or released
6 from such service under conditions
7 other than dishonorable;

8 “(iv) formerly incarcerated individ-
9 uals; or

10 “(v) individuals with a disability.

11 “(g) MATCHING NONPUBLIC FUNDING REQUIRE-
12 MENT.—

13 “(1) IN GENERAL.—An eligible entity receiving
14 a grant under this section shall obtain funds from
15 a private individual or entity (including a for-profit
16 or nonprofit entity) that are—

17 “(A) for the same purposes as a grant may
18 be made under this section;

19 “(B) used to carry out the program of the
20 eligible entity carried out using the grant under
21 this section; and

22 “(C) in an amount that is not to be less
23 than 50 percent of the amount of the grant
24 under this section.

1 “(2) FORM OF NON-FEDERAL SHARE.—Not
2 more than 25 percent of the funds obtained under
3 paragraph (1) may be in the form of in-kind con-
4 tributions.

5 “(h) CONSEQUENCES OF FAILURE TO ABIDE BY
6 TERMS OR CONDITIONS OF GRANT OR REQUIREMENTS OF
7 THIS SECTION.—The Administrator shall notify each eli-
8 gible entity receiving a grant under this section that fail-
9 ure to abide by the terms and conditions of the grant or
10 the requirements of this section may, in the discretion of
11 the Administrator and in addition to any other civil or
12 criminal consequences, result in the Administrator with-
13 holding payments or ordering the eligible entity to return
14 the grant funds.

15 “(i) ANNUAL PROGRESS REPORTING BY RECIPIENTS
16 OF GRANT.—Each eligible entity receiving a grant under
17 this section shall submit to the Administrator an annual
18 report on the progress of the program carried out using
19 the amounts received under the grant, including—

20 “(1) the number of new small business concerns
21 participating in the program during each of the 3
22 years preceding the report;

23 “(2) the number of new small business concerns
24 applying to participate in the program during each
25 of the 3 years preceding the report;

1 “(3) the retention rate of new small business
2 concerns in the program;

3 “(4) the average period of participation in the
4 program by new small business concerns;

5 “(5) the total, average, and median capital
6 raised by new small business concerns participating
7 in the program;

8 “(6) the total, average, and median number of
9 employees of new small business concerns partici-
10 pating in the program;

11 “(7) the number of new small business con-
12 cerns—

13 “(A) owned and controlled by socially and
14 economically disadvantaged individuals;

15 “(B) owned and controlled by women; or

16 “(C) that are not less than 51 percent
17 owned by one or more—

18 “(i) Native Americans;

19 “(ii) individuals participating in the
20 Transition Assistance Program of the De-
21 partment of Defense;

22 “(iii) individuals who—

23 “(I) served on active duty in any
24 branch of the Armed Forces, includ-

1 ing the National Guard and Reserves;
2 and

3 “(II) were discharged or released
4 from such service under conditions
5 other than dishonorable;

6 “(iv) formerly incarcerated individ-
7 uals; or

8 “(v) individuals with a disability; and

9 “(8) other metrics determined appropriate by
10 the Administrator.

11 “(j) REPORT TO CONGRESS.—The Administrator
12 shall submit to Congress an annual report on the program
13 under this section, which shall include an assessment of
14 the effectiveness of the program, including an assessment
15 based on the metrics listed in subsection (i).

16 “(k) COORDINATION WITH OTHER SMALL BUSINESS
17 ADMINISTRATION PROGRAMS.—The Administrator shall
18 take appropriate action to encourage eligible entities re-
19 ceiving a grant under this section to use and incorporate
20 other programs of the Administration, such as small busi-
21 ness development centers, small business investment com-
22 panies, loans under section 7(a), assistance under title V
23 of the Small Business Investment Act of 1958 (15 U.S.C.
24 695 et seq.), and resource partners of the Administration,

1 including women’s business centers and veteran’s business
2 outreach centers.

3 “(l) COORDINATION WITH THE DEPARTMENT OF
4 VETERANS AFFAIRS.—In consultation with the Secretary
5 of Veteran Affairs, the Administrator shall make available
6 outreach materials regarding the opportunities for vet-
7 erans within the program under this section for distribu-
8 tion and display at local facilities of the Department of
9 Veterans Affairs.

10 “(m) LISTING ON WEBSITE.—The Administrator
11 shall include a list of eligible entities receiving a grant
12 under this section on the website of the Administration.

13 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$6,000,000 for each of the first 5 fiscal years beginning
16 after the date of enactment of this section.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 Effective on January 1, 2021, section 49(f)(1) of the
19 Small Business Act, as added by subsection (a), is amend-
20 ed to read as follows:

21 “(1) accelerators located in an area described in
22 subparagraph (A), (B), or (C) of section 31(b);
23 and”.

**Subtitle F—New Markets Tax
Credit Extension**

SEC. 20601. SHORT TITLE.

This subtitle may be cited as the “New Markets Tax Credit Extension Act of 2020”.

**SEC. 20602. PERMANENT EXTENSION OF NEW MARKETS TAX
CREDIT.**

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) of the Internal Revenue Code of 1986 is amended by striking “for each of calendar years 2010 through 2019” and inserting “for calendar year 2010 and each calendar year thereafter”.

(2) CONFORMING AMENDMENT.—Section 45D(f)(3) of such Code is amended by striking the last sentence.

(b) INFLATION ADJUSTMENT.—Subsection (f) of section 45D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any calendar year beginning after 2021, the dollar amount in paragraph (1)(G) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

1 “(ii) the cost-of-living adjustment de-
2 termined under section 1(f)(3) for the cal-
3 endar year, determined by substituting
4 ‘calendar year 2000’ for ‘calendar year
5 2020’ in subparagraph (A)(ii) thereof.

6 “(B) ROUNDING RULE.—Any increase
7 under subparagraph (A) which is not a multiple
8 of \$1,000,000 shall be rounded to the nearest
9 multiple of \$1,000,000.”.

10 (c) ALTERNATIVE MINIMUM TAX RELIEF.—Subpara-
11 graph (B) of section 38(c)(4) of the Internal Revenue
12 Code of 1986 is amended—

13 (1) by redesignating clauses (v) through (xii) as
14 clauses (vi) through (xiii), respectively, and

15 (2) by inserting after clause (iv) the following
16 new clause:

17 “(v) the credit determined under sec-
18 tion 45D, but only with respect to credits
19 determined with respect to qualified equity
20 investments (as defined in section 45D(b))
21 initially made after December 31, 2018,”.

22 (d) EFFECTIVE DATES.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the amendments made by this section

1 shall apply to taxable years beginning after Decem-
 2 ber 31, 2018.

3 (2) ALTERNATIVE MINIMUM TAX RELIEF.—The
 4 amendments made by subsection (c) shall apply to
 5 credits determined with respect to qualified equity
 6 investments (as defined in section 45D(b) of the In-
 7 ternal Revenue Code of 1986) initially made after
 8 December 31, 2018.

9 **Subtitle G—Extension of the Carib-** 10 **bean Basin Economic Recovery**

11 **SEC. 20701. SHORT TITLE.**

12 This subtitle may be cited as the “Extension of the
 13 Caribbean Basin Economic Recovery Act”.

14 **SEC. 20702. EXTENSION OF THE CARIBBEAN BASIN ECO-** 15 **NOMIC RECOVERY ACT.**

16 Section 213 of the Caribbean Basin Economic Recov-
 17 ery Act (19 U.S.C. 2703) is amended as follows:

18 (1) EXTENSION FOR CERTAIN KNIT APPAREL

19 ARTICLES.—In clause (iii) of subsection (b)(2)(A)—

20 (A) in subclause (II)(cc), by striking “Sep-
 21 tember 30, 2020” and inserting “September 30,
 22 2030”; and

23 (B) in subclause (IV)(dd), by striking
 24 “September 30, 2020” and inserting “Sep-
 25 tember 30, 2030”.

1 (2) EXTENSION OF LIMITATION WITH RESPECT
2 TO CERTAIN OTHER APPAREL ARTICLES.—In clause
3 (iv)(II) of such subsection, by striking “18” and in-
4 serting “28”.

5 (3) EXTENSION OF TRANSITION PERIOD.—In
6 subsection (b)(5)(D)(i), by striking “September 30,
7 2020” and inserting “September 30, 2030”.

8 **Subtitle H—Automotive Jobs**

9 **SEC. 20801. SHORT TITLE.**

10 This subtitle may be cited as the “Automotive Jobs
11 Act of 2020”.

12 **SEC. 20802. STUDY OF WELL-BEING OF UNITED STATES** 13 **AUTOMOTIVE INDUSTRY; STAY OF ACTION ON** 14 **CERTAIN INVESTIGATION.**

15 (a) STUDY REQUIRED.—The United States Inter-
16 national Trade Commission (in this section referred to as
17 the “Commission”) shall conduct a study of the economic
18 well-being, health, and vitality of the United States auto-
19 motive industry, which shall include an assessment of the
20 following:

21 (1) The number of automotive jobs in the
22 United States, regardless of whether the parent enti-
23 ty of the United States automotive producer is
24 headquartered in the United States or another coun-
25 try.

1 (2) Any growth or decline in number of auto-
2 mobile manufacturing facilities and automotive parts
3 suppliers in the United States since 1980.

4 (3) The effect an automotive plant has on the
5 unemployment rate, per capita income, and edu-
6 cation level in the community in which the plant is
7 located.

8 (4) The effect an automotive plant has on the
9 region in which the plant is located in helping the
10 region attract and expand nonautomotive jobs and
11 the effect on that region of the wages from those
12 jobs.

13 (5) The number of automobiles assembled in
14 the United States that are exported each year and
15 to which countries.

16 (6) The percentage of component parts of auto-
17 mobiles assembled in the United States that are im-
18 ported.

19 (7) The number of component parts for auto-
20 mobiles that are not produced in the United States
21 and would thus not be available to United States
22 automotive producers if prohibitively high duties
23 were imposed on imports of those parts.

1 (8) The effect an increase in automotive manu-
2 facturing costs would have on jobs in the United
3 States.

4 (b) REPORT.—Not earlier than 180 days after the
5 date of the enactment of this Act, and not later than one
6 year after such date of enactment, the Commission shall
7 submit to the President and Congress a report on—

8 (1) the findings of the study required by sub-
9 section (a); and

10 (2) any recommendations relating to the auto-
11 motive industry that the Commission considers ap-
12 propriate based on the study.

13 (c) STAY OF ACTION RELATING TO INVESTIGATION
14 INTO NATIONAL SECURITY EFFECTS OF AUTOMOTIVE IM-
15 PORTS.—For purposes of the requirements of subsection
16 (c) of section 232 of the Trade Expansion Act of 1962
17 (19 U.S.C. 1862), any report on the findings of the Sec-
18 retary of Commerce from the investigation of the Depart-
19 ment of Commerce under such section into the effects on
20 national security of imports of automobiles and automotive
21 parts initiated on May 23, 2018, shall not be deemed to
22 be submitted until the date on which—

23 (1) the Commission submits to the President
24 and Congress the report required by subsection (b)
25 of this section; and

1 (2) the President, after reviewing the report
 2 and considering the findings and recommendations
 3 of the Commission included in the report, deter-
 4 mines not to reopen the investigation of the Depart-
 5 ment of Commerce.

6 (d) UNITED STATES AUTOMOTIVE PRODUCER DE-
 7 FINED.—In this section, the term “United States auto-
 8 motive producer” means an entity that manufactures or
 9 assembles automobiles or component parts for automobiles
 10 in the United States.

11 **Subtitle I—Revitalizing Under-**
 12 **developed Rural Areas and**
 13 **Lands**

14 **SEC. 20901. SHORT TITLE.**

15 This subtitle may be cited as the “Revitalizing Un-
 16 derdeveloped Rural Areas and Lands Act of 2020” or as
 17 the “RURAL Act of 2020”.

18 **SEC. 20902. MODIFICATION OF INCOME FOR PURPOSES OF**
 19 **DETERMINING TAX-EXEMPT STATUS OF CER-**
 20 **TAIN MUTUAL OR COOPERATIVE TELEPHONE**
 21 **OR ELECTRIC COMPANIES.**

22 (a) IN GENERAL.—Section 501(c)(12) of the Internal
 23 Revenue Code of 1986 is amended by adding at the end
 24 the following new subparagraph:

1 “(J) In the case of a mutual or cooperative
2 telephone or electric company described in this
3 paragraph, subparagraph (A) shall be applied
4 without taking into account any income received
5 or accrued from—

6 “(i) any grant, contribution, or assist-
7 ance provided pursuant to the Robert T.
8 Stafford Disaster Relief and Emergency
9 Assistance Act or any similar grant, con-
10 tribution, or assistance by any local, State,
11 or regional governmental entity for the
12 purpose of relief, recovery, or restoration
13 from, or preparation for, a disaster or
14 emergency, or

15 “(ii) any grant or contribution by any
16 governmental entity (other than a con-
17 tribution in aid of construction or any
18 other contribution as a customer or poten-
19 tial customer) the purpose of which is sub-
20 stantially related to providing, construct-
21 ing, restoring, or relocating electric, com-
22 munication, broadband, internet, or other
23 utility facilities or services.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 2017.

4 **Subtitle J—Consumer Financial**
5 **Education and Empowerment**

6 **SEC. 21001. SHORT TITLE.**

7 This subtitle may be cited as the “Consumer Finan-
8 cial Education and Empowerment Act”.

9 **SEC. 21002. FINANCIAL LITERACY GRANT PROGRAM.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of the enactment of this Act, the Director of the Bu-
12 reau of Consumer Financial Protection shall establish a
13 program to award grants on a competitive basis to eligible
14 entities to facilitate financial literacy programs as de-
15 scribed in subsection (d).

16 (b) APPLICATION REQUIREMENTS.—To be eligible to
17 be awarded a grant under the program established under
18 subsection (a), an eligible entity shall submit an applica-
19 tion to the Director at such time, in such manner, and
20 containing such information as the Director may require,
21 including information on—

22 (1) the curriculum and design of the financial
23 literacy program proposed by the eligible entity, in-
24 cluding a description of how such program meets the
25 requirements of subsection (d);

1 (2) expected participants in the proposed finan-
2 cial literacy program;

3 (3) who is expected to be employed or otherwise
4 involved with the proposed financial literacy pro-
5 gram, including—

6 (A) administrators;

7 (B) consultants; and

8 (C) financial advisors; and

9 (4) a prospective budget for the proposed finan-
10 cial literacy program.

11 (c) GRANTS.—

12 (1) AMOUNTS.—The Director shall determine
13 the amount of each grant awarded under the pro-
14 gram established under subsection (a).

15 (2) TERM.—A grant awarded under the pro-
16 gram established under subsection (a) shall be for a
17 term of 12 months.

18 (3) CONSIDERATIONS.—In awarding grants
19 under the program established under subsection (a),
20 the Director may consider whether the proposed fi-
21 nancial literacy program of an applicant would ad-
22 dress the types of abuse that result in a penalty
23 being deposited into the Consumer Financial Civil
24 Penalty Fund established under section 1017(d) of

1 the Dodd-Frank Wall Street Reform and Consumer
2 Protection Act (12 U.S.C. 5497(d)).

3 (4) RENEWAL.—An eligible entity may apply to
4 renew a grant awarded under the program estab-
5 lished under subsection (a) by submitting to the Di-
6 rector a simplified renewal application that shall re-
7 ceive expedited review.

8 (5) BUREAU OF CONSUMER FINANCIAL PROTEC-
9 TION ANNUAL FINANCIAL LITERACY REPORT.—In
10 awarding grants under this section, the Director
11 shall consider information provided by the annual re-
12 port that is required under section 1013(d)(4) of the
13 Dodd-Frank Wall Street Reform and Consumer Pro-
14 tection Act (12 U.S.C. 5493(d)(4)).

15 (d) FINANCIAL LITERACY PROGRAM DESCRIBED.—
16 A financial literacy program described in this subsection
17 is a program that provides the following:

18 (1) Instruction to participants, including indi-
19 viduals who provide instruction with respect to fi-
20 nancial literacy education, on one or more of the fol-
21 lowing:

22 (A) Personal financial wellness.

23 (B) Credit and alternatives to credit.

24 (C) Management of student loan debt.

1 (D) Financial counseling for individuals
2 who seek to attend a college, university, or vo-
3 cational school.

4 (E) Preparation for homeownership.

5 (F) Basic investing.

6 (G) Financial saving, planning, and man-
7 agement.

8 (H) Tax planning.

9 (I) Personal information security.

10 (J) Preparation for retirement.

11 (K) Entrepreneurship assistance or assist-
12 ance in starting a business.

13 (L) Other topics as determined by the Di-
14 rector.

15 (2) An in-person instruction component that—

16 (A) may be provided as a webinar, an in-
17 classroom experience, or one-on-one financial
18 coaching;

19 (B) includes—

20 (i) live, real-time instruction; and

21 (ii) an opportunity for students to en-
22 gage with an instructor; and

23 (C) is not primarily comprised of self-
24 taught instruction.

25 (e) FUNDING.—

1 (1) IN GENERAL.—The Director shall, in ac-
2 cordance with section 1017(d) of the Dodd-Frank
3 Wall Street Reform and Consumer Protection Act
4 (12 U.S.C. 5497(d)), use amounts in the Consumer
5 Financial Civil Penalty Fund to carry out this sub-
6 title.

7 (2) AMOUNTS.—To carry out this subtitle, the
8 Director shall use until expended not less than—

9 (A) in fiscal year 2022, \$50,000,000; and

10 (B) in each allocation period starting after
11 fiscal year 2022, the lessor of—

12 (i) \$25,000,000; or

13 (ii) after allocation to victims has
14 been determined for the prior allocation
15 period, 50 percent of the remaining
16 amounts collected during the prior alloca-
17 tion period.

18 (3) CONFORMING AMENDMENT.—Section
19 1017(d)(2) of the Dodd-Frank Wall Street Reform
20 and Consumer Protection Act (12 U.S.C.
21 5497(d)(2)) is amended—

22 (A) by striking “, the Bureau may use”
23 and inserting “, the Bureau—
24 “(A) may use”;

1 (B) by striking “programs.” and inserting
2 “programs; and”; and

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

4 “(B) shall use such funds for the grant
5 program established by the Consumer Financial
6 Education and Empowerment Act.”.

7 (f) FINANCIAL LITERACY AND EDUCATION COMMIS-
8 SION REPORT.—Not later than 2 years after the Director
9 establishes the program under subsection (a), and every
10 5 years thereafter, the Financial Literacy and Education
11 Commission shall submit to Congress and the Director a
12 report that provides recommendations on how to improve
13 such program.

14 (g) DEFINITIONS.—In this section:

15 (1) ALLOCATION PERIOD.—The term “alloca-
16 tion period” means the biannual allocation period of
17 funds to a class of victims that occurs according to
18 the schedule established pursuant to section
19 1075.105(b) of title 12, Code of Federal Regulations
20 (or any successor regulation).

21 (2) COMMISSION.—The term “Commission”
22 means the Financial Literacy and Education Com-
23 mission, established under title V of the Fair and
24 Accurate Credit Transactions Act of 2003 (20
25 U.S.C. 9701 et seq.).

1 (3) DIRECTOR.—The term “Director” means
2 the Director of the Bureau of Consumer Financial
3 Protection.

4 (4) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

6 (A) a State government, local government,
7 or agency of a State or local government; or

8 (B) a nonprofit organization that—

9 (i) has knowledge of personal financial
10 management;

11 (ii) has experience providing financial
12 education; and

13 (iii) has a history of achieving goals
14 and objectives of financial literacy pro-
15 grams.

16 (5) NONPROFIT ORGANIZATION.—The term
17 “nonprofit organization” means an organization that
18 is described in section 501(c)(3) of the Internal Rev-
19 enue Code of 1986 (26 U.S.C. 501(c)(3)) and is ex-
20 empt from taxation under section 501(a) of such
21 Code.

22 (6) STATE.—The term “State” means each
23 State of the United States, the District of Columbia,
24 each territory or possession of the United States,
25 and each federally recognized Indian Tribe.

1 **Subtitle K—Department of Home-**
2 **land Security Mentor-Protégé**
3 **Program**

4 **SEC. 21101. SHORT TITLE.**

5 This subtitle may be cited as the “Department of
6 Homeland Security Mentor-Protégé Program Act of
7 2020”.

8 **SEC. 21102. DEPARTMENT OF HOMELAND SECURITY MEN-**
9 **TOR-PROTÉGÉ PROGRAM.**

10 (a) IN GENERAL.—Subtitle H of title VIII of the
11 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
12 is amended by adding at the end the following new section:

13 **“SEC. 890B. MENTOR-PROTÉGÉ PROGRAM.**

14 “(a) ESTABLISHMENT.—There is established in the
15 Department a mentor-protégé program (in this section re-
16 ferred to as the ‘Program’) under which a mentor firm
17 enters into an agreement with a protégé firm for the pur-
18 pose of assisting the protégé firm to compete for prime
19 contracts and subcontracts of the Department.

20 “(b) ELIGIBILITY.—The Secretary shall establish cri-
21 teria for mentor firms and protégé firms to be eligible to
22 participate in the Program, including a requirement that
23 a firm is not included on any list maintained by the Fed-
24 eral Government of contractors that have been suspended
25 or debarred.

1 “(c) PROGRAM APPLICATION AND APPROVAL.—

2 “(1) APPLICATION.—The Secretary, acting
3 through the Office of Small and Disadvantaged
4 Business Utilization of the Department, shall estab-
5 lish a process for submission of an application joint-
6 ly by a mentor firm and the protégé firm selected by
7 the mentor firm. The application shall include each
8 of the following:

9 “(A) A description of the assistance to be
10 provided by the mentor firm, including, to the
11 extent available, the number and a brief de-
12 scription of each anticipated subcontract to be
13 awarded to the protégé firm.

14 “(B) A schedule with milestones for
15 achieving the assistance to be provided over the
16 period of participation in the Program.

17 “(C) An estimate of the costs to be in-
18 curred by the mentor firm for providing assist-
19 ance under the Program.

20 “(D) Attestation that Program partici-
21 pants will submit to the Secretary reports at
22 times specified by the Secretary to assist the
23 Secretary in evaluating the protégé firm’s devel-
24 opmental progress.

1 “(E) Attestations that Program partici-
2 pants will inform the Secretary in the event of
3 change in eligibility or voluntary withdrawal
4 from the Program.

5 “(2) APPROVAL.—Not later than 60 days after
6 receipt of an application pursuant to paragraph (1),
7 the head of the Office of Small and Disadvantaged
8 Business Utilization shall notify applicants of ap-
9 proval or, in the case of disapproval, the process for
10 resubmitting an application for reconsideration.

11 “(3) RESCISSION.—The head of the Office of
12 Small and Disadvantaged Business Utilization may
13 rescind the approval of an application under this
14 subsection if it determines that such action is in the
15 best interest of the Department.

16 “(d) PROGRAM DURATION.—A mentor firm and
17 protégé firm approved under subsection (c) shall enter into
18 an agreement to participate in the Program for a period
19 of not less than 36 months.

20 “(e) PROGRAM BENEFITS.—A mentor firm and
21 protégé firm that enter into an agreement under sub-
22 section (d) may receive the following Program benefits:

23 “(1) With respect to an award of a contract
24 that requires a subcontracting plan, a mentor firm

1 may receive evaluation credit for participating in the
2 Program.

3 “(2) With respect to an award of a contract
4 that requires a subcontracting plan, a mentor firm
5 may receive credit for a protégé firm performing as
6 a first tier subcontractor or a subcontractor at any
7 tier in an amount equal to the total dollar value of
8 any subcontracts awarded to such protégé firm.

9 “(3) A protégé firm may receive technical, man-
10 agerial, financial, or any other mutually agreed upon
11 benefit from a mentor firm, including a subcontract
12 award.

13 “(4) Any other benefits identified by the Sec-
14 retary.

15 “(f) REPORTING.—Not later than 1 year after the
16 date of the enactment of this Act, and annually thereafter,
17 the head of the Office of Small and Disadvantaged Busi-
18 ness Utilization shall submit to the Committees on Home-
19 land Security and Small Business of the House of Rep-
20 resentatives a report that—

21 “(1) identifies each agreement between a men-
22 tor firm and a protégé firm entered into under this
23 section, including number of protégé firm partici-
24 pants that are—

25 “(A) small business concerns;

1 “(B) small business concerns owned and
2 controlled by veterans;

3 “(C) small business concerns owned and
4 controlled by service-disabled veterans;

5 “(D) qualified HUBZone small business
6 concerns;

7 “(E) small business concerns owned and
8 controlled by socially and economically dis-
9 advantaged individuals;

10 “(F) women-owned small business con-
11 cerns;

12 “(G) historically Black colleges and univer-
13 sities; and

14 “(H) minority institutions of higher edu-
15 cation;

16 “(2) describes the type of assistance provided
17 by mentor firms to protégé firms;

18 “(3) identifies contracts within the Department
19 in which a mentor firm serving as the prime con-
20 tractor provided subcontracts to a protégé firm
21 under the Program; and

22 “(4) assesses the degree to which there has
23 been—

24 “(A) an increase in the technical capabili-
25 ties of protégé firms; and

1 “(B) an increase in the quantity and esti-
2 mated value of prime contract and subcontract
3 awards to protégé firms for the period covered
4 by the report.

5 “(g) DEFINITIONS.—In this section:

6 “(1) HISTORICALLY BLACK COLLEGE OR UNI-
7 VERSITY.—The term ‘historically Black college or
8 university’ means any of the historically Black col-
9 leges and universities referred to in section 2323 of
10 title 10, United States Code, as in effect on March
11 1, 2018.

12 “(2) MENTOR FIRM.—The term ‘mentor firm’
13 means a for-profit business concern that is not a
14 small business concern that—

15 “(A) has the ability to assist and commits
16 to assisting a protégé to compete for Federal
17 prime contracts and subcontracts; and

18 “(B) satisfies any other requirements im-
19 posed by the Secretary.

20 “(3) MINORITY INSTITUTION OF HIGHER EDU-
21 CATION.—The term ‘minority institution of higher
22 education’ means an institution of higher education
23 with a student body that reflects the composition
24 specified in section 312(b) of the Higher Education
25 Act of 1965 (20 U.S.C. 1058(b)).

1 “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’
2 means a small business concern, a historically Black
3 college or university, or a minority institution of
4 higher education that—

5 “(A) is eligible to enter into a prime con-
6 tract or subcontract with the Department; and

7 “(B) satisfies any other requirements im-
8 posed by the Secretary.

9 “(5) SMALL BUSINESS ACT DEFINITIONS.—The
10 terms ‘small business concern’, ‘small business con-
11 cern owned and controlled by veterans’, ‘small busi-
12 ness concern owned and controlled by service-dis-
13 abled veterans’, ‘qualified HUBZone small business
14 concern’, and ‘small business concern owned and
15 controlled by women’ have the meaning given such
16 terms, respectively, under section 3 of the Small
17 Business Act (15 U.S.C. 632). The term ‘small busi-
18 ness concern owned and controlled by socially and
19 economically disadvantaged individuals’ has the
20 meaning given such term in section 8(d)(3)(C) of
21 the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002 is
24 amended by inserting after the item relating to section
25 890A the following new item:

“Sec. 890B. Mentor-protégé program.”.

1 **Subtitle L—Borderland Takings**
2 **Defense Fund**

3 **SEC. 21201. SHORT TITLE.**

4 This subtitle may be cited as the “Borderland
5 Takings Defense Fund Act”.

6 **SEC. 21202. DEFENSE FUND FOR PRIVATE LANDOWNERS.**

7 (a) IN GENERAL.—Subtitle H of title VIII of the
8 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
9 is amended by adding at the end the following new section:

10 **“SEC. 890B. DEFENSE FUND FOR PRIVATE LANDOWNERS.**

11 “(a) ESTABLISHMENT.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish a fund to assist eligible property owners whose
14 property the Federal Government seeks to condemn
15 or acquire for the purpose of constructing or install-
16 ing additional physical barriers or roads between
17 ports of entry along the land border with Mexico.

18 “(2) ADMINISTRATION.—

19 “(A) APPOINTMENT.—The Officer for Civil
20 Rights and Civil Liberties of the Department
21 shall appoint an individual to serve as the ad-
22 ministrator of the fund established pursuant to
23 paragraph (1).

24 “(B) QUALIFICATIONS.—The individual
25 appointed under subparagraph (A) to serve as

1 the administrator of the fund shall be an indi-
2 vidual who—

3 “(i) has at least three years of rel-
4 evant experience in pro bono legal assist-
5 ance; and

6 “(ii) to the maximum extent prac-
7 ticable, has a demonstrated record of advo-
8 cacy on behalf of litigants in actions
9 brought by or against the Federal Govern-
10 ment.

11 “(b) PROHIBITION.—Notwithstanding section 102 of
12 the Illegal Immigration Reform and Immigrant Responsi-
13 bility Act of 1996 (8 U.S.C. 1103 note), the Secretary
14 may not take such actions, such as the removal of obsta-
15 cles, to construct or install additional physical barriers or
16 roads between ports of entry along the land border with
17 Mexico until—

18 “(1) the fund described in subsection (a) is es-
19 tablished and made available to eligible property de-
20 scribed in such subsection; and

21 “(2) such property owners are provided infor-
22 mation on how to access legal support through such
23 fund.

1 “(c) ELIGIBILITY.—To be eligible for assistance
2 through the fund referred to in subsection (a), a property
3 owner shall—

4 “(1) own property along the land border with
5 Mexico that—

6 “(A) is subject to the condemnation or ac-
7 quisition referred to in such subsection; or

8 “(B) is determined by the Administrator to
9 be at risk of such action; and

10 “(2)(A) be the head of a low-income household;
11 or

12 “(B) if such property owner is not the head of
13 a low-income household, be determined by the ad-
14 ministrator of the fund to be in need of such assist-
15 ance but lacking adequate resources to secure rep-
16 resentation against the Federal Government.

17 “(d) OUTREACH.—The Secretary, acting through the
18 administrator of the fund, shall—

19 “(1) implement a targeted outreach strategy to
20 identify and communicate with eligible property own-
21 ers whose property the Federal Government seeks to
22 condemn or acquire for the purpose of constructing
23 or installing additional physical barriers or roads be-
24 tween ports of entry along the land border with
25 Mexico; and

1 “(2) submit to the Committee on Homeland Se-
2 curity of the House of Representatives and the Com-
3 mittee on Homeland Security and Governmental Af-
4 fairs of the Senate a copy of such targeted outreach
5 strategy.

6 “(e) DEFINITIONS.—In this section:

7 “(1) LOW-INCOME HOUSEHOLD.—The term
8 ‘low-income household’ means a household—

9 “(A) in which one or more individuals are
10 receiving—

11 “(i) assistance under a State program
12 funded under part A of title IV of the So-
13 cial Security Act (42 U.S.C. 601 et seq.);

14 “(ii) supplemental security income
15 payments under title XVI of the Social Se-
16 curity Act (42 U.S.C. 1381 et seq.);

17 “(iii) supplemental nutrition assist-
18 ance program benefits under the Food and
19 Nutrition Act of 2008 (7 U.S.C. 2011 et
20 seq.); or

21 “(iv) payments under—

22 “(I) section 1315, 1521, 1541, or
23 1542 of title 38, United States Code;
24 or

1 “(II) section 306 of the Veterans’
2 and Survivors’ Pension Improvement
3 Act of 1978 (38 U.S.C. 1521 note;
4 Public Law 95–588); or

5 “(B) that has an income that, as deter-
6 mined by the State in which such household is
7 located, does not exceed the greater of—

8 “(i) an amount equal to 150 percent
9 of the poverty level for such State; and

10 “(ii) an amount equal to 60 percent of
11 the median income for such State.

12 “(2) PROPERTY.—The term ‘property’ means
13 land, including an estate or interest in land, includ-
14 ing an easement or right of way in land.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
16 tion to any amounts otherwise authorized to be appro-
17 priated for such purpose, there is authorized to be appro-
18 priated \$20,000,000 for each of fiscal years 2022 through
19 2028 to carry out this section.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of the Homeland Security Act of 2002 is
22 amended by inserting after the item relating to section
23 890A the following new item:

“Sec. 890B. Defense fund for private landowners.”.

1 **Subtitle M—Examining Edu-**
2 **cational Redlining and Lending**
3 **Act**

4 **SEC. 21301. SHORT TITLE.**

5 This subtitle may be cited as the “Examining Edu-
6 cational Redlining in Lending Act”.

7 **SEC. 21302. ASSESSMENT OF CERTAIN EDUCATIONAL DATA.**

8 (a) ASSESSMENT.—Not later than 180 days after the
9 date of the enactment of this Act and annually thereafter,
10 the Bureau of Consumer Financial Protection (referred to
11 in this section as the “Bureau”) shall, in coordination with
12 relevant executive agencies and national civil rights stake-
13 holders, assess—

14 (1) the use of certain educational data by cov-
15 ered persons in determining the creditworthiness of
16 an applicant;

17 (2) the use of an underwriting process that in-
18 volves gathering data points and creating applicant
19 profiles, including automated or algorithmic proc-
20 esses, and the risks of such use, by covered persons
21 to determine the creditworthiness of an applicant;
22 and

23 (3) what policies and guidelines are in place to
24 ensure decisions do not result in a disparate impact
25 on a protected class.

1 (b) REPORT TO CONGRESS.—Not later than 60 days
2 after the completion of each assessment required under
3 subsection (a) and annually thereafter, the Bureau shall
4 submit to the Committee on Financial Services of the
5 House of Representatives and the Committee on Banking,
6 Housing, and Urban Affairs of the Senate the findings
7 of such assessment and any recommendations based on
8 such findings.

9 (c) PUBLICATION.—Not later than 30 days after the
10 completion of the assessment required under subsection
11 (a), the Bureau shall make available on a publicly acces-
12 sible website—

13 (1) the findings of the assessment under sub-
14 section (a);

15 (2) a list of all covered persons that use certain
16 educational data; and

17 (3) a list of all covered persons that use an un-
18 derwriting process that involves gathering data
19 points and creating applicant profiles, including
20 automated or algorithmic processes, to determine the
21 creditworthiness of an applicant.

22 (d) DEFINITIONS.—In this section:

23 (1) APPLICANT’S BACKGROUND.—The term
24 “applicant’s background” includes data related to or
25 derived from the following:

1 (A) Attendance at an academic institution.

2 (B) Academic majors pursued at an aca-
3 demic institution.

4 (C) Grades or test scores from or used for
5 admission into an academic institution.

6 (D) Educational attainment.

7 (2) CERTAIN EDUCATIONAL DATA.—The term
8 “certain educational data” means data, including
9 non-individualized data, that indicates or is created,
10 derived, or inferred from an applicant’s background
11 including whether an applicant has attended any of
12 the following:

13 (A) An eligible institution.

14 (B) A junior or community college.

15 (3) COVERED PERSON.—The term “covered
16 person” has the meaning given such term in section
17 1002 of the Consumer Financial Protection Act of
18 2010 (12 U.S.C. 5481).

19 (4) ELIGIBLE INSTITUTION.—The term “eligi-
20 ble institution” has the meaning given that term in
21 section 371(a) of the Higher Education Act of 1965
22 (20 U.S.C. 1067q(a)).

23 (5) JUNIOR OR COMMUNITY COLLEGE.—The
24 term “junior or community college” has the meaning

given that term in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

TITLE III—POVERTY ALLEVIATION Subtitle A—10-20-30

SEC. 30101. SHORT TITLE.

This subtitle may be cited as the “10-20-30 Act of 2020”.

SEC. 30102. ALLOCATION OF FUNDS FOR ASSISTANCE IN PERSISTENT POVERTY COUNTIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the funds made available (if any) in each of fiscal years 2015 through 2030 in any appropriations Act for each of the following accounts or activities, 10 percent of such funds shall be allocated for assistance in persistent poverty counties:

(1) “Department of Agriculture, Rural Development Programs”.

(2) “Department of Commerce, Economic Development Administration, Economic Development Assistance Programs”.

(3) “Department of Commerce, National Institute of Standards and Technology, Construction”.

(4) “Department of Education, Fund for the Improvement of Education”.

1 (5) “Department of Education, Fund for the
2 Improvement of Postsecondary Education”.

3 (6) “Department of Labor, Employment and
4 Training Administration, Training and Employment
5 Services”.

6 (7) “Department of Health and Human Serv-
7 ices, Health Resources and Services Administra-
8 tion”.

9 (8) “Department of Housing and Urban Devel-
10 opment, Economic Development Initiative”.

11 (9) “Department of Justice, Office of Justice
12 Programs”.

13 (10) “Environmental Protection Agency, State
14 and Tribal Assistance Grants, Water and Waste-
15 water”.

16 (11) “Department of Transportation, Federal
17 Highway Administration, Transportation Commu-
18 nity and System Preservation”.

19 (12) “Department of the Treasury, Community
20 Development Financial Institutions”.

21 (b) DETERMINATION OF PERSISTENT POVERTY
22 COUNTIES.—For purposes of this section, the term “per-
23 sistent poverty counties” means any county with a poverty
24 rate of at least 20 percent, as determined in each of the
25 1990, 2000, and 2010 decennial censuses and the Bureau

1 of the Census’s Small Area Income and Poverty Estimates
2 (“SAIPE”) for the most recent year for which SAIPE
3 data is available.

4 (c) REPORTS.—Not later than six months after the
5 date of the enactment of this Act, each department or
6 agency listed in subsection (a) shall submit to Congress
7 a progress report on the implementation of this section.

8 **Subtitle B—EITC Modernization**

9 **SEC. 30201. SHORT TITLE.**

10 This subtitle may be cited as the “EITC Moderniza-
11 tion Act of 2020”.

12 **SEC. 30202. FINDINGS.**

13 Congress finds the following:

14 (1) The Federal earned income tax credit is a
15 refundable tax credit for lower- and middle-income
16 working individuals and families whose earnings are
17 below an income threshold.

18 (2) Since its establishment in 1975, the credit
19 has increased family income, reduced child poverty,
20 and promoted employment by supplementing the
21 earnings of low-wage workers, including military
22 families.

23 (3) The credit has a positive impact on the edu-
24 cation and health of children living in poverty.

1 (4) The credit has a positive economic impact
 2 on local economies and businesses because it puts
 3 more money in the hands of low- and middle-income
 4 working people who spend the money on immediate
 5 needs, such as groceries, school supplies, car repairs,
 6 rent, and health care.

7 (5) The widening gap between the incomes of
 8 the wealthiest Americans and those of middle- and
 9 lower-income Americans is alarming.

10 (6) There is an urgent need to address that
 11 gap, including through measures like this legislation
 12 and by raising the Federal minimum wage which to-
 13 gether increase the wages of working Americans,
 14 widen the path to income stability, and narrow in-
 15 come inequality.

16 **SEC. 30203. MODIFICATIONS OF THE EARNED INCOME TAX**
 17 **CREDIT.**

18 (a) INCLUSION OF INDIVIDUALS WITH QUALIFYING
 19 DEPENDENTS.—

20 (1) IN GENERAL.—Section 32(c)(1) of the In-
 21 ternal Revenue Code of 1986 is amended—

22 (A) in subparagraph (A), by striking
 23 “qualifying child” each place such term appears
 24 and inserting “qualifying dependent”, and

1 (B) by striking subparagraphs (B) and (F)
 2 and by redesignating subparagraphs (C), (D),
 3 and (E) as subparagraphs (B), (C), and (D),
 4 respectively.

5 (2) QUALIFYING DEPENDENT DEFINED.—Sec-
 6 tion 32(c) of such Code is amended by redesignating
 7 paragraphs (3) and (4) as paragraphs (5) and (6),
 8 and by inserting after paragraph (2) the following
 9 new paragraphs:

10 “(3) QUALIFYING DEPENDENT.—

11 “(A) IN GENERAL.—The term ‘qualifying
 12 dependent’ means, with respect to a taxable
 13 year—

14 “(i) a qualifying child,

15 “(ii) an aged dependent, or

16 “(iii) a qualifying individual described
 17 in subparagraph (B) or (C) of section
 18 21(b)(1).

19 “(B) IDENTIFICATION REQUIREMENTS.—

20 No credit shall be allowed under this section
 21 with respect to a qualifying dependent unless
 22 the taxpayer includes the name, age, and TIN
 23 of the individual on the return of tax for the
 24 taxable year.

1 “(C) PLACE OF ABODE.—The term ‘quali-
2 fying dependent’ shall not include an individual
3 unless such individual has a principal place of
4 abode in the United States for more than one-
5 half of such taxable year.

6 “(4) AGED DEPENDENT.—The term ‘aged de-
7 pendent’ means a dependent for whom a deduction
8 is allowable under section 151 who has attained the
9 age of 65 before the close of the taxable year.”.

10 (3) CONFORMING AMENDMENTS.—

11 (A) The tables in paragraphs (1) and (2)
12 of section 32(b) of such Code are each amend-
13 ed—

14 (i) by striking “qualifying child” each
15 place it appears and inserting “qualifying
16 dependent”, and

17 (ii) by striking “qualifying children”
18 each place it appears and inserting “quali-
19 fying dependents”.

20 (B) Section 32(c)(5) of such Code, as re-
21 designated by this Act, is amended by striking
22 subparagraphs (C) and (D).

23 (C) Section 32(m) of such Code is amend-
24 ed by striking “(c)(3)(D)” and inserting
25 “(c)(3)(B)”.

1 (b) INCLUSION OF QUALIFYING STUDENTS.—

2 (1) IN GENERAL.—Section 32(c)(1)(A) of such
3 Code is amended by striking “or” at the end of
4 clause (i), by striking the period at the end of clause
5 (ii)(III) and inserting “, or”, and by inserting after
6 clause (ii)(III) the following new clause:

7 “(iii) any individual who is a quali-
8 fying student.”.

9 (2) QUALIFYING STUDENT DEFINED.—Section
10 32(c)(1) of such Code, as amended by subsection
11 (a), is further amended by adding at the end the fol-
12 lowing new subparagraph:

13 “(E) QUALIFYING STUDENT.—The term
14 ‘qualifying student’ means, with respect to a
15 taxable year, an individual who is an eligible
16 student (as defined in section 25A(b)(3)) with
17 respect to an institution of higher education (as
18 defined in section 101 of the Higher Education
19 Act of 1965) who—

20 “(i) is not a dependent for whom a
21 deduction is allowable under section 151 to
22 another taxpayer for any taxable year be-
23 ginning in the same calendar year as such
24 taxable year, and

25 “(ii) either—

1 “(I) is qualified for a Federal
2 Pell Grant with respect to the aca-
3 demic year beginning in such taxable
4 year, or

5 “(II) has modified adjusted gross
6 income of less than 250 percent of the
7 poverty line for the size of the family
8 involved for the taxable year.

9 “(F) DEFINITIONS.—For purposes of this
10 subparagraph:

11 “(i) MODIFIED ADJUSTED GROSS IN-
12 COME.—The term ‘modified adjusted gross
13 income’ means the adjusted gross income
14 of the taxpayer for the taxable year in-
15 creased by any amount excluded from
16 gross income under section 911, 931, or
17 933.

18 “(ii) POVERTY LINE.—

19 “(I) IN GENERAL.—The term
20 ‘poverty line’ has the meaning given
21 such term in section 673(2) of the
22 Community Services Block Grant Act
23 (42 U.S.C. 9902(2)), including any
24 revision required by such section.

1 “(II) FAMILY SIZE.—For pur-
 2 poses of determining the poverty line
 3 applicable to the taxpayer, the family
 4 size with respect to any taxpayer shall
 5 be equal to the number of individuals
 6 for whom the taxpayer is allowed a
 7 deduction under section 151 (relating
 8 to allowance of deduction for personal
 9 exemptions) for the taxable year.”.

10 (3) CONFORMING AMENDMENT.—Section
 11 32(c)(1)(A)(ii) of such Code is amended by inserting
 12 “(other than a qualifying student)” after “any other
 13 individual”.

14 (c) MINIMUM CREDIT FOR STUDENTS AND FOR INDIVIDUALS WITH CERTAIN QUALIFYING DEPENDENTS.—
 15 Section 32(a) of such Code is amended by adding at the
 16 end the following new paragraph:
 17

18 “(3) MINIMUM CREDIT FOR STUDENTS AND
 19 FOR INDIVIDUALS WITH CERTAIN QUALIFYING DE-
 20 PENDENTS.—

21 “(A) IN GENERAL.—In the case of a quali-
 22 fying student, or an eligible individual who has
 23 a specified dependent for the taxable year, the
 24 amount determined under paragraph (1) (be-
 25 fore the application of paragraph (2)) and the

1 amount determined under paragraph (2)(A)
 2 shall not be less than \$1,200.

3 “(B) SPECIFIED DEPENDENT.—For pur-
 4 poses of this paragraph, the term ‘specified de-
 5 pendent’ means any qualifying dependent (other
 6 than a qualifying child who has attained the
 7 age of 7 before the close of the taxable year).”.

8 (d) MONTHLY PAYMENT.—Section 32 of such Code,
 9 as amended by this subtitle, is further amended by adding
 10 at the end the following new subsection:

11 “(n) MONTHLY PAYMENT.—

12 “(1) IN GENERAL.—In the case of an individual
 13 who is entitled to a refund relating to an overpay-
 14 ment of tax imposed by this subtitle that exceeds
 15 \$240 (but only to the extent such refund does not
 16 exceed the credit allowed under this section) such in-
 17 dividual may elect to have the Secretary, in lieu of
 18 such refund, make a payment equal to—

19 “(A) $\frac{2}{13}$ of such refund (with interest)
 20 during the earlier of the first practicable month
 21 or the second month that begins after the date
 22 the return was filed, and

23 “(B) $\frac{1}{13}$ of such refund (with interest)
 24 during each of the 11 months subsequent to the
 25 month determined under subparagraph (A).

1 “(2) METHOD OF PAYMENT.—A payment made
2 under this subsection shall be made by direct deposit
3 or by general-use prepaid card, or by such other
4 method (other than by check) as the Secretary may
5 prescribe and the taxpayer may elect.

6 “(3) ONE-TIME INCREASE.—The first time an
7 individual receives a payment under this subsection,
8 paragraph (1)(A) shall be applied by substituting
9 ‘ $\frac{4}{13}$ ’ for ‘ $\frac{2}{13}$ ’.”.

10 (e) SPECIAL RULE FOR NEW LOW-INCOME PAR-
11 ENTS.—Section 32 of such Code, as amended by this sub-
12 title, is further amended by adding at the end the fol-
13 lowing new subsection:

14 “(o) SPECIAL RULE FOR NEW LOW-INCOME PAR-
15 ENTS.—

16 “(1) IN GENERAL.—In the case of an individual
17 who—

18 “(A) is eligible for payments under sub-
19 section (o)(1) with respect to a refund for a
20 taxable year, and

21 “(B) has a qualifying child who is born or
22 adopted during the following taxable year and
23 not later than the penultimate month for which
24 the taxpayer is eligible for such payments,

1 the amount of any such payments made after such
2 birth or adoption shall be adjusted to the amount
3 such payments would be if such qualifying child were
4 a qualifying child of the taxpayer under this section
5 for the taxable year to which such payments relate.

6 “(2) QUALIFYING CHILD DETERMINATION.—
7 For purposes of determining if a child is a quali-
8 fying child for purposes of this subsection, sub-
9 section (m) shall be applied by inserting ‘or, in the
10 case of an adoption, such other identifying informa-
11 tion as specified by the Secretary’ before the period
12 at the end.”.

13 (f) AGE OF ELIGIBLE INDIVIDUALS WITHOUT DE-
14 PENDENTS.—Section 32(c)(1)(A)(ii)(II) of such Code is
15 amended by striking “age 25 but not attained age 65”
16 and inserting “age 18”.

17 (g) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 the date of the enactment of this Act.

20 **SEC. 30204. RETURN PREPARATION PROGRAMS FOR LOW-**
21 **INCOME TAXPAYERS.**

22 (a) IN GENERAL.—Chapter 77 of such Code is
23 amended by inserting after section 7526 the following new
24 section:

1 **“SEC. 7526A. RETURN PREPARATION PROGRAMS FOR LOW-**
2 **INCOME TAXPAYERS.**

3 “(a) ESTABLISHMENT OF VOLUNTEER INCOME TAX
4 ASSISTANCE MATCHING GRANT PROGRAM.—The Sec-
5 retary, through the Internal Revenue Service, shall estab-
6 lish a Community Volunteer Income Tax Assistance
7 Matching Grant Program under which the Secretary may,
8 subject to the availability of appropriated funds, make
9 grants to provide matching funds for the development, ex-
10 pansion, or continuation of qualified return preparation
11 programs assisting low-income taxpayers and members of
12 underserved populations.

13 “(b) USE OF FUNDS.—

14 “(1) IN GENERAL.—Qualified return prepara-
15 tion programs may use grants received under this
16 section for—

17 “(A) ordinary and necessary costs associ-
18 ated with program operation in accordance with
19 cost principles under the applicable Office of
20 Management and Budget circular, including—

21 “(i) wages or salaries of persons co-
22 ordinating the activities of the program,

23 “(ii) developing training materials,
24 conducting training, and performing qual-
25 ity reviews of the returns prepared under
26 the program,

1 “(iii) equipment purchases, and
2 “(iv) vehicle-related expenses associ-
3 ated with remote or rural tax preparation
4 services,
5 “(B) outreach and educational activities
6 described in subsection (c)(2)(B), and
7 “(C) services related to financial education
8 and capability, asset development, and the es-
9 tablishment of savings accounts in connection
10 with tax return preparation.

11 “(2) USE OF GRANTS FOR OVERHEAD EX-
12 PENSES PROHIBITED.—No grant received under this
13 section may be used for overhead expenses that are
14 not directly related to a qualified return preparation
15 program.

16 “(c) APPLICATION.—

17 “(1) IN GENERAL.—Each applicant for a grant
18 under this section shall submit an application to the
19 Secretary at such time, in such manner, and con-
20 taining such information as the Secretary may rea-
21 sonably require.

22 “(2) PRIORITY.—In awarding grants under this
23 section, the Secretary shall give priority to applica-
24 tions which demonstrate—

1 “(A) assistance to low-income taxpayers,
2 with emphasis on outreach to, and services for,
3 such taxpayers,

4 “(B) taxpayer outreach and educational
5 activities relating to eligibility and availability
6 of income supports available through the Inter-
7 nal Revenue Code of 1986, including the earned
8 income tax credit, and

9 “(C) specific outreach and focus on one or
10 more underserved populations.

11 “(3) AMOUNTS TAKEN INTO ACCOUNT.—In de-
12 termining matching grants under this section, the
13 Secretary shall only take into account amounts pro-
14 vided by the qualified return preparation program
15 for expenses described in subsection (b).

16 “(d) ACCURACY REVIEWS.—

17 “(1) IN GENERAL.—The Secretary shall estab-
18 lish procedures for, and shall conduct, periodic site
19 visits of qualified return preparation programs oper-
20 ating under a grant under this section—

21 “(A) to ensure such programs are carrying
22 out the purposes of this section, and

23 “(B) to determine the return preparation
24 accuracy rate of the program.

1 “(2) ADDITIONAL REQUIREMENTS FOR GRANT
2 RECIPIENTS NOT MEETING MINIMUM STANDARDS.—

3 In the case of any qualified return preparation pro-
4 gram which—

5 “(A) is awarded a grant under this section,
6 and

7 “(B) is subsequently determined—

8 “(i) to have a less than 90 percent av-
9 erage accuracy rate for preparation of tax
10 returns, or

11 “(ii) not to be otherwise carrying out
12 the purposes of this section,

13 such program shall not be eligible for any addi-
14 tional grants under this section unless such pro-
15 gram provides sufficient documentation of cor-
16 rective measures established to address any
17 such deficiencies determined.

18 “(e) DEFINITIONS.—For purposes of this section—

19 “(1) QUALIFIED RETURN PREPARATION PRO-
20 GRAM.—The term ‘qualified return preparation pro-
21 gram’ means any program—

22 “(A) which provides assistance to individ-
23 uals, not less than 90 percent of whom are low-
24 income taxpayers, in preparing and filing Fed-
25 eral income tax returns,

1 “(B) which is administered by a qualified
2 entity,

3 “(C) in which all volunteers who assist in
4 the preparation of Federal income tax returns
5 meet the training requirements prescribed by
6 the Secretary, and

7 “(D) which uses a quality review process
8 which reviews 100 percent of all returns.

9 “(2) QUALIFIED ENTITY.—

10 “(A) IN GENERAL.—The term ‘qualified
11 entity’ means any entity which—

12 “(i) is an eligible organization,

13 “(ii) is in compliance with Federal tax
14 filing and payment requirements,

15 “(iii) is not debarred or suspended
16 from Federal contracts, grants, or coopera-
17 tive agreements, and

18 “(iv) agrees to provide documentation
19 to substantiate any matching funds pro-
20 vided pursuant to the grant program under
21 this section.

22 “(B) ELIGIBLE ORGANIZATION.—The term
23 ‘eligible organization’ means—

24 “(i) an institution of higher education
25 which is described in section 102 (other

1 than subsection (a)(1)(C) thereof) of the
2 Higher Education Act of 1965 (20 U.S.C.
3 1002), as in effect on the date of the en-
4 actment of this section, and which has not
5 been disqualified from participating in a
6 program under title IV of such Act,

7 “(ii) an organization described in sec-
8 tion 501(c) and exempt from tax under
9 section 501(a),

10 “(iii) a local government agency, in-
11 cluding—

12 “(I) a county or municipal gov-
13 ernment agency, and

14 “(II) an Indian tribe, as defined
15 in section 4(13) of the Native Amer-
16 ican Housing Assistance and Self-De-
17 termination Act of 1996 (25 U.S.C.
18 4103(13)), including any tribally des-
19 ignated housing entity (as defined in
20 section 4(22) of such Act (25 U.S.C.
21 4103(22))), tribal subsidiary, subdivi-
22 sion, or other wholly owned tribal en-
23 tity,

24 “(iv) a local, State, regional, or na-
25 tional coalition (with one lead organization

1 which meets the eligibility requirements of
2 clause (i), (ii), or (iii) acting as the appli-
3 cant organization), or

4 “(v) in the case of a targeted popu-
5 lation or community with respect to which
6 no organizations described in the preceding
7 clauses are available—

8 “(I) a State government agency,

9 or

10 “(II) an office providing Cooper-
11 ative Extension services (as estab-
12 lished at the land-grant colleges and
13 universities under the Smith-Lever
14 Act of May 8, 1914).

15 “(3) LOW-INCOME TAXPAYERS.—The term ‘low-
16 income taxpayer’ means a taxpayer whose income
17 for the taxable year does not exceed an amount
18 equal to the completed phaseout amount under sec-
19 tion 32(b) for a married couple filing a joint return
20 with 3 or more qualifying children, as determined in
21 a revenue procedure or other published guidance.

22 “(4) UNDERSERVED POPULATION.—The term
23 ‘underserved population’ includes populations of per-
24 sons with disabilities, persons with limited English
25 proficiency, Native Americans, individuals living in

1 rural areas, members of the Armed Forces and their
2 spouses, and the elderly.

3 “(f) SPECIAL RULES AND LIMITATIONS.—

4 “(1) DURATION OF GRANTS.—Upon application
5 of a qualified return preparation program, the Sec-
6 retary is authorized to award a multi-year grant not
7 to exceed 3 years.

8 “(2) AGGREGATE LIMITATION.—Unless other-
9 wise provided by specific appropriation, the Sec-
10 retary shall not allocate more than \$30,000,000 per
11 fiscal year (exclusive of costs of administering the
12 program) to grants under this section.

13 “(g) PROMOTION AND REFERRAL.—

14 “(1) PROMOTION.—The Secretary shall pro-
15 mote tax preparation through qualified return prepa-
16 ration programs through the use of mass commu-
17 nications, referrals, and other means.

18 “(2) INTERNAL REVENUE SERVICE REFER-
19 RALS.—The Secretary may refer taxpayers to quali-
20 fied return preparation programs receiving grants
21 under this section.

22 “(3) VITA GRANTEE REFERRAL.—Qualified re-
23 turn preparation programs receiving a grant under
24 this section are encouraged to refer, as appropriate,

1 to local or regional Low-Income Taxpayer Clinics in-
 2 dividuals who are eligible for such clinics.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 for chapter 77 is amended by inserting after the item re-
 5 lating to section 7526 the following new item:

“7526A. Return preparation programs for low-income taxpayers.”.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply with respect to taxable years begin-
 8 ning after the date of enactment of this Act.

9 **Subtitle C—End Diaper Need**

10 **SEC. 30301. SHORT TITLE.**

11 This subtitle may be cited as the “End Diaper Need
 12 Act of 2020”.

13 **SEC. 30302. DIAPER DISTRIBUTION DEMONSTRATION** 14 **PROJECT.**

15 Part P of title III of the Public Health Service Act
 16 (42 U.S.C. 280g et seq.) is amended by adding at the end
 17 the following:

18 **“SEC. 399V-7. DIAPER DISTRIBUTION DEMONSTRATION** 19 **PROGRAM.**

20 “(a) ESTABLISHMENT.—The Secretary shall make
 21 grants to assist eligible entities to conduct demonstration
 22 projects that implement and evaluate strategies to help
 23 low-income families to address the diaper needs of infants
 24 and toddlers.

1 “(b) DESIGN OF PROGRAM.—In carrying out the
2 grant program under subsection (a), the Secretary shall—

3 “(1) consult with relevant stakeholders, includ-
4 ing agencies, professional associations, and nonprofit
5 organizations, on the design of the program; and

6 “(2) design the program in such a way that the
7 program—

8 “(A) decreases diaper need in low-income
9 families and meets the unmet diaper needs of
10 infants and toddlers in such families through—

11 “(i) the distribution of free diapers
12 and diapering supplies;

13 “(ii) community outreach to assist in
14 participation in existing diaper distribution
15 programs; or

16 “(iii) improving access to diapers and
17 diapering supplies as part of a comprehen-
18 sive service; and

19 “(B) increases the abilities of communities
20 and low-income families in those communities
21 to provide for the diaper needs of infants and
22 toddlers in those communities.

23 “(c) ELIGIBLE ENTITIES.—To be eligible for a grant
24 under this section, an entity shall—

1 “(1) be a State or local governmental entity, an
2 Indian Tribe or tribal organization (as defined in
3 section 4 of the Indian Self-Determination and Edu-
4 cation Assistance Act), or a nonprofit organization
5 described in section 501(c)(3) of the Internal Rev-
6 enue Code of 1986 and exempt from taxation under
7 section 501(a) of such Code;

8 “(2) have experience in the area of—

9 “(A) community distributions of basic need
10 services, including experience collecting,
11 warehousing, and distributing basic necessities
12 such as diapers, food, or menstrual products;

13 “(B) child care;

14 “(C) child development activities in low-in-
15 come communities; or

16 “(D) motherhood, fatherhood, or parent-
17 education efforts serving low-income parents of
18 young children;

19 “(3) demonstrate competency to implement a
20 project, provide fiscal accountability, collect data,
21 and prepare reports and other necessary documenta-
22 tion;

23 “(4) demonstrate a willingness to share infor-
24 mation with researchers, practitioners, and other in-
25 terested parties; and

1 “(5) submit to the Secretary a description of
2 the design of the evaluation to be carried out under
3 subsection (d)(2) and receive the Secretary’s ap-
4 proval of such design based on a determination that
5 such design is rigorous and is likely to yield informa-
6 tion that is credible and will be useful to other
7 States.

8 “(d) USE OF FUNDS.—Amounts provided through a
9 grant under this section shall be used to conduct a dem-
10 onstration project to implement and evaluate strategies to
11 help low-income families to address the diaper needs of
12 infants and toddlers, which use may include any of the
13 following:

14 “(1) To pay for the purchase of diapers and
15 diapering supplies and fund diaper distribution dem-
16 onstration projects that serve low-income families
17 with one or more children 3 years of age or younger.

18 “(2) Using not more than 25 percent of the
19 funds received by the grantee under this section, to
20 evaluate the effect of activities under paragraph (1)
21 on mitigating the health and developmental risks of
22 unmet diaper need among infants, toddlers, and
23 other family members in low-income families, includ-
24 ing the risks of diaper dermatitis, urinary tract in-

1 fections, and parental and child depression and anx-
2 iety.

3 “(3) To integrate activities under paragraph (1)
4 with other basic needs assistance programs serving
5 eligible children and their families, including the fol-
6 lowing:

7 “(A) Programs funded by the Temporary
8 Assistance for Needy Families program, includ-
9 ing its State maintenance of effort provisions.

10 “(B) Programs designed to support the
11 health of eligible children, such as the Chil-
12 dren’s Health Insurance Program under title
13 XXI of the Social Security Act, the Medicaid
14 program under title XIX of such Act, or State-
15 funded health care programs.

16 “(C) Programs funded through the Special
17 Supplemental Nutrition Program for Women,
18 Infants, and Children.

19 “(D) Programs that offer early home vis-
20 iting services, including the Nurse-Family Part-
21 nership and the Maternal, Infant, and Early
22 Childhood Home Visiting (MIECHV) Program
23 (including the Tribal Home Visiting Program).

24 “(E) Programs to provide improved and
25 affordable access to child care, including pro-

1 grams funded through the Child Care and De-
2 velopment Fund, the Temporary Assistance for
3 Needy Families program, or a State-funded
4 program.

5 “(e) NO EFFECT ON OTHER PROGRAMS.—Any as-
6 sistance or benefits received by a family as a result of a
7 project established pursuant to this section shall be dis-
8 regarded for purposes of determining the family’s eligi-
9 bility for, or amount of, benefits under any other Federal
10 needs-based programs.

11 “(f) REPORTS.—As a condition of receiving a grant
12 under this section for a fiscal year, the grantee shall sub-
13 mit to the Secretary, not later than 6 months after the
14 end of the fiscal year, a report that specifies, by month
15 and fiscal year, the following:

16 “(1) The number of infants and toddlers and
17 the age of the infant and toddlers who received as-
18 sistance from the grantee’s diaper distribution
19 project.

20 “(2) The number of families that have received
21 assistance from the grantee’s diaper distribution
22 project.

23 “(3) The number of diapers, and the number of
24 each type of diapering supply, distributed under the
25 grantee’s diaper distribution project.

1 “(4) The ZIP Code or ZIP Codes where the
2 grantee distributed diapers and diaper supplies.

3 “(5) The method or methods the grantee uses
4 to distribute diapers and diapering supplies.

5 “(6) Such other information as the Secretary
6 may specify.

7 “(g) EVALUATION.—The Secretary, in consultation
8 with each grantee under this section, shall—

9 “(1) not later than 2 years after the date of en-
10 actment of the End Diaper Need Act of 2020—

11 “(A) complete an evaluation of the effec-
12 tiveness of the program carried out pursuant to
13 this section;

14 “(B) submit to the relevant congressional
15 committees a report on the results of such eval-
16 uation; and

17 “(C) publish the results of the evaluation
18 on the internet website of the Department of
19 Health and Human Services; and

20 “(2)(A) not later than 3 years after the date of
21 enactment of the End Diaper Need Act of 2020, up-
22 date the evaluation required by paragraph (1)(A);
23 and

24 “(B) not later than 90 days after completion of
25 the updated evaluation under subparagraph (A)—

1 “(i) submit to the relevant congressional
2 committees a report describing the results of
3 such updated evaluation; and

4 “(ii) publish the results of such evaluation
5 on the internet website of the Department of
6 Health and Human Services.

7 “(h) DEFINITIONS.—In this section:

8 “(1) DIAPER.—The term ‘diaper’ means an ab-
9 sorbent garment that—

10 “(A) is washable or disposable that may be
11 worn by an infant or toddler who is not toilet-
12 trained; and

13 “(B) if disposable—

14 “(i) does not use any latex or common
15 allergens; and

16 “(ii) meets or exceeds the quality
17 standards for diapers commercially avail-
18 able through retail sale in the following
19 categories:

20 “(I) Absorbency (with acceptable
21 rates for first and second wetting).

22 “(II) Waterproof outer cover.

23 “(III) Flexible leg openings.

24 “(IV) Refastening closures.

1 “(2) DIAPERING SUPPLIES.—The term ‘dia-
2 pering supplies’ means items, including diaper wipes
3 and diaper cream, necessary to ensure that a child
4 using a diaper is properly cleaned and protected
5 from diaper rash.

6 “(3) ELIGIBLE CHILD.—The term ‘eligible
7 child’ means a child who—

8 “(A) has not attained 4 years of age; and

9 “(B) is a member of a family whose self-
10 certified income is not more than 200 percent
11 of the Federal poverty line.

12 “(4) FEDERAL POVERTY LINE.—The term
13 ‘Federal poverty line’ means the Federal poverty line
14 as defined by the Office of Management and Budget
15 and revised annually in accordance with section
16 673(2) of the Omnibus Budget Reconciliation Act of
17 1981 applicable to a family of the size involved.

18 “(5) LOW-INCOME.—The term ‘low-income’,
19 with respect to a family, means a family whose self-
20 certified income is not more than 200 percent of the
21 Federal poverty line.

22 “(i) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—To carry out this section,
24 there is authorized to be appropriated \$100,000,000
25 for each of fiscal years 2022 through 2025.

1 “(2) AVAILABILITY OF FUNDS.—Funds pro-
2 vided to a grantee under this section for a fiscal
3 year may be expended by the grantee only in such
4 fiscal year or the succeeding fiscal year.”.

5 **SEC. 30303. IMPROVING ACCESS TO DIAPERS FOR MEDI-**
6 **CALLY COMPLEX CHILDREN.**

7 Section 1915(c) of the Social Security Act (42 U.S.C.
8 1396n(c)) is amended by adding at the end the following
9 new paragraph:

10 “(11)(A) In the case of any waiver under this sub-
11 section that provides medical assistance to a medically
12 complex child who has been diagnosed with bowel or blad-
13 der incontinence, a bowel or bladder condition that causes
14 excess urine or stool (such as short gut syndrome or diabe-
15 tes insipidus), or a severe skin condition that causes skin
16 erosions (such as epidermolysis bullosa), such medical as-
17 sistance shall include, for the duration of the waiver, the
18 provision of 200 medically necessary diapers per month
19 and diapering supplies. Such medical assistance may in-
20 clude the provision of medically necessary diapers in
21 amounts greater than 200 if a licensed health care pro-
22 vider (such as a physician, nurse practitioner, or physician
23 assistant) specifies that such greater amounts are nec-
24 essary for such medically complex child.

25 “(B) For purposes of this paragraph—

1 “(i) the term ‘medically complex child’ means
 2 an individual who is at least three years of age and
 3 for whom a licensed health care provider has pro-
 4 vided a diagnosis of one or more significant chronic
 5 conditions;

6 “(ii) the term ‘medically necessary diaper’
 7 means an absorbent garment that is—

8 “(I) washable or disposable; and

9 “(II) worn by a medically complex child
 10 who has been diagnosed with a condition de-
 11 scribed in subparagraph (A) and needs such
 12 garment to correct or ameliorate such condition;
 13 and

14 “(iii) the term ‘diapering supplies’ means items,
 15 including diaper wipes and diaper creams, necessary
 16 to ensure that a medically complex child who has
 17 been diagnosed with a condition described in sub-
 18 paragraph (A) and uses a medically necessary diaper
 19 is properly cleaned and protected from diaper rash.”.

20 **SEC. 30304. INCLUSION OF DIAPERS AND DIAPERING SUP-**
 21 **PLIES AS QUALIFIED MEDICAL EXPENSES.**

22 (a) **HEALTH SAVINGS ACCOUNTS.**—Section
 23 223(d)(2) of the Internal Revenue Code of 1986 is amend-
 24 ed—

1 (1) by adding at the end of subparagraph (A)
2 the following: “For purposes of this subparagraph,
3 amounts paid for medically necessary diapers and
4 diapering supplies shall be treated as paid for med-
5 ical care.”; and

6 (2) by adding at the end the following new sub-
7 paragraph:

8 “(D) MEDICALLY NECESSARY DIAPERS
9 AND DIAPERING SUPPLIES.—For purposes of
10 this paragraph—

11 “(i) MEDICALLY NECESSARY DIA-
12 PERS.—The term ‘medically necessary dia-
13 per’ means an absorbent garment that is
14 washable or disposable worn by an indi-
15 vidual who has attained 3 years of age and
16 needs diapers because they are medically
17 necessary, serve a preventative medical
18 purpose, or are needed to correct or ame-
19 liorate defects or physical or mental ill-
20 nesses or conditions which are diagnosed
21 by a licenced health care provider.

22 “(ii) DIAPERING SUPPLIES.—The
23 term ‘diapering supplies’ means items, in-
24 cluding diaper wipes and diaper creams
25 necessary to ensure that a child using a

1 medically necessary diaper is properly
2 cleaned and protected from diaper rash.”.

3 (b) ARCHER MSAs.—Section 220(d)(2)(A) of such
4 Code is amended by adding at the end the following: “For
5 purposes of this subparagraph, amounts paid for medically
6 necessary diapers and diapering supplies (as defined in
7 section 223(d)(2)(D)) shall be treated as paid for medical
8 care.”.

9 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
10 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-
11 tion 106 of such Code is amended by adding at the end
12 the following new subsection:

13 “(f) REIMBURSEMENTS FOR MEDICALLY NECESSARY
14 DIAPERS AND DIAPERING SUPPLIES.—For purposes of
15 this section and section 105, expenses incurred for medi-
16 cally necessary diapers and diapering supplies (as defined
17 in section 223(d)(2)(D)) shall be treated as incurred for
18 medical care.”.

19 (d) EFFECTIVE DATES.—

20 (1) DISTRIBUTIONS FROM HEALTH SAVINGS AC-
21 COUNTS.—The amendments made by subsections (a)
22 and (b) shall apply to amounts paid after December
23 31, 2020.

1 (2) REIMBURSEMENTS.—The amendment made
2 by subsection (c) shall apply to expenses incurred
3 after December 31, 2020.

4 **Subtitle D—Closing the Meal Gap**

5 **SEC. 30401. SHORT TITLE.**

6 This subtitle may be cited as the “Closing the Meal
7 Gap Act of 2020”.

8 **SEC. 30402. AMENDMENTS.**

9 (a) CALCULATION OF PROGRAM BENEFITS.—The
10 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)
11 is amended—

12 (1) in section 3 (7 U.S.C. 2012)—

13 (A) by striking subsection (u),

14 (B) by redesignating subsections (n)
15 through (t) as subsections (o) through (u), re-
16 spectively, and

17 (C) by inserting after subsection (m) the
18 following:

19 “(n) ‘Low-cost food plan’ means the diet required to
20 feed a family of four persons, consisting of a man and
21 a woman nineteen through fifty, a child six through eight,
22 and a child nine through eleven years of age, determined
23 in accordance with the Secretary’s calculations. The cost
24 of such diet shall be the basis for uniform allotments for

1 all households regardless of their actual composition, ex-
2 cept that the Secretary shall—

3 “(1) make household-size adjustments (based
4 on the unrounded cost of such diet) taking into ac-
5 count economies of scale;

6 “(2) make cost adjustments in the low-cost food
7 plan for Hawaii and the urban and rural parts of
8 Alaska to reflect the cost of food in Hawaii and
9 urban and rural Alaska;

10 “(3) make cost adjustments in the separate
11 low-cost food plans for Guam, and the Virgin Is-
12 lands of the United States, to reflect the cost of food
13 in those States, but not to exceed the cost of food
14 in the 50 States and the District of Columbia; and

15 “(4) on October 1, 2021, and each October 1
16 thereafter, adjust the cost of the diet to reflect the
17 cost of the diet in the immediately preceding June,
18 and round the result to the nearest lower dollar in-
19 crement for each household size.”,

20 (2) in section 8(a) (7 U.S.C. 2017(a))—

21 (A) by striking “thrifty food plan” each
22 place it appears, and inserting “low-cost food
23 plan”, and

24 (B) by striking “8 percent” and inserting
25 “10 percent”,

1 (3) in section 16(c)(1)(A)(ii) (7 U.S.C.
2 2025(c)(1)(A)(ii))—

3 (A) in subclause (I) by striking “for fiscal
4 year 2014, at an amount not greater than \$37”
5 and inserting “for fiscal year 2021, at an
6 amount not greater than \$50”, and

7 (B) in subclause (II)—

8 (i) by striking “June 30, 2013” and
9 inserting “June 30, 2021”, and

10 (ii) by striking “thrifty food plan”
11 and inserting “low-cost food plan”, and

12 (4) in section 19(a)(2)(A) (7 U.S.C.
13 2028(a)(2)(A))—

14 (A) in clause (i) by striking “and” at the
15 end,

16 (B) in clause (ii)—

17 (i) by striking “each fiscal year there-
18 after” and inserting “each of the fiscal
19 years 2004 through 2022”, and

20 (ii) by striking the period at the end
21 and inserting a semicolon, and

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

23 “(iii) for fiscal year 2022,
24 \$2,650,000,000; and

1 “(iv) subject to the availability of ap-
2 propriations under section 18(a), for each
3 fiscal year thereafter, the amount deter-
4 mined under clause (iii), as adjusted by the
5 percentage by which the low-cost food plan
6 has been adjusted under section 3(n)(4)
7 between June 30, 2021, and June 30 of
8 the immediately preceding fiscal year.”.

9 (b) STANDARD MEDICAL EXPENSE DEDUCTION.—
10 Section 5(e)(5) of the Food and Nutrition Act of 2008
11 (7 U.S.C. 2014(e)(5)) is amended—

12 (1) in subparagraph (A) by striking “an excess
13 medical” and all that follows through the period at
14 the end, and inserting “a standard medical deduc-
15 tion or to a medical expense deduction of actual
16 costs for the allowable medical expenses incurred by
17 the elderly or disabled member, exclusive of special
18 diets.”, and

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

20 “(D) The standard medical expense deduc-
21 tion shall be equal to \$140 for fiscal year 2022,
22 and for each subsequent fiscal year shall be
23 equal to the applicable amount for the imme-
24 diately preceding fiscal year as adjusted to re-
25 flect changes for the 12-month period ending

1 the preceding June 30 in the Consumer Price
2 Index for All Urban Consumers: Medical Care
3 published by the Bureau of Labor Statistics of
4 the Department of Labor, except that for any
5 such fiscal year the State agency may establish
6 a greater standard medical expense deduction
7 that satisfies cost neutrality standards estab-
8 lished by the Secretary for such fiscal year.”.

9 (c) ELIMINATION OF CAP OF EXCESS SHELTER EX-
10 PENSES.—Section 5(e)(6) of the Food and Nutrition Act
11 of 2008 (7 U.S.C. 2014(e)(6)) is amended—

12 (1) by striking subparagraph (B), and
13 (2) by redesignating subparagraphs (C) and
14 (D) as subparagraphs (B) and (C), respectively.

15 (d) SNAP ELIGIBILITY FOR FULL AND PART-TIME
16 STUDENTS; STUDENTS’ RESPONSIBLE FOR CARE OF DIS-
17 ABLED MEMBERS OF HOUSEHOLDS.—Section 6 of the
18 Food and Nutrition Act of 2008 (7 U.S.C. 2015) is
19 amended—

20 (1) by striking subsection (e); and
21 (2) in subsection (d)(2)(C) by striking “(except
22 that any such person enrolled in an institution of
23 higher education shall be ineligible to participate in
24 the supplemental nutrition assistance program un-

1 less he or she meets the requirements of subsection
 2 (e) of this section)”.
 3

3 (e) CONFORMING AMENDMENTS.—

4 (1) FOOD AND NUTRITION ACT OF 2008.—The
 5 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
 6 seq.) is amended—

7 (A) in section 10 (7 U.S.C. 2019) by strik-
 8 ing “3(o)(4)” and inserting “3(p)(4)”,

9 (B) in section 11 (7 U.S.C. 2012)—

10 (i) in subsection (a)(2) by striking
 11 “3(s)(1)” and inserting “3(t)(1)”, and

12 (ii) in subsection (d)—

13 (I) by striking “3(s)(1)” each
 14 place it appears and inserting
 15 “3(t)(1)”, and

16 (II) by striking “3(s)(2)” each
 17 place it appears and inserting
 18 “3(t)(2)”,

19 (C) in section 19(a)(2)(A)(ii) (7 U.S.C.
 20 (a)(2)(A)(ii)) by striking “3(u)(4)” and insert-
 21 ing “3(n)(4)”, and

22 (D) in section 27(a)(2) (7 U.S.C.
 23 2036(a)(2))—

24 (i) in subparagraph (C) by striking
 25 “3(u)(4)” and inserting “3(n)(4)”, and

1 (ii) in subparagraph (E) by striking
 2 “3(u)(4)” and inserting “3(n)(4)”.

3 (2) LOW-INCOME HOME ENERGY ASSISTANCE
 4 ACT OF 1981.—Section 2605(f)(2)(A) of the Low-In-
 5 come Home Energy Assistance Act of 1981 (42
 6 U.S.C. 8624(f)(2)(A)) is amended—

7 (A) by striking “5(e)(6)(C)(iv)(I)” and in-
 8 serting “5(e)(6)(B)(iv)(1)”, and

9 (B) by striking “(7 U.S.C.
 10 2014(e)(6)(C)(iv)(I))” and inserting “(7 U.S.C.
 11 2014(e)(6)(B)(iv)(I))”.

12 (f) TECHNICAL CORRECTIONS.—The Food and Nu-
 13 trition Act of 2008 (7 U.S.C. 2011 et seq.) is amended—

14 (1) in section 5(a) (7 U.S.C. 2014(a)) by strik-
 15 ing “3(n)(4)” each place it appears and inserting
 16 “3(m)(4)”,

17 (2) in section 8(f)(1)(A)(i) (7 U.S.C.
 18 2017(f)(1)(A)(i)) by striking “3(n)(5)” and inserting
 19 “3(m)(5)”, and

20 (3) in section 17(b)(1)(B)(iv)(III)(aa) (7 U.S.C.
 21 2016(b)(1)(B)(iv)(III)(aa)) by striking “3(n)” and
 22 inserting “3(m)”.

1 **SEC. 30403. EFFECTIVE DATE; APPLICATION OF AMEND-**
 2 **MENTS.**

3 (a) EFFECTIVE DATE.—Except as provided in sub-
 4 section (b), this section and the amendments made by this
 5 subtitle shall take effect on October 1, 2022.

6 (b) APPLICATION OF AMENDMENTS.—The amend-
 7 ments made by subsections (b), (c), and (f)(2) shall not
 8 apply with respect to certification periods that begin be-
 9 fore October 1, 2022.

10 **Subtitle E—American Opportunity**
 11 **Accounts**

12 **SEC. 30501. SHORT TITLE.**

13 This subtitle may be cited as the “American Oppor-
 14 tunity Accounts Act”.

15 **PART I—AMERICAN OPPORTUNITY ACCOUNTS**

16 **SEC. 30511. DEFINITIONS.**

17 For purposes of this subtitle—

18 (1) AMERICAN OPPORTUNITY FUND.—The term
 19 “American Opportunity Fund” means the fund es-
 20 tablished under section 30512.

21 (2) AO ACCOUNT.—The term “AO account”
 22 means an American opportunity account established
 23 under section 30513.

24 (3) SECRETARY.—The term “Secretary” means
 25 the Secretary of the Treasury or the Secretary’s del-
 26 egate.

1 (4) AMERICAN OPPORTUNITY FUND BOARD.—

2 The term “American Opportunity Fund Board”
3 means the board established pursuant to section
4 30516.

5 (5) EXECUTIVE DIRECTOR.—The term “Execu-
6 tive Director” means the executive director ap-
7 pointed pursuant to section 30516.

8 **SEC. 30512. AMERICAN OPPORTUNITY FUND.**

9 (a) ESTABLISHMENT.—There is established in the
10 Treasury of the United States a fund to be known as the
11 “American Opportunity Fund”.

12 (b) AMOUNTS HELD BY FUND.—The American Op-
13 portunity Fund consists of the sum of all amounts paid
14 into the Fund under this title, increased by the total net
15 earnings from investments of sums held in the Fund or
16 reduced by the total net losses from investments of sums
17 held in the Fund, and reduced by the total amount of pay-
18 ments made from the Fund (including payments for ad-
19 ministrative expenses).

20 (c) USE OF FUND.—

21 (1) IN GENERAL.—The sums in the American
22 Opportunity Fund are appropriated and shall re-
23 main available without fiscal year limitation—

24 (A) to make contributions to AO accounts;

25 (B) to invest under section 30515;

1 (C) to make distributions in accordance
2 with this title;

3 (D) to pay the administrative expenses of
4 carrying out this title; and

5 (E) to purchase insurance as provided in
6 section 30517(c)(2).

7 (2) EXCLUSIVE PURPOSES.—The sums in the
8 American Opportunity Fund shall not be appro-
9 priated for any purpose other than the purposes
10 specified in this section and may not be used for any
11 other purpose.

12 (d) TRANSFERS TO AMERICAN OPPORTUNITY
13 FUND.—The Secretary shall make transfers from the gen-
14 eral fund of the Treasury to the American Opportunity
15 Fund as follows:

16 (1) INITIAL CONTRIBUTION FOR ELIGIBLE INDIV-
17 IDUALS BORN AFTER DECEMBER 31, 2019.—Upon
18 receipt of a certification under section 103(b)(2)
19 with respect to an individual born after December
20 31, 2019, the Secretary shall transfer \$1,000 to the
21 AO account of the individual.

22 (2) ANNUAL CONTRIBUTIONS.—

23 (A) IN GENERAL.—Each year which occurs
24 after the year in which an AO account is estab-
25 lished for an eligible individual and before the

1 year the eligible individual attains the age of
 2 18, the Secretary shall transfer the annual con-
 3 tribution amount to the AO account of the indi-
 4 vidual.

5 (B) ANNUAL CONTRIBUTION AMOUNT.—

6 The annual contribution amount shall be the
 7 amount such that the annual contribution
 8 amount for any taxpayer whose household in-
 9 come is within an income tier specified in the
 10 following table shall decrease, on a sliding scale
 11 in a linear manner, from the initial amount to
 12 the final amount specified in such table for
 13 such income tier:

In the case of household income (expressed as a percent of the poverty line) within the following income tier:	The initial amount is—	The final amount is—
Up to 100 percent	\$2,000	\$2,000
100 percent up to 125 percent	2,000	1,500
125 percent up to 175 percent	1,500	1,000
175 percent up to 225 percent	1,000	500
225 percent up to 325 percent	500	250
325 percent up to 500 percent	250	0
500 percent or more	0	0

14 (C) APPLICABLE HOUSEHOLD INCOME;
 15 POVERTY LINE.—For purposes of this para-
 16 graph—

17 (i) APPLICABLE HOUSEHOLD IN-
 18 COME.—The term “applicable household
 19 income” means household income (as de-

1 fined in section 36B(d) of the Internal
2 Revenue Code of 1986), except that—

3 (I) with respect to any calendar
4 year, the Secretary shall use the in-
5 come of the most recent taxable year
6 for which information is available; and

7 (II) in determining household in-
8 come the Secretary shall aggregate
9 the income of married individuals fil-
10 ing separate tax returns.

11 (ii) POVERTY LINE.—The term “pov-
12 erty line” has the meaning given such term
13 under section 36B(d) of the Internal Rev-
14 enue Code of 1986.

15 (D) AUTHORITY TO PROVIDE TAX INFOR-
16 MATION.—

17 (i) IN GENERAL.—Section 6103(l) of
18 the Internal Revenue Code of 1986 is
19 amended by adding at the end the fol-
20 lowing new paragraph:

21 “(23) DISCLOSURE OF RETURN INFORMATION
22 TO CARRY OUT ELIGIBILITY REQUIREMENTS FOR
23 CERTAIN PROGRAMS.—

24 “(A) IN GENERAL.—The Secretary shall
25 disclose to officers and employees of the De-

1 partment of Treasury or the American Oppor-
2 tunity Fund Board return information of any
3 taxpayer whose income is relevant in deter-
4 mining any annual contribution to an American
5 Opportunity Account under section 30512 of
6 the American Opportunity Accounts Act. Such
7 return information shall be limited to—

8 “(i) taxpayer identity information
9 with respect to such taxpayer,

10 “(ii) the filing status of such tax-
11 payer,

12 “(iii) the number of individuals for
13 whom a deduction is allowed under section
14 151 with respect to the taxpayer (including
15 the taxpayer and the taxpayer’s spouse),

16 “(iv) the modified adjusted gross in-
17 come (as defined in section 36B) of such
18 taxpayer, of any spouse of such taxpayer
19 who filed a separate return, and of each of
20 the other individuals included under clause
21 (iii) who are required to file a return of tax
22 imposed by chapter 1 for the taxable year,

23 “(v) such other information as is pre-
24 scribed by the Secretary by regulation as
25 might indicate whether the taxpayer is eli-

1 gible for such an annual contribution (and
2 the amount thereof), and

3 “(vi) the taxable year with respect to
4 which the preceding information relates or,
5 if applicable, the fact that such informa-
6 tion is not available.

7 “(B) RESTRICTION ON USE OF DISCLOSED
8 INFORMATION.—Return information disclosed
9 under subparagraph (A) may be used by offi-
10 cers and employees of the Department of Treas-
11 ury or the American Opportunity Fund Board
12 for the purposes of, and to the extent necessary
13 in establishing eligibility for, and verifying the
14 appropriate amount of, any annual contribution
15 described in subparagraph (A).”.

16 (ii) PROCEDURES AND RECORD-
17 KEEPING RELATED TO DISCLOSURES.—
18 Paragraph (4) of section 6103(p) of such
19 Code is amended by striking “or (22)”
20 each place it appears and inserting “(22),
21 or (23)”.

22 (E) STUDY ON INCORPORATION OF OTHER
23 WEALTH FACTORS.—Not later than 2 years
24 after the date of the enactment of this Act, the
25 Comptroller General shall submit to Congress

1 and the Secretary of Treasury a report on the
2 feasibility and distributive impacts of a new
3 measure for determining the amount of the an-
4 nual contribution amount under this paragraph
5 based on family wealth, total assets, and overall
6 net worth. Such measure may—

7 (i) include financial assets, the value
8 of family home, retirement accounts, busi-
9 ness and entrepreneurial ventures, poten-
10 tial future inheritances, and any other as-
11 sets or debts; and

12 (ii) continue to factor in current or
13 past income to the extent such information
14 is useful in estimating overall household
15 wealth.

16 (3) ADJUSTMENT FOR INFLATION.—

17 (A) IN GENERAL.—For each calendar year
18 beginning after 2021, each of the dollar
19 amounts under paragraphs (1) and (2)(B)(i)
20 shall be increased by such dollar amount multi-
21 plied by the cost-of-living adjustment deter-
22 mined under section 1(f)(3) of the Internal
23 Revenue Code of 1986 determined by sub-
24 stituting “calendar year 2020” for “calendar
25 year 2016” in subparagraph (A)(ii) thereof.

1 (B) ROUNDING.—If any amount adjusted
2 under paragraph (1) is not a multiple of \$50,
3 such amount shall be rounded to the next low-
4 est multiple of \$50.

5 (e) PROHIBITION ON USE OF PAYROLL TAXES TO
6 FUND AO ACCOUNTS.—The American Opportunity Fund
7 and AO accounts are wholly separate and unique from the
8 Social Security system. No amount from any tax on em-
9 ployment may be contributed to the American Opportunity
10 Fund or AO accounts.

11 **SEC. 30513. AO ACCOUNTS.**

12 (a) IN GENERAL.—

13 (1) ESTABLISHMENT.—The Executive Director
14 shall establish in the American Opportunity Fund an
15 account (to be known as an “American Opportunity
16 account” or an “AO account”) for each eligible indi-
17 vidual certified under subsection (b). Each such ac-
18 count shall be identified to its account holder by
19 means of a unique personal identifier currently rec-
20 ognized by the Internal Revenue Service and shall
21 remain in the American Opportunity Fund.

22 (2) ACCOUNT BALANCE.—The balance in an ac-
23 count holder’s AO account at any time is the excess
24 of—

25 (A) the sum of—

1 (i) all deposits made into the Amer-
2 ican Opportunity Fund and credited to the
3 account under paragraph (3); and

4 (ii) the total amount of allocations
5 made to and reductions made in the ac-
6 count pursuant to paragraph (4); over

7 (B) the amounts paid out of the account
8 with respect to such individual under subsection
9 (c).

10 (3) CREDITING OF CONTRIBUTIONS.—Pursuant
11 to regulations which shall be prescribed by the Exec-
12 utive Director, the Executive Director shall credit to
13 each AO account the amounts paid into the Amer-
14 ican Opportunity Fund under section 30512(d)
15 which are attributable to the account holder of such
16 account.

17 (4) ALLOCATION OF EARNINGS AND LOSSES.—
18 The Executive Director shall allocate to each AO ac-
19 count an amount equal to the net earnings and net
20 losses from each investment of sums in the Amer-
21 ican Opportunity Fund which are attributable, on a
22 pro rata basis, to sums credited to such account, re-
23 duced by an appropriate share of the administrative
24 expenses paid out of the net earnings, as determined
25 by the Executive Director.

1 (b) ELIGIBLE INDIVIDUAL.—For purposes of this
2 title—

3 (1) IN GENERAL.—The term “eligible indi-
4 vidual” means any individual who—

5 (A) was born after December 31, 2003;

6 (B) has not yet attained the age of 18
7 years; and

8 (C) has a valid, unique, Federal Govern-
9 ment issued identification number recognized by
10 the Internal Revenue Service.

11 (2) CERTIFICATION OF ACCOUNT HOLDERS.—

12 (A) AUTOMATIC CERTIFICATION FOR CER-
13 TAIN INDIVIDUALS BORN AFTER DECEMBER 31,
14 2019.—On any date after December 31, 2019,
15 on which an eligible individual is issued a social
16 security account number under section
17 30903(c)(2) of the Social Security Act, the
18 Commissioner of Social Security shall certify to
19 the Executive Director and the Secretary of the
20 Treasury the name of, and social security num-
21 ber issued to, such eligible individual.

22 (B) OTHER INDIVIDUALS.—In the case of
23 an eligible individual who is not certified under
24 subparagraph (A), such individual may request
25 the establishment an AO account under this

1 subparagraph by application to the Executive
2 Director, and the Executive Director shall cer-
3 tify such individual under this subparagraph.

4 (c) RESTRICTIONS ON DISTRIBUTIONS.—

5 (1) AGE-RELATED RESTRICTIONS.—

6 (A) IN GENERAL.—Except as otherwise
7 provided in this paragraph, no amount may be
8 distributed from an AO account before the date
9 on which the account holder attains the age of
10 18.

11 (B) HIGHER EDUCATION EXPENSES.—

12 Subparagraph (A) shall not apply to amounts
13 paid for qualified tuition and related expenses
14 (as defined in section 25A(f)(1) of the Internal
15 Revenue Code of 1986) of the account holder if
16 the account holder is an eligible student (as de-
17 fined in section 25A(b)(3) of such Code) with
18 respect to such expenses.

19 (C) AUTHORITY TO PROVIDE HIGHER AGE
20 LIMIT FOR CERTAIN DISTRIBUTIONS.—The Sec-
21 retary, in consultation with the American Op-
22 portunity Fund Advisory Board, may by regula-
23 tions provide for a higher age limitation with
24 respects to distributions relating to certain cat-
25 egories of qualified expenses if the Secretary de-

1 terminates that such higher age limitation is ap-
2 propriate.

3 (2) USE-RELATED RESTRICTIONS.—

4 (A) IN GENERAL.—No amount may be dis-
5 tributed from an AO account unless the account
6 holder establishes, under rules established by
7 the Executive Director in consultation with the
8 American Opportunity Fund Advisory Board,
9 that such amount shall be used for a qualified
10 expense.

11 (B) QUALIFIED EXPENSE.—For purposes
12 of this subsection—

13 (i) IN GENERAL.—The term “qualified
14 expense” means expenses for any of the
15 following:

16 (I) Education of the account
17 holder.

18 (II) Ownership of a home by the
19 account holder.

20 (III) Any expenses paid or in-
21 curred on or after the date on which
22 the account holder attains age 59½.

23 (IV) Any other investment in fi-
24 nancial assets or personal capital that
25 provides long-term gains to wages and

1 wealth, as established under regula-
2 tions promulgated by the Secretary, in
3 consultation with the Executive Direc-
4 tor and the American Opportunity
5 Fund Advisory Board.

6 (ii) EXCEPTION.—Such term shall not
7 include any expense described in clause (i)
8 which is paid to a person who does not
9 meet such standards as are prescribed by
10 the Secretary, in consultation with the Ex-
11 ecutive Director and the American Oppor-
12 tunity Fund Advisory Board.

13 (3) AMERICAN OPPORTUNITY ACCOUNT ADVI-
14 SORY BOARD.—For purposes of this subsection, the
15 term “American Opportunity Fund Advisory Board”
16 means an advisory board established by the Sec-
17 retary consisting of individuals with expertise in sav-
18 ings and asset-building, home financing, education
19 financing, consumer financial protection, and such
20 other areas as the Secretary may determine appro-
21 priate.

22 **SEC. 30514. ASSIGNMENT, ALIENATION, AND TREATMENT**
23 **OF DECEASED INDIVIDUALS.**

24 (a) ASSIGNMENT AND ALIENATION.—Under regula-
25 tions which shall be prescribed by the Executive Director,

1 rules relating to assignment and alienation applicable
2 under chapter 84 of title 5, United States Code, with re-
3 spect to amounts held in accounts in the Thrift Savings
4 Fund shall apply with respect to amounts held in AO ac-
5 counts in the American Opportunity Fund.

6 (b) TREATMENT OF ACCOUNTS OF DECEASED INDIVIDUALS.—In the case of a deceased account holder of an
7 AO account which has an account balance greater than
8 zero, upon receipt of notification of such individual's
9 death, the Executive Director shall close the account and
10 shall transfer the balance in such account to the AO ac-
11 count of such account holder's surviving spouse or, if there
12 is no such account of a surviving spouse, to the duly ap-
13 pointed legal representative of the estate of the deceased
14 account holder, or if there is no such representative, to
15 the person or persons determined to be entitled thereto
16 under the laws of the domicile of the deceased account
17 holder.
18 holder.

19 **SEC. 30515. RULES GOVERNING AO ACCOUNTS RELATING**
20 **TO INVESTMENT, ACCOUNTING, AND RE-**
21 **PORTING.**

22 (a) INVESTMENT PROGRAM.—The Secretary shall es-
23 tablish, and the American Opportunity Fund Board shall
24 invest in debt obligations of the United States Government
25 with a term of 30 years.

1 (b) INDEPENDENT PUBLIC ACCOUNTANT.—

2 (1) IN GENERAL.—Under regulations which
3 shall be prescribed by the Executive Director, and
4 subject to the provisions of this title, section 8439(b)
5 of title 5, United States Code (relating to engage-
6 ment of independent qualified public accountant),
7 shall apply with respect to the American Oppor-
8 tunity Fund and accounts maintained in such Fund
9 in the same manner and to the same extent as such
10 section relates to the Thrift Savings Fund and the
11 accounts maintained in the Thrift Savings Fund.

12 (2) APPLICATION RULES.—For purposes of
13 paragraph (1), references in such section 8439(b) to
14 an employee, Member, former employee, or former
15 Member shall be deemed references to an account
16 holder of an AO account in the American Oppor-
17 tunity Fund.

18 (c) CONFIDENTIALITY AND DISCLOSURE.—

19 (1) IN GENERAL.—Except as otherwise author-
20 ized by Federal law, the American Opportunity
21 Fund Board, the Executive Director, and any em-
22 ployee of the American Opportunity Fund Board
23 shall not disclose information with respect to the
24 American Opportunity Fund or any account main-
25 tained in such Fund.

1 (2) DISCLOSURE TO DESIGNEE OF BENE-
2 FICIARY.—The Executive Director may, subject to
3 such requirements and conditions as he may pre-
4 scribe by regulations, disclose such information with
5 respect to the AO account of the beneficiary to such
6 person or persons as the beneficiary may designate
7 in a request for or consent to such disclosure, or to
8 any other person at the beneficiary's request to the
9 extent necessary to comply with a request for infor-
10 mation or assistance made by the beneficiary to such
11 other person.

12 **SEC. 30516. AMERICAN OPPORTUNITY FUND BOARD.**

13 (a) IN GENERAL.—There is established in the execu-
14 tive branch of the Government an American Opportunity
15 Fund Board.

16 (b) COMPOSITION, DUTIES, AND RESPONSIBIL-
17 ITIES.—Subject to the provisions of this title, the following
18 provisions shall apply with respect to the American Oppor-
19 tunity Fund Board in the same manner and to the same
20 extent as such provisions relate to the Federal Retirement
21 Thrift Investment Board:

22 (1) Section 8472 of title 5, United States Code
23 (relating to composition of Federal Retirement
24 Thrift Investment Board).

1 (2) Section 8474 of such title (relating to Exec-
2 utive Director).

3 (3) Section 8476 of such title (relating to ad-
4 ministrative provisions).

5 **SEC. 30517. FIDUCIARY RESPONSIBILITIES.**

6 (a) IN GENERAL.—Under regulations of the Sec-
7 retary of Labor, the provisions of sections 8477 and 8478
8 of title 5, United States Code, shall apply in connection
9 with the American Opportunity Fund and the accounts
10 maintained in such Fund in the same manner and to the
11 same extent as such provisions apply in connection with
12 the Thrift Savings Fund and the accounts maintained in
13 the Thrift Savings Fund.

14 (b) INVESTIGATIVE AUTHORITY.—Any authority
15 available to the Secretary of Labor under section 504 of
16 the Employee Retirement Income Security Act of 1974
17 (29 U.S.C. 1134) is hereby made available to the Sec-
18 retary of Labor, and any officer designated by the Sec-
19 retary of Labor, to determine whether any person has vio-
20 lated, or is about to violate, any provision applicable under
21 subsection (a).

22 (c) EXCULPATORY PROVISIONS; INSURANCE.—

23 (1) IN GENERAL.—Any provision in an agree-
24 ment or instrument which purports to relieve a fidu-
25 ciary from responsibility or liability for any responsi-

1 bility, obligation, or duty under this title shall be
2 void.

3 (2) INSURANCE.—Amounts in the American
4 Opportunity Fund available for administrative ex-
5 penses shall be available and may be used at the dis-
6 cretion of the Executive Director to purchase insur-
7 ance to cover potential liability of persons who serve
8 in a fiduciary capacity with respect to the Fund and
9 accounts maintained therein, without regard to
10 whether a policy of insurance permits recourse by
11 the insurer against the fiduciary in the case of a
12 breach of a fiduciary obligation.

13 **SEC. 30518. ACCOUNTS DISREGARDED IN DETERMINING**
14 **ELIGIBILITY FOR FEDERAL BENEFITS.**

15 Amounts in any AO account shall not be taken into
16 account in determining any individual's or household's fi-
17 nancial eligibility for, or amount of, any benefit or service,
18 paid for in whole or in part with Federal funds, including
19 student financial aid.

20 **SEC. 30519. REPORTS.**

21 (a) REPORTS TO CONGRESS.—The Executive Direc-
22 tor, in consultation with the Secretary, shall annually
23 transmit a written report to the Congress. Such report
24 shall include—

1 (1) a detailed description of the status and op-
2 eration of the American Opportunity Fund and the
3 management of the AO accounts; and

4 (2) a detailed accounting of the administrative
5 expenses in carrying out this title, including the
6 ratio of such administrative expenses to the balance
7 of the American Opportunity Fund and the method-
8 ology adopted by the Executive Director for allo-
9 cating such expenses among the AO accounts.

10 (b) REPORTS TO ACCOUNT HOLDERS.—The Amer-
11 ican Opportunity Fund Board shall prescribe regulations
12 under which each individual for whom an AO account is
13 maintained shall be furnished with an annual statement
14 relating to the individual's account, which shall include—

15 (1) a statement of the balance of individual's
16 AO account;

17 (2) a projection of the account's growth by the
18 time the individual attains the age of 18; and

19 (3) such other information as the Secretary
20 deems relevant.

21 **SEC. 30520. PROGRAMS FOR PROMOTING FINANCIAL CAPA-**
22 **BILITY.**

23 The Secretary of the Treasury, in coordination with
24 the Financial Literacy and Education Commission, shall

1 develop programs to promote the financial capability of
 2 account holders of AO accounts.

3 **SEC. 30521. TAX TREATMENT.**

4 (a) CONTRIBUTIONS AND DISTRIBUTIONS.—Part III
 5 of subchapter B of chapter 1 of the Internal Revenue Code
 6 of 1986 is amended by inserting after section 139G the
 7 following new section:

8 **“SEC. 139H. CONTRIBUTIONS TO AND DISTRIBUTIONS**
 9 **FROM AO ACCOUNTS.**

10 “Gross income shall not include—

11 “(1) any contribution credited to the AO ac-
 12 count of the taxpayer under section 30513(a)(3) of
 13 the American Opportunity Accounts Act, and

14 “(2) any distribution from such an AO ac-
 15 count.”.

16 (b) TAX TREATMENT OF EARNINGS AND DISTRIBUTIONS.—Subchapter F of chapter 1 of the Internal Rev-
 17 enue Code of 1986 is amended by adding at the end the
 18 following new part:

20 **“PART IX—AMERICAN OPPORTUNITY FUND AND**
 21 **AO ACCOUNTS**

“Sec. 530A. American Opportunity Fund and AO accounts.

1 **“SEC. 530A. AMERICAN OPPORTUNITY FUND AND AO AC-**
 2 **COUNTS.**

3 “(a) GENERAL RULE.—The American Opportunity
 4 Fund and AO accounts shall be exempt from taxation
 5 under this subtitle. Notwithstanding the preceding sen-
 6 tence, a AO account shall be subject to the taxes imposed
 7 by section 511 (relating to imposition of tax on unrelated
 8 business income of charitable organizations).

9 “(b) DEFINITIONS.—For purposes of this section, the
 10 terms ‘American Opportunity Fund’ and ‘AO account’
 11 have the meanings given such terms under part I of the
 12 American Opportunity Accounts Act.”.

13 (c) CONFORMING AMENDMENTS.—

14 (1) The table of sections for part III of sub-
 15 chapter B of chapter 1 of the Internal Revenue Code
 16 of 1986 is amended by inserting after the item re-
 17 lated to section 139G the following new item:

“Sec. 139H. Contributions to and distributions from AO accounts.”.

18 (2) The table of parts for subchapter F of
 19 chapter 1 of such Code is amended by adding at the
 20 end the following new item:

“PART IX—AMERICAN OPPORTUNITY FUND AND AO ACCOUNTS”.

21 (d) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to taxable years beginning after
 23 December 31, 2020.

1 **PART II—REVENUE PROVISIONS**

2 **Subpart A—Estate and Gift Tax Provisions**

3 **SEC. 30531. MODIFICATION OF ESTATE TAX RATE AND**
 4 **BASIC EXCLUSION AMOUNT.**

5 (a) PERMANENT EXTENSION OF MAXIMUM ESTATE
 6 TAX RATE AND BASIC EXCLUSION AMOUNT AS IN EF-
 7 FECT IN 2009.—

8 (1) MAXIMUM ESTATE TAX RATE.—The last
 9 row of the table contained in subsection (c) of sec-
 10 tion 2001 of the Internal Revenue Code of 1986 is
 11 amended by striking “40 percent” and inserting “45
 12 percent”.

13 (2) BASIC EXCLUSION AMOUNT.—Paragraph
 14 (3) of section 2010(c) of the Internal Revenue Code
 15 of 1986 is amended to read as follows:

16 “(3) BASIC EXCLUSION AMOUNT.—For pur-
 17 poses of this subsection, the basic exclusion amount
 18 is \$3,500,000.”.

19 (b) ADDITIONAL TAXES FOR ESTATES OVER
 20 \$10,000,000.—The table contained in section 2001(c), as
 21 amended by subsection (a), is amended—

22 (1) by inserting “but not over \$10,000,000”
 23 after “Over \$1,000,000” in the last row; and

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

“Over \$10,000,000 but not over	\$4,395,800, plus 55 percent of the
\$50,000,000.	excess of such amount over
	\$10,000,000.

Over \$50,000,000	\$26,395,800, plus 65 percent of the excess of such amount over \$50,000,000.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to estates of decedents dying and
3 gifts made after December 31, 2019.

4 **SEC. 30532. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR**
5 **GRANTOR RETAINED ANNUITY TRUSTS.**

6 (a) IN GENERAL.—Subsection (b) of section 2702 is
7 amended—

8 (1) by redesignating paragraphs (1), (2), and
9 (3) as subparagraphs (A), (B), and (C), respectively,
10 and by moving such subparagraphs (as so redesign-
11 ated) 2 ems to the right;

12 (2) by striking “For purposes of” and inserting
13 the following:

14 “(1) IN GENERAL.—For purposes of”;

15 (3) by striking “paragraph (1) or (2)” in para-
16 graph (1)(C) (as so redesignated) and inserting
17 “subparagraph (A) or (B)”; and

18 (4) by adding at the end the following new
19 paragraph:

20 “(2) ADDITIONAL REQUIREMENTS WITH RE-
21 SPECT TO GRANTOR RETAINED ANNUITIES.—For
22 purposes of subsection (a), in the case of an interest
23 described in paragraph (1)(A) (determined without
24 regard to this paragraph) which is retained by the

1 transferor, such interest shall be treated as de-
2 scribed in such paragraph only if—

3 “(A) the right to receive the fixed amounts
4 referred to in such paragraph is for a term of
5 not less than 10 years and not more than the
6 life expectancy of the annuitant plus 10 years,

7 “(B) such fixed amounts, when determined
8 on an annual basis, do not decrease during the
9 term described in subparagraph (A), and

10 “(C) the remainder interest has a value, as
11 determined as of the time of the transfer, which
12 is—

13 “(i) not less than an amount equal to
14 the greater of—

15 “(I) 25 percent of the fair mar-
16 ket value of the property in the trust,
17 or

18 “(II) \$500,000, and

19 “(ii) not greater than the fair market
20 value of the property in the trust.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to transfers made after the date
23 of the enactment of this Act.

1 **SEC. 30533. CERTAIN TRANSFER TAX RULES APPLICABLE**
2 **TO GRANTOR TRUSTS.**

3 (a) IN GENERAL.—Subtitle B is amended by adding
4 at the end the following new chapter:

5 **“CHAPTER 16—SPECIAL RULES FOR**
6 **GRANTOR TRUSTS**

“Sec. 2901. Application of transfer taxes.

7 **“SEC. 2901. APPLICATION OF TRANSFER TAXES.**

8 “(a) IN GENERAL.—In the case of any portion of a
9 trust to which this section applies—

10 “(1) the value of the gross estate of the de-
11 ceased deemed owner of such portion shall include
12 all assets attributable to that portion at the time of
13 the death of such owner,

14 “(2) any distribution from such portion to one
15 or more beneficiaries during the life of the deemed
16 owner of such portion shall be treated as a transfer
17 by gift for purposes of chapter 12, and

18 “(3) if at any time during the life of the
19 deemed owner of such portion, such owner ceases to
20 be treated as the owner of such portion under sub-
21 part E of part 1 of subchapter J of chapter 1, all
22 assets attributable to such portion at such time shall
23 be treated for purposes of chapter 12 as a transfer
24 by gift made by the deemed owner.

1 “(b) PORTION OF TRUST TO WHICH SECTION AP-
2 PLIES.—This section shall apply to—

3 “(1) the portion of a trust with respect to
4 which the grantor is the deemed owner, and

5 “(2) the portion of the trust to which a person
6 who is not the grantor is a deemed owner by reason
7 of the rules of subpart E of part 1 of subchapter J
8 of chapter 1, and such deemed owner engages in a
9 sale, exchange, or comparable transaction with the
10 trust that is disregarded for purposes of subtitle A.
11 For purposes of paragraph (2), the portion of the trust
12 described with respect to a transaction is the portion of
13 the trust attributable to the property received by the trust
14 in such transaction, including all retained income there-
15 from, appreciation thereon, and reinvestments thereof, net
16 of the amount of consideration received by the deemed
17 owner in such transaction.

18 “(c) EXCEPTIONS.—This section shall not apply to—

19 “(1) any trust that is includible in the gross es-
20 tate of the deemed owner (without regard to sub-
21 section (a)(1)), and

22 “(2) any other type of trust that the Secretary
23 determines by regulations or other guidance does not
24 have as a significant purpose the avoidance of trans-
25 fer taxes.

1 “(d) DEEMED OWNER DEFINED.—For purposes of
 2 this section, the term ‘deemed owner’ means any person
 3 who is treated as the owner of a portion of a trust under
 4 subpart E of part 1 of subchapter J of chapter 1.

5 “(e) REDUCTION FOR TAXABLE GIFTS TO TRUST
 6 MADE BY OWNER.—The amount to which subsection (a)
 7 applies shall be reduced by the value of any transfer by
 8 gift by the deemed owner to the trust previously taken
 9 into account by the deemed owner under chapter 12.

10 “(f) LIABILITY FOR PAYMENT OF TAX.—Any tax im-
 11 posed pursuant to subsection (a) shall be a liability of the
 12 trust.”.

13 (b) CLERICAL AMENDMENT.—The table of chapters
 14 for subtitle B is amended by adding at the end the fol-
 15 lowing new item:

“CHAPTER 16. SPECIAL RULES FOR GRANTOR TRUSTS”.

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

18 (1) to trusts created on or after the date of the
 19 enactment of this Act;

20 (2) to any portion of a trust established before
 21 the date of the enactment of this Act which is attrib-
 22 utable to a contribution made on or after such date;
 23 and

24 (3) to any portion of a trust established before
 25 the date of the enactment of this Act to which sec-

1 tion 2901(a) of the Internal Revenue Code of 1986
2 (as added by subsection (a)) applies by reason of a
3 transaction described in section 2901(b)(2) of such
4 Code on or after such date.

5 **SEC. 30534. SIMPLIFYING GIFT TAX EXCLUSION FOR AN-**
6 **NUAL GIFTS.**

7 (a) IN GENERAL.—Section 2503 of the Internal Rev-
8 enue Code of 1986 is amended—

9 (1) by striking paragraph (1) of subsection (b)
10 and inserting the following:

11 “(1) IN GENERAL.—

12 “(A) LIMIT PER DONEE.—In the case of
13 gifts made to any person by the donor during
14 the calendar year, the first \$10,000 of such
15 gifts to such person shall not, for purposes of
16 subsection (a), be included in the total amount
17 of gifts made during such year.

18 “(B) CUMULATIVE LIMIT PER DONOR.—

19 “(i) IN GENERAL.—The aggregate
20 amount excluded under subparagraph (A)
21 with respect to all transfers described in
22 clause (ii) made by the donor during the
23 calendar year shall not exceed \$50,000.

1 “(ii) TRANSFERS SUBJECT TO LIMITA-
2 TION.—The transfers described in this
3 clause are—

4 “(I) a transfer in trust (with the
5 exception of any transfer to a trust
6 described in section 2642(c)(2)),

7 “(II) a transfer of an interest in
8 a passthrough entity,

9 “(III) a transfer of an interest
10 subject to a prohibition on sale, and

11 “(IV) any other transfer of prop-
12 erty that, without regard to with-
13 drawal, put, or other such rights in
14 the donee, cannot immediately be liq-
15 uidated by the donee.”, and

16 (2) by striking subsection (c).

17 (b) CONFORMING AMENDMENTS.—

18 (1) Subparagraph (B) of section 529(c)(2) of
19 the Internal Revenue Code of 1986 is amended by
20 striking “section 2503(b)” and inserting “section
21 2503(b)(1)(A).

22 (2) Clause (i) of section 529A(b)(2)(B) of such
23 Code is amended by striking “section 2503(b)” and
24 inserting “section 2503(b)(1)(A)”.

1 (3) Paragraph (2) of section 2523(i) of such
2 Code is amended by striking “section 2503(b)” and
3 inserting “section 2503(b)(1)(A)”.

4 (4) Subsection (c) of such Code of section 2801
5 is amended by striking “2503(b)” and inserting
6 “2503(b)(1)(A)”.

7 (c) REGULATIONS.—The Secretary of the Treasury,
8 or the Secretary of the Treasury’s delegate, may prescribe
9 such regulations or other guidance as may be necessary
10 or appropriate to carry out the amendments made by this
11 section.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to any calendar year beginning
14 after the date of the enactment of this Act.

15 **SEC. 30535. MODIFICATION OF RULES FOR VALUE OF CER-**
16 **TAIN FARM REAL PROPERTY.**

17 (a) INCREASE IN LIMITATION.—

18 (1) IN GENERAL.—Paragraph (2) of section
19 2032A(a) of the Internal Revenue Code of 1986 is
20 amended by striking “\$750,000” and inserting
21 “\$3,000,000”.

22 (2) INFLATION ADJUSTMENT.—Paragraph (3)
23 of section 2032A(a) of such Code is amended—

24 (A) by striking “1998” and inserting
25 “2020”;

1 (B) by striking “\$750,000” and inserting
 2 “\$3,000,000” in subparagraph (A); and

3 (C) by striking “calendar year 1997” and
 4 inserting “calendar year 2020” in subpara-
 5 graph (B).

6 (b) QUALIFIED USE LIMITED TO FARMING PUR-
 7 POSES.—

8 (1) IN GENERAL.—Section 2032A(b)(2) is
 9 amended by striking “the devotion of the property”
 10 and all that follows and inserting “the devotion of
 11 the property to use as a farm for farming pur-
 12 poses.”.

13 (2) CONFORMING AMENDMENTS.—

14 (A) Subsections (c)(6)(A), (h)(3), and
 15 (i)(3) of section 2032A of the such Code are
 16 each amended by striking “subparagraph (A) or
 17 (B) of”.

18 (B) The heading of section 2032A of such
 19 Code (and the item relating to section 2032A in
 20 the table of sections for part III of subchapter
 21 A of chapter 11 of such Code) is amended by
 22 striking “, etc.,”.

23 (c) EFFECTIVE DATE.—The amendments made by
 24 this section shall apply to estates of decedents dying, and
 25 gifts made, after December 31, 2019.

1 **Subpart B—Reform of Taxation of Capital Income**

2 **SEC. 30541. INCREASE IN CAPITAL GAINS RATE.**

3 (a) IN GENERAL.—Section 1(h)(1)(D) of the Internal
4 Revenue Code of 1986 is amended by striking “20 per-
5 cent” and inserting “24.2 percent”.

6 (b) MINIMUM TAX.—Section 55(b)(3)(D) of the In-
7 ternal Revenue Code of 1986 is amended by striking “20
8 percent” and inserting “24.2 percent”.

9 (c) CONFORMING AMENDMENTS.—The following pro-
10 visions are each amended by striking “20 percent” and
11 inserting “20.4 percent”:

12 (1) Section 531 of the Internal Revenue Code
13 of 1986.

14 (2) Section 541 of the Internal Revenue Code
15 of 1986.

16 (3) Section 1445(e)(1) of the Internal Revenue
17 Code of 1986.

18 (4) Section 1445(e)(6) of the Internal Revenue
19 Code of 1986.

20 (5) The second sentence of section
21 7518(g)(6)(A) of the Internal Revenue Code of
22 1986.

23 (6) Section 53511(f)(2) of title 46, United
24 States Code.

25 (d) EFFECTIVE DATES.—

1 (1) IN GENERAL.—Except as otherwise pro-
 2 vided, the amendments made by this section shall
 3 apply to taxable years beginning after December 31,
 4 2019.

5 (2) WITHHOLDING.—The amendments made by
 6 paragraphs (3) and (4) of subsection (c) shall apply
 7 to amounts paid on or after January 1, 2019.

8 **SEC. 30542. DEEMED REALIZATION OF CAPITAL GAINS AT**
 9 **TIME OF GIFT OR DEATH.**

10 (a) TREATMENT AS SALE.—

11 (1) IN GENERAL.—Part IV of subchapter P of
 12 chapter 1 of the Internal Revenue Code of 1986 is
 13 amended by adding at the end the following new sec-
 14 tion:

15 **“SEC. 1261. GAINS FROM CERTAIN PROPERTY TRANS-**
 16 **FERRED BY GIFT OR UPON DEATH.**

17 “(a) IN GENERAL.—Any capital asset which is trans-
 18 ferred by gift or upon death shall be treated as sold for
 19 its fair market value on the date of such gift, death, or
 20 transfer.

21 “(b) EXCEPTIONS.—

22 “(1) TANGIBLE PROPERTY.—This section shall
 23 not apply to any tangible personal property other
 24 than a collectible (as defined in section 408(m) with-
 25 out regard to paragraph (3) thereof).

1 “(2) SPOUSAL EXCEPTION.—This section shall
2 not apply to any transfer if such transfer is made
3 to the spouse or surviving spouse of the transferor.

4 “(3) GIFTS TO CHARITY.—This section shall
5 not apply to any transfer if such transfer is made
6 to an organization described in section 170(c).”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions for part IV of subchapter P of chapter 1 of
9 such Code is amended by adding at the end the fol-
10 lowing new item:

“Sec. 1261. Gains from certain property transferred by gift or upon death.”.

11 (b) TREATMENT OF BASIS FOR GIFTS AND BE-
12 QUESTS TO WHICH TAX APPLIES.—

13 (1) ELIMINATION OF CARRYOVER BASIS FOR
14 GIFTS.—Subsection (a) section 1015 of the Internal
15 Revenue Code of 1986 is amended—

16 (A) by striking “If the property” and in-
17 serting the following:

18 “(1) GIFTS BEFORE JANUARY 1, 2020.—If the
19 property”;

20 (B) by inserting “and before January 1,
21 2020” after “after December 31, 1920”; and

22 (C) by adding at the end the following new
23 paragraph:

24 “(2) GIFTS AFTER DECEMBER 31, 2019.—

1 “(A) IN GENERAL.—If the property was
2 acquired by gift after December 31, 2019, the
3 basis shall be the fair market value of such
4 property at the time of the gift.

5 “(B) SPECIAL RULES FOR CHARITABLE
6 ORGANIZATIONS.—In the case of any property
7 acquired by an organization described in section
8 170(c) by gift, subparagraph (A) shall not
9 apply and paragraph (1) shall be applied with-
10 out regard to the phrase ‘and before January 1,
11 2022’.”.

12 (2) PROPERTY ACQUIRED FROM DECEDENT
13 SPOUSES.—Section 1014 of such Code is amended
14 by adding at the end the following new subsection:

15 “(g) PROPERTY ACQUIRED FROM DECEDENT
16 SPOUSES.—In the case of any property acquired from or
17 which has passed from a decedent in a transfer described
18 in section 1041(a)(1), the basis of such property in the
19 hands of the transferee shall be determined under section
20 1041(b) and not this section.”.

21 (3) RULE FOR TRANSFERS BETWEEN
22 SPOUSES.—

23 (A) IN GENERAL.—Section 1041(b) of the
24 Internal Revenue Code of 1986 is amended to
25 read as follows:

1 “(b) TRANSFEREE HAS TRANSFEROR’S BASIS.—In
 2 the case of any transfer of property described in sub-
 3 section (a), the basis of the transferee in the property shall
 4 be the adjusted basis of the transferor.”.

5 (B) CONFORMING AMENDMENT.—Section
 6 1015(e) of such Code is amended by striking
 7 “1041(b)(2)” and inserting “1041(b)”.

8 **SEC. 30543. EXCLUSION OF CERTAIN AMOUNTS OF REAL-**
 9 **IZED CAPITAL GAIN.**

10 (a) IN GENERAL.—Part III of subchapter B of chap-
 11 ter 1 of the Internal Revenue Code of 1986, as amended
 12 by section 30521, is amended by inserting after section
 13 139H the following new section:

14 **“SEC. 139I. EXCLUSION GAIN FROM TRANSFERS OF APPRE-**
 15 **CIATED ASSETS BY GIFT OR AT DEATH.**

16 “(a) IN GENERAL.—Gross income shall not include
 17 so much of the aggregate gain from transfers at death
 18 described in 1261(a) of any capital asset as does not ex-
 19 ceed \$100,000.

20 “(b) SPECIAL RULES FOR REAL PROPERTY USED
 21 FOR FARMING.—

22 “(1) IN GENERAL.—

23 “(A) APPLICATION OF SECTION.—In the
 24 case of qualified real property—

1 “(i) subsection (a) shall be applied
2 separately to such qualified real property
3 and other property, and

4 “(ii) in applying subsection (a) to
5 such qualified real property, ‘the applicable
6 amount’ shall be substituted for
7 ‘\$100,000’.

8 “(B) APPLICABLE AMOUNT.—For purposes
9 of subparagraph (A), the applicable amount is
10 an amount equal to the sum of—

11 “(i) \$1,000,000, plus

12 “(ii) the excess (not less than zero) of
13 the amount in effect under subsection (a)
14 over the aggregate amount of gain from
15 transfers at death described in section
16 1261(a) of capital assets other than quali-
17 fied real property.

18 “(2) IMPOSITION OF ADDITIONAL TAX.—

19 “(A) IN GENERAL.—The Secretary shall,
20 by regulations, provide for recapturing the ben-
21 efit under any exclusion allowable under para-
22 graph (1) with respect to any qualified real
23 property if, within 10 years after the decedent’s
24 death and before the death of the qualified
25 heir—

1 “(i) the qualified heir disposes of any
 2 interest in qualified real property (other
 3 than by a disposition to a member of his
 4 family), or

5 “(ii) the qualified heir ceases to use
 6 for the qualified use the qualified real
 7 property which was acquired (or passed)
 8 from the decedent.

9 “(B) LIABILITY.—The benefit recaptured
 10 under subparagraph (A) shall be recaptured
 11 from the qualified heir.

12 “(3) DEFINITIONS.—Any term used in this sub-
 13 section which is also used in section 2032A shall
 14 have the meaning given such term under section
 15 2032A.

16 “(c) INFLATION ADJUSTMENT.—

17 “(1) IN GENERAL.—In the case of any taxable
 18 year beginning after 2020, the \$100,000 amount in
 19 subsection (a) and the \$1,000,000 in subsection
 20 (b)(1)(B)(i) shall each be increased by an amount
 21 equal to—

22 “(A) such dollar amount, multiplied by

23 “(B) the cost-of-living adjustment deter-
 24 mined under section 1(f)(3) for the calendar
 25 year in which the taxable year begins, deter-

1 mined by substituting in subparagraph (A)(ii)
2 thereof ‘calendar year 2019’ for ‘calendar year
3 2016’.

4 “(2) ROUNDING.—

5 “(A) IN GENERAL.—If the dollar amount
6 in subsection (a), after being increased under
7 paragraph (1), is not a multiple of \$10,000,
8 such dollar amount shall be rounded to the next
9 lowest multiple of \$10,000.

10 “(B) QUALIFIED REAL PROPERTY.—If the
11 dollar amount in subsection (b)(1)(B)(i), after
12 being increased under paragraph (1), is not a
13 multiple of \$100,000, such amount shall be
14 rounded to the next lowest multiple of
15 \$100,000.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for part III of subchapter B of chapter 1 of such Code
18 is amended by inserting after section 139H the following
19 new item:

 “Sec. 139I. Exclusion gain from transfers of appreciated assets by gift or at
 death.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2019.

23 **SEC. 30544. EXTENSION OF TIME FOR PAYMENT OF TAX.**

24 (a) EXTENSION OF TIME.—

1 (1) IN GENERAL.—Subpart B of chapter 62 of
2 the Internal Revenue Code of 1986 is amended by
3 adding at the end the following new section:

4 **“SEC. 6168. EXTENSION OF TIME FOR PAYMENT OF CAP-**
5 **ITAL GAINS ON CERTAIN ASSETS REALIZED**
6 **BY REASON OF DEATH.**

7 “(a) 15-YEAR INSTALLMENT PAYMENT.—

8 “(1) IN GENERAL.—In the case of any gain
9 with respect to an eligible capital asset that is recog-
10 nized under section 1261 by reason of the death of
11 the taxpayer, the taxpayer may elect to pay part or
12 all of tax imposed on such gain in 2 or more (but
13 not exceeding 15) equal installments.

14 “(2) DATE FOR PAYMENT OF INSTALLMENTS.—

15 If an election is made under paragraph (1), the first
16 installment shall be paid not later than the date on
17 which the tax for the taxable year in which the gain
18 described in paragraph (1) occurs is due, and each
19 succeeding installment shall be paid on or before the
20 date which is 1 year after the date prescribed by this
21 paragraph for payment of the preceding installment.

22 “(b) ELIGIBLE CAPITAL ASSET.—For purposes of
23 this section, the term ‘eligible capital asset’ means any
24 capital asset other than personal property of a type which

1 is actively traded (within the meaning of section
2 1092(d)(1)).

3 “(c) PORTION OF TAX ELIGIBLE.—The amount of
4 tax to which this section applies shall not exceed the excess
5 of—

6 “(1) the tax computed under chapter 1 (deter-
7 mined after application of section 1261), over

8 “(2) the tax computed under chapter 1 (deter-
9 mined without regard to section 1261).

10 “(d) ELECTION.—Any election under subsection (a)
11 shall be made not later than the time prescribed by section
12 6072 for filing the return of tax imposed under chapter
13 1 (including extensions thereof), and shall be made in such
14 manner as the Secretary shall by regulations prescribe. If
15 an election under subsection (a) is made, the provisions
16 of this subtitle shall apply as though the Secretary were
17 extending the time for payment of the tax.

18 “(e) PRORATION OF DEFICIENCY TO INSTALL-
19 MENTS.—If an election is made under subsection (a) to
20 pay any part of the tax imposed under chapter 1 in install-
21 ments and a deficiency has been assessed, the deficiency
22 shall (subject to the limitation provided by subsection
23 (a)(2)) be prorated to the installments payable under sub-
24 section (a). The part of the deficiency so prorated to any
25 installment the date for payment of which has not arrived

1 shall be collected at the same time as, and as a part of,
2 such installment. The part of the deficiency so prorated
3 to any installment the date for payment of which has ar-
4 rived shall be paid upon notice and demand from the Sec-
5 retary. This subsection shall not apply if the deficiency
6 is due to negligence, to intentional disregard of rules and
7 regulations, or to fraud with intent to evade tax.

8 “(f) TIME FOR PAYMENT OF INTEREST.—If the time
9 for payment of any amount of tax has been extended
10 under this section, interest payable under section 6601 on
11 any unpaid portion shall be paid annually at the same time
12 as, and as part of, each installment payment of the tax.

13 “(g) REGULATIONS.—The Secretary shall prescribe
14 such regulations as may be necessary to the application
15 of this section.

16 “(h) CROSS REFERENCES.—

17 “(1) SECURITY.—For authority of the Sec-
18 retary to require security in the case of an extension
19 under this section, see section 6165.

20 “(2) INTEREST.—For provisions relating to in-
21 terest on tax payable in installments under this sec-
22 tion, see subsection (k) of section 6601.”.

23 “(2) CLERICAL AMENDMENT.—The table of sec-
24 tions for subpart B of chapter 62 is amended by
25 adding at the end the following new item:

“Sec. 6168. Extension of time for payment of capital gains on certain assets realized by reason of death.”.

1 (b) INTEREST.—Section 6601 of the Internal Rev-
 2 enue Code of 1986 is amended by redesignating subsection
 3 (k) as subsection (l) and by inserting after subsection (j)
 4 the following new subsection:

5 “(k) SPECIAL RATE FOR TAX EXTENDED UNDER
 6 SECTION 6168.—If the time for payment of an amount
 7 of tax imposed by chapter 11 is extended as provided in
 8 section 6168, in lieu of the annual rate provided by sub-
 9 section (a), interest shall be paid at a rate equal to 45
 10 percent of the annual rate provided by subsection (a). For
 11 purposes of this subsection, the amount of any deficiency
 12 which is prorated to installments payable under section
 13 6168 shall be treated as an amount of tax payable in in-
 14 stallments under such section.”.

15 **SEC. 30545. WAIVER OF PENALTY FOR UNDERPAYMENT OF**
 16 **ESTIMATED TAX.**

17 Section 6654(e)(3) of the Internal Revenue Code of
 18 1986 is amended by adding at the end the following new
 19 subparagraph:

20 “(C) CAPITAL GAINS PAYABLE UPON
 21 DEATH.—No addition to tax shall be imposed
 22 under subsection (a) with respect to any under-
 23 payment if the taxpayer died during the taxable
 24 year and the Secretary determines that the

1 amount of the underpayment is due to capital
2 gains that were realized by reason of section
3 1261.”.

4 **SEC. 30546. EFFECTIVE DATE.**

5 Except as otherwise provided, the amendments made
6 by this subtitle shall apply to transfers after December
7 31, 2019, in taxable years beginning after such date.

8 **Subtitle F—Low-Income Water**
9 **Customer Assistance Programs**

10 **SEC. 30601. SHORT TITLE.**

11 This subtitle may be cited as the “Low-Income Water
12 Customer Assistance Programs Act of 2020”.

13 **SEC. 30602. LOW-INCOME DRINKING WATER ASSISTANCE**
14 **PILOT PROGRAM.**

15 Part E of the Safe Drinking Water Act (42 U.S.C.
16 300j et seq.) is amended by adding at the end the fol-
17 lowing:

18 **“SEC. 1459E. LOW-INCOME DRINKING WATER ASSISTANCE**
19 **PILOT PROGRAM.**

20 “(a) **DEFINITIONS.**—In this section:

21 “(1) **ELIGIBLE ENTITY.**—The term ‘eligible en-
22 tity’ means a municipality or public entity that owns
23 or operates a community water system.

1 “(2) HOUSEHOLD.—The term ‘household’
2 means any individual or group of individuals who
3 are living together as 1 economic unit.

4 “(3) LOW-INCOME HOUSEHOLD.—The term
5 ‘low-income household’ means a household—

6 “(A) in which 1 or more individuals are re-
7 ceiving—

8 “(i) assistance under a State program
9 funded under part A of title IV of the So-
10 cial Security Act (42 U.S.C. 601 et seq.);

11 “(ii) supplemental security income
12 payments under title XVI of the Social Se-
13 curity Act (42 U.S.C. 1381 et seq.);

14 “(iii) supplemental nutrition assist-
15 ance program benefits under the Food and
16 Nutrition Act of 2008 (7 U.S.C. 2011 et
17 seq.); or

18 “(iv) payments under—

19 “(I) section 1315, 1521, 1541, or
20 1542 of title 38, United States Code;
21 or

22 “(II) section 306 of the Veterans’
23 and Survivors’ Pension Improvement
24 Act of 1978 (38 U.S.C. 1521 note;
25 Public Law 95–588); or

1 “(B) that has an income that, as deter-
2 mined by the State in which the household is lo-
3 cated, does not exceed the greater of—

4 “(i) an amount equal to 150 percent
5 of the poverty level; and

6 “(ii) an amount equal to 60 percent of
7 the State median income for that State.

8 “(4) POVERTY LEVEL.—The term ‘poverty
9 level’ means, with respect to a household in a State,
10 the income poverty guidelines for the nonfarm popu-
11 lation of the United States, as prescribed by the Of-
12 fice of Management and Budget, as applicable to the
13 State.

14 “(5) SMALL COMMUNITY-SERVING ELIGIBLE
15 ENTITY.—The term ‘small community-serving eligi-
16 ble entity’ means an eligible entity that provides
17 drinking water services to a city, county, or munici-
18 pality with a population of fewer than 10,000 resi-
19 dents, at least 20 percent of whom are at or below
20 the Federal poverty level.

21 “(6) STATE MEDIAN INCOME.—The term ‘State
22 median income’ has the meaning given the term in
23 section 2603 of Public Law 97–35 (42 U.S.C.
24 8622).

25 “(b) ESTABLISHMENT.—

1 “(1) IN GENERAL.—The Administrator shall es-
2 tablish a pilot program to award grants to not fewer
3 than 32 eligible entities in accordance with para-
4 graph (2) to develop and implement programs to as-
5 sist low-income households in maintaining access to
6 affordable drinking water.

7 “(2) REQUIREMENTS.—

8 “(A) IN GENERAL.—The Administrator
9 shall award grants under the pilot program de-
10 scribed in paragraph (1) to—

11 “(i) not fewer than 8 eligible entities
12 that provide drinking water services to a
13 population of 1,000,000 or more residents;

14 “(ii) not fewer than 8 eligible entities
15 that provide drinking water services to a
16 population of 100,000 or more, but fewer
17 than 1,000,000, residents;

18 “(iii) not fewer than 8 eligible entities
19 that provide drinking water services to a
20 population of 10,000 or more, but fewer
21 than 100,000, residents;

22 “(iv) subject, as applicable, to sub-
23 paragraph (B), not fewer than 8 eligible
24 entities that provide drinking water serv-

ices to a population of fewer than 10,000 residents; and

“(v) not more than 2 eligible entities in each State.

“(B) SMALL COMMUNITY-SERVING ELIGIBLE ENTITIES.—To be eligible to receive a grant under the pilot program under this subsection, a small community-serving eligible entity shall enter into a memorandum of understanding with the State in which the small community-serving eligible entity is located, under which the State shall—

“(i) submit to the Administrator an application under paragraph (6) on behalf of the small community-serving eligible entity; and

“(ii) on receipt of a grant under the pilot program, administer the low-income household assistance program developed by the small community-serving eligible entity.

“(3) LIMITATIONS.—

“(A) USE.—A grant awarded under the pilot program—

“(i) shall not be used to replace funds for any existing similar program; but

1 “(ii) may be used to supplement or
2 enhance an existing program.

3 “(B) GRANTS UNDER MULTIPLE PRO-
4 GRAMS.—An eligible entity—

5 “(i) may apply for a grant under the
6 pilot program and under the low-income
7 wastewater assistance pilot program estab-
8 lished under section 124(b)(1) of the Fed-
9 eral Water Pollution Control Act; but

10 “(ii) may be awarded a grant under
11 only 1 of the programs described in clause
12 (i).

13 “(4) TERM.—The term of a grant awarded
14 under the pilot program shall be 5 years.

15 “(5) MINIMUM PROGRAM REQUIREMENTS.—

16 “(A) IN GENERAL.—Not later than 2 years
17 after the date of enactment of this section, the
18 Administrator shall develop, in consultation
19 with all relevant stakeholders, the minimum re-
20 quirements for a program carried out by an eli-
21 gible entity (or a State, on behalf of a small
22 community-serving eligible entity) using a grant
23 under this subsection.

1 “(B) INCLUSIONS.—The program require-
2 ments developed under subparagraph (A) may
3 include—

4 “(i) direct financial assistance;

5 “(ii) a lifeline rate;

6 “(iii) bill discounting;

7 “(iv) special hardship provisions;

8 “(v) a percentage-of-income payment
9 plan; or

10 “(vi) water efficiency assistance, in-
11 cluding direct installation of water efficient
12 fixtures and leak repair, which may be
13 completed through a contracted third
14 party.

15 “(C) ASSISTANCE EXEMPT FROM TAX-
16 ATION.—Notwithstanding any other provision of
17 law, assistance provided to a low-income house-
18 hold under a program carried out by an eligible
19 entity (or a State, on behalf of a small commu-
20 nity-serving eligible entity) using a grant under
21 this subsection shall be exempt from income tax
22 under the Internal Revenue Code of 1986.

23 “(6) APPLICATION.—To receive a grant under
24 this subsection, an eligible entity (or a State, on be-
25 half of a small community-serving eligible entity)

1 shall submit to the Administrator an application
2 that demonstrates that—

3 “(A) the proposed program of the eligible
4 entity or small community-serving eligible enti-
5 ty, as applicable, meets the requirements devel-
6 oped under paragraph (5)(A);

7 “(B) the proposed program of the eligible
8 entity or small community-serving eligible enti-
9 ty, as applicable, will treat owners and renters
10 equitably;

11 “(C) the eligible entity or small commu-
12 nity-serving eligible entity, as applicable, has, to
13 fund the activities necessary to achieve or main-
14 tain compliance with this Act—

15 “(i) a long-term financial plan based
16 on a rate analysis;

17 “(ii) an asset management plan;

18 “(iii) a capital improvement plan with
19 a period of not less than 20 years;

20 “(iv) a fiscal management plan; or

21 “(v) another plan similar to the plans
22 described in clauses (i) through (iv);

23 “(D) a grant awarded under this sub-
24 section would support the efforts of the eligible
25 entity or the small community-serving entity, as

1 applicable, to generate the necessary funds to
2 achieve or maintain compliance with this title
3 while mitigating the cost to low-income house-
4 holds; and

5 “(E) the eligible entity or the small com-
6 munity-serving entity, as applicable, has the ca-
7 pacity to create and implement an effective
8 community outreach plan to inform eligible cus-
9 tomers of the program and assist with enroll-
10 ment.

11 “(7) PRIORITY.—In awarding grants under this
12 subsection, the Administrator shall give priority to
13 eligible entities or small community-serving eligible
14 entities, as applicable—

15 “(A) that—

16 “(i) in addition to owning or oper-
17 ating community water systems, own or
18 operate 1 or more—

19 “(I) publicly owned treatment
20 works (as defined in section 212 of
21 the Federal Water Pollution Control
22 Act (33 U.S.C. 1292));

23 “(II) municipal wastewater treat-
24 ment systems; or

1 “(III) municipal separate
2 stormwater sewer systems; and

3 “(ii) are subject to consent decrees re-
4 lating to compliance with the Federal
5 Water Pollution Control Act (33 U.S.C.
6 1251 et seq.) for a facility described in
7 clause (i);

8 “(B) the residential customers of which
9 have experienced rate or fee increases for
10 wastewater, stormwater, or drinking water serv-
11 ices that is greater than or equal to 30 percent
12 during the 3-year period ending on the date of
13 enactment of this section; or

14 “(C) that—

15 “(i) develop an equivalent program, as
16 determined by the Administrator, that is
17 administered separately by the eligible en-
18 tity or small community-serving eligible en-
19 tity, as applicable; or

20 “(ii) provide matching funds equal to
21 or greater than the amount of the grant
22 from—

23 “(I) the applicable State or unit
24 of local government; or

1 “(II) a State-sponsored nonprofit
2 organization or private entity.

3 “(8) LOWER INCOME LIMIT.—For purposes of
4 this section, an eligible entity (or a State, on behalf
5 of a small community-serving eligible entity) may
6 adopt an income limit that is lower than the limit
7 described in subsection (a)(3)(B), except that the el-
8 igible entity or State, respectively, may not exclude
9 a household from eligibility in a fiscal year based
10 solely on household income if that income is less
11 than 110 percent of the poverty level.

12 “(9) REPORTING REQUIREMENTS.—

13 “(A) IN GENERAL.—In addition to any
14 other applicable Federal or agency-specific
15 grant reporting requirements, as a condition of
16 receiving a grant under this subsection, an eli-
17 gible entity (or a State, on behalf of a small
18 community-serving eligible entity) shall submit
19 to the Administrator an annual report that
20 summarizes, in a manner determined by the
21 Administrator, the low-income household assist-
22 ance program developed by the eligible entity or
23 small community-serving eligible entity, as ap-
24 plicable, using the grant, including—

- 1 “(i) key features, including rate struc-
2 tures, rebates, discounts, and related ini-
3 tiatives that assist households, including—
4 “(I) budget billing;
5 “(II) bill timing; and
6 “(III) pretermination protections;
7 “(ii) sources of funding;
8 “(iii) eligibility criteria;
9 “(iv) participation rates by eligible
10 households;
11 “(v) the monetary benefit per partici-
12 pant;
13 “(vi) program costs;
14 “(vii) the demonstrable impacts of the
15 program on arrearage and service dis-
16 connection for residential customers, based
17 on data from before and after the imple-
18 mentation of the pilot program, to the
19 maximum extent practicable;
20 “(viii) the outreach and stakeholder
21 process used by the eligible entity or small
22 community-serving eligible entity, as appli-
23 cable, to design the program, including—
24 “(I) the selection process for any
25 stakeholder committee members; and

1 “(II) the number and location of
2 community outreach events;

3 “(ix) the methods used to enroll cus-
4 tomers, including the outreach plan and
5 the status of implementation of that out-
6 reach plan; and

7 “(x) other relevant information re-
8 quired by the Administrator.

9 “(B) PUBLICATION.—The Administrator
10 shall publish each report submitted under sub-
11 paragraph (A).

12 “(c) TECHNICAL ASSISTANCE.—The Administrator
13 shall provide technical assistance to each eligible entity,
14 and each State, on behalf of a small community-serving
15 eligible entity, that receives a grant under this section to
16 ensure—

17 “(1) full implementation of the pilot program;
18 and

19 “(2) maximum enrollment of low-income house-
20 holds, including through—

21 “(A) community outreach campaigns;

22 “(B) coordination with local health depart-
23 ments to determine the eligibility of households
24 for assistance; or

1 “(C) a combination of the campaigns and
 2 coordination described in subparagraphs (A)
 3 and (B).

4 “(d) REPORT.—Not later than 2 years after the date
 5 on which grant funds are first disbursed to an eligible enti-
 6 ty (or a State, on behalf of a small community-serving eli-
 7 gible entity) under this section, and every year thereafter
 8 for the duration of the terms of the grants, the Adminis-
 9 trator shall submit to Congress a report on the results
 10 of the pilot program established under this section.”.

11 **SEC. 30603. LOW-INCOME WASTEWATER ASSISTANCE PILOT**
 12 **PROGRAM.**

13 Title I of the Federal Water Pollution Control Act
 14 (33 U.S.C. 1251 et seq.) is amended by adding at the end
 15 the following:

16 **“SEC. 124. LOW-INCOME WASTEWATER ASSISTANCE PILOT**
 17 **PROGRAM.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 20 tity’ means—

21 “(A) a municipality or public entity that
 22 owns or operates—

23 “(i) a publicly owned treatment
 24 works;

1 “(ii) a municipal wastewater treat-
2 ment system; or

3 “(iii) a municipal separate stormwater
4 sewer system; and

5 “(B) 2 or more municipalities or public en-
6 tities described in subparagraph (A) that have
7 entered into a partnership agreement or a coop-
8 erative agreement.

9 “(2) HOUSEHOLD.—The term ‘household’
10 means any individual or group of individuals who
11 are living together as 1 economic unit.

12 “(3) LOW-INCOME HOUSEHOLD.—The term
13 ‘low-income household’ means a household—

14 “(A) in which 1 or more individuals are re-
15 ceiving—

16 “(i) assistance under a State program
17 funded under part A of title IV of the So-
18 cial Security Act (42 U.S.C. 601 et seq.);

19 “(ii) supplemental security income
20 payments under title XVI of the Social Se-
21 curity Act (42 U.S.C. 1381 et seq.);

22 “(iii) supplemental nutrition assist-
23 ance program benefits under the Food and
24 Nutrition Act of 2008 (7 U.S.C. 2011 et
25 seq.); or

1 “(iv) payments under—

2 “(I) section 1315, 1521, 1541, or
3 1542 of title 38, United States Code;
4 or

5 “(II) section 306 of the Veterans’
6 and Survivors’ Pension Improvement
7 Act of 1978 (38 U.S.C. 1521 note;
8 Public Law 95–588); or

9 “(B) that has an income that, as deter-
10 mined by the State in which the household is lo-
11 cated, does not exceed the greater of—

12 “(i) an amount equal to 150 percent
13 of the poverty level; and

14 “(ii) an amount equal to 60 percent of
15 the State median income for that State.

16 “(4) POVERTY LEVEL.—The term ‘poverty
17 level’ means, with respect to a household in a State,
18 the income poverty guidelines for the nonfarm popu-
19 lation of the United States, as prescribed by the Of-
20 fice of Management and Budget, as applicable to the
21 State.

22 “(5) SMALL COMMUNITY-SERVING ELIGIBLE
23 ENTITY.—The term ‘small community-serving eligi-
24 ble entity’ means an eligible entity that provides
25 wastewater or municipal stormwater services to a

1 city, county, or municipality with a population of
2 fewer than 10,000 residents, at least 20 percent of
3 whom are at or below the Federal poverty level.

4 “(6) STATE MEDIAN INCOME.—The term ‘State
5 median income’ has the meaning given the term in
6 section 2603 of Public Law 97–35 (42 U.S.C.
7 8622).

8 “(b) ESTABLISHMENT.—

9 “(1) IN GENERAL.—The Administrator shall es-
10 tablish a pilot program to award grants to not fewer
11 than 32 eligible entities in accordance with para-
12 graph (2) to develop and implement programs to as-
13 sist low-income households in maintaining access to
14 affordable wastewater or municipal stormwater serv-
15 ices.

16 “(2) REQUIREMENTS.—

17 “(A) IN GENERAL.—The Administrator
18 shall award grants under the pilot program de-
19 scribed in paragraph (1) to—

20 “(i) not fewer than 8 eligible entities
21 that provide wastewater services,
22 stormwater services, or both to a popu-
23 lation of 1,000,000 or more residents;

24 “(ii) not fewer than 8 eligible entities
25 that provide wastewater services,

1 stormwater services, or both to a popu-
2 lation of 100,000 or more, but fewer than
3 1,000,000, residents;

4 “(iii) not fewer than 8 eligible entities
5 that provide wastewater services,
6 stormwater services, or both to a popu-
7 lation of 10,000 or more, but fewer than
8 100,000, residents;

9 “(iv) subject, as applicable, to sub-
10 paragraph (B), not fewer than 8 eligible
11 entities that provide wastewater services,
12 stormwater services, or both to a popu-
13 lation of fewer than 10,000 residents; and

14 “(v) not more than 2 eligible entities
15 in each State.

16 “(B) SMALL COMMUNITY-SERVING ELIGI-
17 BLE ENTITIES.—To be eligible to receive a
18 grant under the pilot program under this sub-
19 section, a small community-serving eligible enti-
20 ty shall enter into a memorandum of under-
21 standing with the State in which the small com-
22 munity-serving eligible entity is located, under
23 which the State shall—

24 “(i) submit to the Administrator an
25 application under paragraph (6) on behalf

1 of the small community-serving eligible en-
2 tity; and

3 “(ii) on receipt of a grant under the
4 pilot program, administer the low-income
5 household assistance program developed by
6 the small community-serving eligible entity.

7 “(3) LIMITATIONS.—

8 “(A) USE.—A grant awarded under the
9 pilot program—

10 “(i) shall not be used to replace funds
11 for any existing similar program; but

12 “(ii) may be used to supplement or
13 enhance an existing program.

14 “(B) GRANTS UNDER MULTIPLE PRO-
15 GRAMS.—An eligible entity—

16 “(i) may apply for a grant under the
17 pilot program and under the low-income
18 drinking water assistance pilot program es-
19 tablished under section 1459E(b)(1) of the
20 Safe Drinking Water Act; but

21 “(ii) may be awarded a grant under
22 only 1 of the programs described in clause
23 (i).

24 “(4) TERM.—The term of a grant awarded
25 under the pilot program shall be 5 years.

1 “(5) MINIMUM PROGRAM REQUIREMENTS.—

2 “(A) IN GENERAL.—Not later than 2 years
3 after the date of enactment of this section, the
4 Administrator shall develop, in consultation
5 with all relevant stakeholders, the minimum re-
6 quirements for a program to be carried out by
7 an eligible entity (or a State, on behalf of a
8 small community-serving eligible entity) using a
9 grant under this subsection.

10 “(B) INCLUSIONS.—The program require-
11 ments developed under subparagraph (A) may
12 include—

13 “(i) direct financial assistance;

14 “(ii) a lifeline rate;

15 “(iii) bill discounting;

16 “(iv) special hardship provisions;

17 “(v) a percentage-of-income payment
18 plan; or

19 “(vi) water efficiency assistance, in-
20 cluding direct installation of water efficient
21 fixtures and leak repair, which may be
22 completed through a contracted third
23 party.

24 “(C) ASSISTANCE EXEMPT FROM TAX-
25 ATION.—Notwithstanding any other provision of

1 law, assistance provided to a low-income house-
2 hold under a program carried out by an eligible
3 entity (or a State, on behalf of a small commu-
4 nity-serving eligible entity) using a grant under
5 this subsection shall be exempt from income tax
6 under the Internal Revenue Code of 1986.

7 “(6) APPLICATION.—To receive a grant under
8 this subsection, an eligible entity (or a State, on be-
9 half of a small community-serving eligible entity)
10 shall submit to the Administrator an application
11 that demonstrates that—

12 “(A) the proposed program of the eligible
13 entity or small community-serving eligible enti-
14 ty, as applicable, meets the requirements devel-
15 oped under paragraph (5)(A);

16 “(B) the proposed program of the eligible
17 entity or small community-serving eligible enti-
18 ty, as applicable, will treat owners and renters
19 equitably;

20 “(C) the eligible entity or small commu-
21 nity-serving eligible entity, as applicable, has, to
22 fund the activities necessary to achieve or main-
23 tain compliance with this Act—

24 “(i) a long-term financial plan based
25 on a rate analysis;

1 “(ii) an asset management plan;

2 “(iii) a capital improvement plan with
3 a period of not less than 20 years;

4 “(iv) a fiscal management plan; or

5 “(v) another plan similar to the plans
6 described in clauses (i) through (iv);

7 “(D) a grant awarded under this sub-
8 section would support the efforts of the eligible
9 entity or the small community-serving entity, as
10 applicable, to generate the necessary funds to
11 achieve or maintain compliance with this title
12 while mitigating the cost to low-income house-
13 holds; and

14 “(E) the eligible entity or the small com-
15 munity-serving entity, as applicable, has the ca-
16 pacity to create and implement an effective
17 community outreach plan to inform eligible cus-
18 tomers of the program and assist with enroll-
19 ment.

20 “(7) PRIORITY.—In awarding grants under this
21 subsection, the Administrator shall give priority to
22 eligible entities or small community-serving eligible
23 entities, as applicable—

24 “(A) that are affected by consent decrees
25 relating to compliance with this Act;

1 “(B) the residential customers of the eligi-
2 ble entity or small community-serving eligible
3 entity, as applicable, have experienced a rate or
4 fee increase for wastewater, stormwater, or
5 drinking water services that is greater than or
6 equal to 30 percent during the 3-year period
7 ending on the date of enactment of this section;

8 “(C) that—

9 “(i) develop an equivalent program, as
10 determined by the Administrator, that is
11 administered separately by the eligible en-
12 tity or small community-serving eligible en-
13 tity, as applicable; or

14 “(ii) provide matching funds equal to
15 or greater than the amount of the grant
16 from—

17 “(I) the applicable State or unit
18 of local government; or

19 “(II) a State-sponsored nonprofit
20 organization or private entity; or

21 “(D) that are described in subsection
22 (a)(1)(B).

23 “(8) LOWER INCOME LIMIT.—For purposes of
24 this section, an eligible entity (or a State, on behalf
25 of a small community-serving eligible entity) may

1 adopt an income limit that is lower than the limit
2 described in subsection (a)(3)(B), except that the el-
3 igible entity or State, respectively, may not exclude
4 a household from eligibility in a fiscal year based
5 solely on household income if that income is less
6 than 110 percent of the poverty level.

7 “(9) REPORTING REQUIREMENTS.—

8 “(A) IN GENERAL.—In addition to any
9 other applicable Federal or agency-specific
10 grant reporting requirements, as a condition of
11 receiving a grant under this subsection, an eli-
12 gible entity (or a State, on behalf of a small
13 community-serving eligible entity) shall submit
14 to the Administrator an annual report that
15 summarizes, in a manner determined by the
16 Administrator, the low-income household assist-
17 ance program developed by the eligible entity or
18 small community-serving eligible entity, as ap-
19 plicable, using the grant amount, including—

20 “(i) key features, including rate struc-
21 tures, rebates, discounts, and related ini-
22 tiatives that assist households, including—

23 “(I) budget billing;

24 “(II) bill timing; and

25 “(III) pretermination protections;

1 “(ii) sources of funding;

2 “(iii) eligibility criteria;

3 “(iv) participation rates by eligible
4 households;

5 “(v) the monetary benefit per partici-
6 pant;

7 “(vi) program costs;

8 “(vii) the demonstrable impacts of the
9 program on arrearage and service dis-
10 connection for residential customers, based
11 on data from before and after the imple-
12 mentation of the pilot program, to the
13 maximum extent practicable;

14 “(viii) the outreach and stakeholder
15 process used by the eligible entity or small
16 community-serving eligible entity, as appli-
17 cable, to design the program, including—

18 “(I) the selection process for any
19 stakeholder committee members; and

20 “(II) the number and location of
21 community outreach events;

22 “(ix) the methods used to enroll cus-
23 tomers, including the outreach plan and
24 the status of implementation of that out-
25 reach plan; and

1 “(x) other relevant information re-
2 quired by the Administrator.

3 “(B) PUBLICATION.—The Administrator
4 shall publish each report submitted under sub-
5 paragraph (A).

6 “(c) TECHNICAL ASSISTANCE.—The Administrator
7 shall provide technical assistance to each eligible entity,
8 and each State, on behalf of a small community-serving
9 eligible entity, that receives a grant under this section to
10 ensure—

11 “(1) full implementation of the pilot program;
12 and

13 “(2) maximum enrollment of low-income house-
14 holds, including through—

15 “(A) community outreach campaigns;

16 “(B) coordination with local health depart-
17 ments to determine the eligibility of households
18 for assistance; or

19 “(C) a combination of the campaigns and
20 coordination described in subparagraphs (A)
21 and (B).

22 “(d) REPORT.—Not later than 2 years after the date
23 on which grant funds are first disbursed to an eligible enti-
24 ty (or a State, on behalf of a small community-serving eli-
25 gible entity) under this section, and every year thereafter

1 for the duration of the terms of the grants, the Adminis-
2 trator shall submit to Congress a report on the results
3 of the pilot program established under this section.”.

4 **SEC. 30604. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
5 **AND URBAN LOW-INCOME COMMUNITY**
6 **WATER ASSISTANCE PROGRAM.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) LOW-INCOME HOUSEHOLD.—The term
12 “low-income household” means a household—

13 (A) in which 1 or more individuals are re-
14 ceiving—

15 (i) assistance under a State program
16 funded under part A of title IV of the So-
17 cial Security Act (42 U.S.C. 601 et seq.);

18 (ii) supplemental security income pay-
19 ments under title XVI of the Social Secu-
20 rity Act (42 U.S.C. 1381 et seq.);

21 (iii) supplemental nutrition assistance
22 program benefits under the Food and Nu-
23 trition Act of 2008 (7 U.S.C. 2011 et
24 seq.); or

25 (iv) payments under—

1 (I) section 1315, 1521, 1541, or
2 1542 of title 38, United States Code;
3 or

4 (II) section 306 of the Veterans'
5 and Survivors' Pension Improvement
6 Act of 1978 (38 U.S.C. 1521 note;
7 Public Law 95–588); or

8 (B) that has an income that, as deter-
9 mined by the State in which the household is lo-
10 cated, does not exceed the greater of—

11 (i) an amount equal to 150 percent of
12 the poverty level; and

13 (ii) an amount equal to 60 percent of
14 the State median income for that State.

15 (3) POVERTY LEVEL.—The term “poverty
16 level” means, with respect to a household in a State,
17 the income poverty guidelines for the nonfarm popu-
18 lation of the United States, as prescribed by the Of-
19 fice of Management and Budget, as applicable to the
20 State.

21 (4) STATE MEDIAN INCOME.—The term “State
22 median income” has the meaning given the term in
23 section 2603 of Public Law 97–35 (42 U.S.C.
24 8622).

25 (b) STUDY; REPORT.—

1 (1) IN GENERAL.—Not later than 4 years after
2 the date of enactment of this Act, the Administrator
3 shall conduct, and submit to Congress a report de-
4 scribing the results of, a study regarding the preva-
5 lence throughout the United States of low-income
6 households that do not have access to—

7 (A) affordable and functional centralized
8 or onsite wastewater services that protect the
9 health of individuals in the households;

10 (B) affordable municipal stormwater serv-
11 ices; or

12 (C) affordable public drinking water serv-
13 ices to meet household needs.

14 (2) INCLUSIONS.—The report under paragraph
15 (1) shall include—

16 (A) recommendations of the Administrator
17 regarding the best methods to increase access
18 to affordable and functional centralized and on-
19 site wastewater, stormwater, and drinking
20 water services;

21 (B) a description of the cost of each meth-
22 od described in subparagraph (A);

23 (C) with respect to the development of the
24 report, a consultation with all relevant stake-
25 holders; and

1 (D) a description of the results of the
 2 study with respect to low-income renters who do
 3 not receive bills for wastewater, stormwater,
 4 and drinking water services but pay for the
 5 services indirectly through rent payments.

6 (3) AGREEMENTS.—The Administrator may
 7 enter into an agreement with another Federal agen-
 8 cy to carry out the study under paragraph (1).

9 **Subtitle G—Worker Relief and** 10 **Credit Reform**

11 **SEC. 30701. SHORT TITLE.**

12 This subtitle may be cited as the “Worker Relief and
 13 Credit Reform Act of 2020” or as the “WRCR Act of
 14 2020”.

15 **SEC. 30702. EXPANSION AND IMPROVEMENT OF EARNED IN-** 16 **COME TAX CREDIT.**

17 (a) APPLICATION TO STUDENTS.—

18 (1) IN GENERAL.—Section 32(c)(1)(A)(i) of the
 19 Internal Revenue Code of 1986 is amended by in-
 20 serting “who is a qualifying student or” after “any
 21 individual”.

22 (2) QUALIFYING STUDENT.—Section 32(c) of
 23 such Code is amended by redesignating paragraph
 24 (4) as paragraph (5) and inserting after paragraph
 25 (3) the following new paragraph:

1 “(4) QUALIFYING STUDENT.—

2 “(A) IN GENERAL.—The term ‘qualifying
3 student’ means, with respect to any taxable
4 year, any individual who—

5 “(i) is an eligible student (as defined
6 in section 25A(b)(3)) with respect to at
7 least one academic period beginning during
8 such taxable year,

9 “(ii) either—

10 “(I) qualifies for a Federal Pell
11 Grant with respect to such academic
12 period, or

13 “(II) meets the requirements of
14 subparagraph (B) or (C) for the tax-
15 able year, and

16 “(iii) is not a dependent for whom a
17 deduction is allowable under section 151 to
18 another taxpayer for any taxable year be-
19 ginning in the same calendar year as such
20 taxable year.

21 “(B) INDEPENDENT STUDENTS.—In the
22 case of any independent student, the require-
23 ments of this subparagraph are met for such
24 taxable year if the household income of the tax-
25 payer is less than 300 percent of the poverty

1 line for the size of the family involved for the
2 taxable year.

3 “(C) OTHER STUDENTS.—

4 “(i) IN GENERAL.—In the case of any
5 individual who is not an independent stu-
6 dent, the requirements of this subpara-
7 graph are met for such taxable year if the
8 aggregate household incomes of all the in-
9 dividual’s specified supporters (and the
10 taxpayer if not otherwise taken into ac-
11 count) for the taxable years of such sup-
12 porters which end in or with the calendar
13 year in which such individual’s taxable
14 year begins is less than 300 percent of the
15 poverty line for the size of the family in-
16 volved (determined on a single aggregate
17 basis) for the taxable year.

18 “(ii) SPECIFIED SUPPORTER.—The
19 term ‘specified supporter’ means, with re-
20 spect to any individual described in clause
21 (i), any taxpayer with respect to whom
22 such individual was a dependent for any
23 taxable year ending in the 3-year period
24 described in subparagraph (D)(i).

25 “(D) INDEPENDENT STUDENT DEFINED.—

1 “(i) IN GENERAL.—The term ‘inde-
2 pendent student’ means any individual if
3 such individual was not a dependent of an-
4 other taxpayer for any taxable year ending
5 in the 3-year period which ends on the
6 first day of the first academic period with
7 respect to which such individual is an eligi-
8 ble student (as defined in section
9 25A(b)(3)).

10 “(ii) CERTAIN ACADEMIC PERIODS
11 DISREGARDED.—An academic period shall
12 be disregarded under clause (i) if such aca-
13 demic period ends more than 2 years be-
14 fore the beginning of the next academic pe-
15 riod with respect to which the individual is
16 an eligible student (as defined in section
17 25A(b)(3)).

18 “(E) OTHER DEFINITIONS.—

19 “(i) HOUSEHOLD INCOME.—The term
20 ‘household income’ has the meaning given
21 such term in section 36B(d)(2).

22 “(ii) POVERTY LINE.—The term ‘pov-
23 erty line’ has the meaning given such term
24 in section 36B(d)(3)(A).

1 “(iii) FAMILY SIZE.—The family size
2 involved with respect to any taxpayer shall
3 be determined under rules similar to the
4 rules of section 36B(d)(1).”.

5 (3) CONFORMING AMENDMENT.—Section
6 32(c)(1)(A)(ii) of such Code is amended by striking
7 “any other individual who does not have a qualifying
8 child” and inserting “any individual not described in
9 clause (i)”.

10 (b) MODIFICATION OF AGE REQUIREMENTS.—Sec-
11 tion 32(c)(1)(A)(ii)(II) of such Code is amended by strik-
12 ing “has attained age 25 but not attained age 65” and
13 inserting “has attained age 18”.

14 (c) CARE-GIVING AND LEARNING TAKEN INTO AC-
15 COUNT AS COMPENSATED WORK.—Section 32(a) of such
16 Code is amended by adding at the end the following new
17 paragraph:

18 “(3) SPECIAL RULE FOR QUALIFYING STU-
19 DENTS AND CERTAIN INDIVIDUALS WITH ONE OR
20 MORE QUALIFYING DEPENDENTS.—For purposes of
21 paragraph (1), any individual—

22 “(A) who is a qualifying student, or

23 “(B) who has a qualifying dependent,

24 shall be treated as having earned income for the tax-
25 able year which is equal to the earned income

1 amount with respect to such individual for such tax-
 2 able year.”.

3 (d) TREATMENT OF CERTAIN QUALIFYING REL-
 4 ATIVES.—

5 (1) IN GENERAL.—Section 32(c)(3) of such
 6 Code is amended by striking all that precedes sub-
 7 paragraph (B) and inserting the following:

8 “(3) QUALIFYING DEPENDENT.—

9 “(A) IN GENERAL.—The term ‘qualifying
 10 dependent’ means—

11 “(i) a qualifying child of the taxpayer,
 12 as defined in section 152(c), determined—

13 “(I) by substituting ‘12’ for ‘19’
 14 in paragraph (3)(A)(i) thereof, and

15 “(II) without regard to para-
 16 graphs (1)(D) and (3)(A)(ii) thereof
 17 and section 152(e),

18 “(ii) any individual who is physically
 19 or mentally incapable of caring for himself
 20 or herself (within the meaning of section
 21 21(b)(1)) and who—

22 “(I) is the taxpayer’s spouse, or

23 “(II) is a qualifying relative of
 24 the taxpayer, as defined in section
 25 152(d), determined without regard to

1 paragraph (1)(B) thereof and by
2 treating an individual as a qualifying
3 child of the taxpayer for purposes of
4 paragraph (1)(D) thereof only if such
5 individual is a qualifying child of the
6 taxpayer as determined under clause
7 (i) of this subparagraph, or

8 “(iii) any qualifying relative of the
9 taxpayer (as defined in section 152(d), de-
10 termined without regard to paragraph
11 (1)(B) thereof) who has attained age 65 as
12 of the close of the calendar year in which
13 the taxable year of the taxpayer begins.

14 For purposes of determining if any individual is
15 a qualifying relative of the taxpayer under
16 clause (ii)(II) or (iii), section 152(d)(1)(C) shall
17 be applied by not taking into account any bene-
18 fits received by such individual pursuant to any
19 Federal program (or any State or local program
20 financed in whole or in part with Federal
21 funds) related to health care, cash aid, child
22 care, food assistance, housing and development,
23 social services, employment and training, or en-
24 ergy assistance.”.

25 (2) CONFORMING AMENDMENTS.—

1 (A) Section 32(c)(1)(A)(i) of such Code
2 are each amended by striking “qualifying child”
3 and inserting “qualifying dependent”.

4 (B) Section 32(c)(1)(B) of such Code is
5 amended—

6 (i) by striking “qualifying child” and
7 inserting “qualifying dependent”, and

8 (ii) by striking “CHILD” in the head-
9 ing and inserting “DEPENDENT”.

10 (C) Section 32(c)(1)(F) of such Code is
11 amended—

12 (i) by striking “qualifying children”
13 and inserting “qualifying dependents”,

14 (ii) by striking “qualifying child” and
15 inserting “qualifying dependent”, and

16 (iii) by striking “QUALIFYING CHILD”
17 in the heading and inserting “QUALIFYING
18 DEPENDENT”.

19 (D) Section 32(c)(3)(D)(i) of such Code is
20 amended by striking “qualifying child” both
21 places it appears and inserting “qualifying de-
22 pendent”.

23 (e) MODIFICATION OF PERCENTAGES AND
24 AMOUNTS.—

1 (1) 100 PERCENT CREDIT PERCENTAGE.—
2 Paragraph (1) and paragraph (2)(A) of section
3 32(a) of such Code are each amended by striking
4 “the credit percentage of”.

5 (2) 20 PERCENT PHASEOUT PERCENTAGE.—
6 Section 32(a)(2)(B) of such Code is amended by
7 striking “the phaseout percentage” and inserting
8 “20 percent”.

9 (3) MODIFICATION OF EARNED INCOME AND
10 PHASEOUT AMOUNTS.—Section 32(b) of such Code
11 is amended to read as follows:

12 “(b) EARNED INCOME AMOUNT; PHASEOUT
13 AMOUNT.—For purposes of this section—

14 “(1) EARNED INCOME AMOUNT.—The term
15 ‘earned income amount’ means \$4,000 (twice such
16 amount in the case of a joint return).

17 “(2) PHASEOUT AMOUNT.—The term ‘phaseout
18 amount’ means \$30,000 (\$50,000 in the case of a
19 joint return).

20 “(3) INFLATION ADJUSTMENT.—In the case of
21 any taxable year beginning after 2019, the \$4,000
22 amount in paragraph (1) and each dollar amount in
23 paragraph (2) shall be increased by an amount equal
24 to—

25 “(A) such dollar amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
 2 mined under section 1(f)(3) for the calendar
 3 year in which the taxable year begins, deter-
 4 mined by substituting ‘2018’ for ‘2016’ in sub-
 5 paragraph (A)(ii) thereof.

6 If any increase under the preceding sentence is not
 7 a multiple of \$50, such increase shall be rounded to
 8 the next lowest multiple of \$50.”.

9 (4) CONFORMING AMENDMENTS.—

10 (A) Section 32(i) of such Code is amended
 11 by adding at the end the following new para-
 12 graph:

13 “(3) INFLATION ADJUSTMENT.—

14 “(A) IN GENERAL.—In the case of any
 15 taxable year beginning after 2018, the \$2,200
 16 amount in subsection (i)(1) shall be increased
 17 by an amount equal to—

18 “(i) such dollar amount, multiplied by

19 “(ii) the cost-of-living adjustment de-
 20 termined under section 1(f)(3) for the cal-
 21 endar year in which the taxable year be-
 22 gins, determined by substituting ‘1995’ for
 23 ‘2016’ in subparagraph (A)(ii) thereof.

24 “(B) ROUNDING.—If any increase under
 25 subparagraph (A) is not a multiple of \$50, such

1 increase shall be rounded to the next lowest
2 multiple of \$50.”.

3 (B) Section 32 of such Code is amended by
4 striking subsection (j).

5 (f) INCREASED CREDIT FOR CERTAIN UNMARRIED
6 INDIVIDUALS WITH 2 OR MORE QUALIFYING CHIL-
7 DREN.—

8 (1) IN GENERAL.—Section 32 of such Code is
9 amended by inserting after subsection (f) the fol-
10 lowing new subsection:

11 “(g) INCREASED CREDIT FOR CERTAIN UNMARRIED
12 INDIVIDUALS WITH 2 OR MORE QUALIFYING CHIL-
13 DREN.—

14 “(1) IN GENERAL.—In the case of a qualified
15 individual, the amount of the credit otherwise deter-
16 mined under subsection (a) shall be increased by the
17 amount of the credit determined under this section
18 as such section was in effect for taxable years begin-
19 ning in 2018 but with the modifications described in
20 paragraph (2).

21 “(2) MODIFICATIONS.—Solely for purposes of
22 determining the increase under paragraph (1)—

23 “(A) CREDIT PERCENTAGE.—The credit
24 percentage shall be equal to—

1 “(i) in the case of a qualified indi-
 2 vidual with 2 qualifying children, 12.5 per-
 3 cent, and

4 “(ii) in the case of a qualified indi-
 5 vidual with 3 or more qualifying children,
 6 18.75 percent.

7 “(B) PHASEOUT PERCENTAGE.—The
 8 phaseout percentage shall be equal to 5 percent.

9 “(C) APPLICATION OF INFLATION ADJUST-
 10 MENT.—Section 32(j) as in effect for taxable
 11 years beginning in 2018 shall be applied by tak-
 12 ing into account the taxable year for which the
 13 increase under paragraph (1) is determined.

14 “(3) QUALIFIED INDIVIDUAL.—For purposes of
 15 this subsection, the term ‘qualified individual’ means
 16 any individual who—

17 “(A) is not married (as determined under
 18 section 7703), and

19 “(B) has 2 or more qualifying children.

20 “(4) QUALIFYING CHILD.—For purposes of this
 21 subsection, the term ‘qualifying child’ means a child
 22 described in subsection (c)(3)(A)(i) determined with-
 23 out regard to subclause (I) thereof.”.

24 (g) ADVANCE PAYMENT.—

1 (1) IN GENERAL.—Chapter 77 of such Code is
2 amended by adding at the end the following new sec-
3 tion:

4 **“SEC. 7529. ADVANCE PAYMENT OF EARNED INCOME CRED-**
5 **IT; EARNED INCOME SAVINGS ACCOUNTS.**

6 “(a) IN GENERAL.—Not later than the date that is
7 2 years after the date of the enactment of this section,
8 the Secretary shall establish a program for making direct
9 advance monthly payments of the credit allowable under
10 section 32 to taxpayers who elect to receive such pay-
11 ments.

12 “(b) LIMITATION.—The aggregate monthly payments
13 made under subsection (a) with respect to any taxpayer
14 for any taxable year shall not exceed 75 percent of the
15 estimated amount of the credit allowable under section 32
16 to such taxpayer for such taxable year.

17 “(c) ELECTION.—The election under subsection (a)
18 may be made or changed for subsequent periods at any
19 time during the taxable year. In the case of an election
20 made after the beginning of a taxable year, the monthly
21 advance payments shall be made for months beginning
22 after the date that such election becomes effective and the
23 total amount of advance payments (subject to the limita-
24 tion of subsection (b)) shall be prorated among the re-
25 maining months.

1 “(d) METHOD OF PAYMENT.—The program estab-
2 lished under subsection (a) shall include an option for tax-
3 payers to elect to receive payments under such program
4 by prepaid debit card.

5 “(e) REPORTS TO TAXPAYERS.—

6 “(1) IN GENERAL.—With respect to payments
7 made under this section for any calendar year, not
8 later than January 31 of the following calendar
9 year, the Secretary shall issue a statement to each
10 individual with respect to whom payments were
11 made under this section setting forth—

12 “(A) the name, address, and TIN of such
13 person,

14 “(B) the aggregate amount of payments
15 made under this section with respect to such
16 person for such calendar year,

17 “(C) a statement that such individual is
18 required to file a return of tax with respect to
19 taxable years which include any portion of such
20 calendar year regardless of whether such indi-
21 vidual has income tax liability with respect to
22 such taxable years, and

23 “(D) such other information as the Sec-
24 retary may provide.

1 “(2) ELECTION TO RECEIVE STATEMENT
2 THROUGH ON-LINE PORTAL.—A taxpayer may elect
3 to receive the statement described in paragraph (1)
4 through the on-line portal described in subsection
5 (f).

6 “(f) RECAPTURE OF EXCESS PAYMENTS.—If the ag-
7 gregate payments made to any taxpayer under subsection
8 (a) with respect to any taxable year exceed the credit al-
9 lowed under section 32 (determined without regard to sub-
10 section (h) thereof) with respect to such taxpayer for such
11 taxable year, the tax imposed by chapter 1 with respect
12 to such taxpayer for such taxable year shall be increased
13 by such excess.

14 “(g) RESTRICTION ON ALLOWANCE OF ADVANCE
15 PAYMENT IF EXCESS PAYMENTS NOT REPAID.—In the
16 case of a taxpayer who fails to pay any tax liability which
17 includes an increase determined under subsection (f) be-
18 fore the date on which payment of such tax is due, no
19 payment shall be made under subsection (a) to such tax-
20 payer during the period beginning on such date and end-
21 ing with the 2-year period which begins on the date that
22 such tax liability (and any interest or penalties in connec-
23 tion with such liability) has been paid in full.”.

24 (2) COORDINATION WITH CREDIT.—Section 32
25 of such Code, as amended by subsection (f), is

1 amended by inserting after subsection (g) the fol-
2 lowing new subsection:

3 “(h) COORDINATION WITH ADVANCE PAYMENT OF
4 CREDIT.—With respect to any taxable year, the amount
5 which would (but for this subsection) be allowed as a cred-
6 it to the taxpayer under this section shall be reduced (but
7 not below zero) by the aggregate payments made under
8 section 7529 to such taxpayer for such taxable year.”.

9 (3) ONE-ON-ONE CONSULTATIONS.—The Sec-
10 retary of the Treasury (or the Secretary’s delegate)
11 shall ensure that in person, telephonic, and virtual
12 one-on-one consultations between taxpayers and the
13 Internal Revenue Service are available to assist tax-
14 payers at all times during regular business hours
15 (and, in the case of in person consultations, at all
16 taxpayer assistance centers of the Internal Revenue
17 Service) in determining—

18 (A) their eligibility for the advance pay-
19 ment program established under section 7529,

20 (B) the amount of the monthly payment
21 for which the taxpayer is eligible under such
22 program,

23 (C) the circumstances or changes in cir-
24 cumstances which, based on the particular char-
25 acteristics of such taxpayer, are most likely to

1 result in excess payments to such taxpayer
2 which would be subject to recapture under sec-
3 tion 7529(f), and

4 (D) such other matters as such Secretary
5 or delegate determines appropriate.

6 (4) ON-LINE PORTAL.—The Secretary of the
7 Treasury (or the Secretary’s delegate) shall establish
8 an on-line portal which allows taxpayers to—

9 (A) elect to receive advance monthly pay-
10 ment under section 7529, including determining
11 the estimated amount described in subsection
12 (b) of such section and determining the amount
13 of such monthly payments,

14 (B) report changes in circumstances and
15 modify the amount of future advance monthly
16 payments under such section, and

17 (C) stop future advance monthly payments
18 under such section and pay back any advance
19 monthly payments.

20 (5) CLERICAL AMENDMENT.—The table of sec-
21 tions for chapter 77 of such Code is amended by
22 adding at the end the following new item:

“Sec. 7529. Advance payment of earned income credit; earned income savings
accounts.”.

23 (h) OUTREACH PILOT PROGRAM.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this Act, the Secretary
3 of the Treasury (or the Secretary’s designee) shall
4 establish a program to educate taxpayers regarding
5 the availability of the earned income tax credit and
6 the advance monthly payment of such credit. Pursu-
7 ant to such program—

8 (A) EITC EDUCATIONAL LETTERS.—The
9 Secretary (or designee) shall provide a written
10 notice describing the earned income tax credit,
11 the qualifications for receiving such credit, and
12 the program for the advance payment of such
13 credit to each taxpayer that the Secretary (or
14 designee) determines is likely to qualify for such
15 credit.

16 (B) DISTRICT OFFICE WORKSHOPS.—Each
17 district office of the Internal Revenue Service
18 shall provide workshops and seminars to assist
19 and educate taxpayers regarding the earned in-
20 come tax credit and the program to provide ad-
21 vance monthly payments of such credit.

22 (C) QUARTERLY REMINDERS.—The Inter-
23 nal Revenue Service shall provide written re-
24 minders each calendar quarter to taxpayers
25 participating in the program to provide advance

1 monthly payments of the earned income tax
2 credit that the amount of such payments are
3 determined on the basis of estimates based on
4 information previously provided by the tax-
5 payer, that the taxpayer is responsible for re-
6 paying any amounts received which are in ex-
7 cess of the actual amount of the earned income
8 tax credit, and that the taxpayer should review
9 all the facts and circumstances that may affect
10 the amount of the earned income tax credit of
11 the taxpayer which the taxpayer is receiving in
12 advance.

13 (2) TERMINATION.—The program established
14 under paragraph (1) shall terminate at the close of
15 the 10-year period beginning on the date that such
16 program is established by the Secretary (or des-
17 ignee).

18 (3) REPORT ON EFFECTIVENESS OF PRO-
19 GRAM.—On the date which is 5 years after the es-
20 tablishment of the program under paragraph (1),
21 the Secretary shall submit to Congress a report eval-
22 uating the effectiveness of the program, including a
23 detailed examination of the effectiveness of each of
24 the initiatives described in subparagraphs (A), (B),
25 and (C) of paragraph (1).

1 (i) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to taxable years beginning after
 3 December 31, 2021.

4 **Subtitle H—School Modernization**
 5 **and Efficient Access to Lunches**
 6 **for Students**

7 **SEC. 30801. SHORT TITLE.**

8 This subtitle may be cited as the “School Moderniza-
 9 tion and Efficient Access to Lunches for Students Act of
 10 2020” or the “School MEALS Act of 2020”.

11 **SEC. 30802. EXPANDING DIRECT CERTIFICATION.**

12 Section 9(b)(4)(F)(iii)(II)(bb) of the Richard B. Rus-
 13 sell National School Lunch Act (42 U.S.C.
 14 1758(b)(4)(F)(iii)(II)(bb)) is amended by inserting “in
 15 not more than 3 school years” after “measures”.

16 **SEC. 30803. DIRECT CERTIFICATION IMPROVEMENT**
 17 **GRANTS AND TECHNICAL ASSISTANCE.**

18 Section 9(b) of the Richard B. Russell National
 19 School Lunch Act (42 U.S.C. 1758(b)) is amended by add-
 20 ing at the end the following:

21 “(16) DIRECT CERTIFICATION IMPROVEMENT
 22 GRANTS AND TECHNICAL ASSISTANCE.—

23 “(A) DEFINITIONS.—In this paragraph:

24 “(i) ELIGIBLE ENTITY.—The term ‘el-
 25 igible entity’ means—

1 “(I) a State agency; and

2 “(II) a Tribal organization.

3 “(ii) INDIAN TRIBE.—The term ‘In-
4 dian Tribe’ has the meaning given the
5 term ‘Indian tribe’ in section 4 of the In-
6 dian Self-Determination and Education
7 Assistance Act (25 U.S.C. 5304).

8 “(iii) RATE OF DIRECT CERTIFI-
9 CATION.—The term ‘rate of direct certifi-
10 cation’ means the percentage of children
11 eligible for direct certification under para-
12 graphs (4) and (5) for a school year that
13 were directly certified under those para-
14 graphs for that school year.

15 “(iv) TRIBAL ORGANIZATION.—The
16 term ‘Tribal organization’ has the meaning
17 given the term ‘tribal organization’ in sec-
18 tion 4 of the Indian Self-Determination
19 and Education Assistance Act (25 U.S.C.
20 5304).

21 “(B) GRANTS.—

22 “(i) IN GENERAL.—The Secretary
23 shall provide grants to eligible entities that
24 administer the school lunch program under
25 this Act to improve the rate of direct cer-

1 tification in the State in which the eligible
2 entity is located.

3 “(ii) PRIORITY.—In providing grants
4 under clause (i), the Secretary shall give
5 priority to States and Tribal organizations
6 with the lowest rates of direct certification.

7 “(iii) USE OF FUNDS.—An eligible en-
8 tity that receives a grant under clause (i)
9 shall use the grant funds to pay costs re-
10 lating to improving the rate of direct cer-
11 tification in the State or Indian Tribe, as
12 applicable, including the cost of—

13 “(I) improving technology relat-
14 ing to direct certification;

15 “(II) providing technical assist-
16 ance to local educational agencies;

17 “(III) newly implementing or re-
18 vising a direct certification system or
19 process in the State (including at local
20 educational agencies in the State) or
21 Indian Tribe, including the cost of
22 equipment; and

23 “(IV) coordinating with multiple
24 public benefits programs to increase
25 the rate of direct certification, includ-

1 ing by conducting feasibility studies
2 and demonstration projects under sec-
3 tion 18(c).

4 “(C) FOOD DISTRIBUTION PROGRAM ON
5 INDIAN RESERVATIONS.—

6 “(i) IN GENERAL.—The Secretary
7 shall provide grants to States and Tribal
8 organizations administering the food dis-
9 tribution program on Indian reservations
10 under section 4(b) of the Food and Nutri-
11 tion Act of 2008 (7 U.S.C. 2013(b))—

12 “(I) in the case of a Tribal orga-
13 nization, if applicable, to establish a
14 rate of direct certification of children
15 that are members of households re-
16 ceiving assistance under that pro-
17 gram; or

18 “(II) to improve the rate of di-
19 rect certification of children that are
20 members of households receiving as-
21 sistance under that program.

22 “(ii) USE OF FUNDS.—A State or
23 Tribal organization receiving a grant under
24 this subparagraph shall use the funds to

1 pay the costs described in subparagraph
2 (B)(iii).

3 “(D) TECHNICAL ASSISTANCE.—The Sec-
4 retary shall provide technical assistance to as-
5 sist the recipients of grants under subpara-
6 graphs (B) and (C), and other eligible entities,
7 as appropriate, in improving the rates of direct
8 certification.

9 “(E) FUNDING.—

10 “(i) IN GENERAL.—On October 1,
11 2020, out of any funds in the Treasury not
12 otherwise appropriated, the Secretary of
13 the Treasury shall transfer to the Sec-
14 retary to carry out this paragraph
15 \$28,000,000, to remain available until ex-
16 pended.

17 “(ii) FOOD DISTRIBUTION PROGRAM
18 ON INDIAN RESERVATIONS.—Of the funds
19 transferred to the Secretary under clause
20 (i), the Secretary shall use not less than
21 \$2,000,000 to carry out subparagraph (C).

22 “(iii) TECHNICAL ASSISTANCE.—Of
23 the funds transferred to the Secretary
24 under clause (i), the Secretary shall use

1 not more than \$3,000,000 to carry out
 2 subparagraph (D).

3 “(iv) RECEIPT AND ACCEPTANCE.—
 4 The Secretary shall be entitled to receive,
 5 shall accept, and shall use to carry out this
 6 paragraph the funds transferred under
 7 clause (i), without further appropriation.”.

8 **SEC. 30804. ENHANCING THE COMMUNITY ELIGIBILITY OP-**
 9 **TION.**

10 Section 11(a)(1)(F) of the Richard B. Russell Na-
 11 tional School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
 12 amended—

13 (1) in clause (iv)—

14 (A) in subclause (I)(bb)—

15 (i) by striking “as of April 1 of the
 16 prior school year” and inserting “during
 17 the period beginning on April 1 of the
 18 prior school year and ending on the last
 19 day of that school year”; and

20 (ii) by striking “as of April 1 of the
 21 school year prior” and all that follows
 22 through “subparagraph” and inserting
 23 “during the period beginning on April 1 of
 24 the covered school year and ending on the
 25 last day of the covered school year”; and

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

2 “(III) DEFINITION OF COVERED
3 SCHOOL YEAR.—In this clause, the
4 term ‘covered school year’ means the
5 school year prior to the first school
6 year that a school or local educational
7 agency elected to receive special as-
8 sistance payments under this subpara-
9 graph.”; and

10 (2) in clause (x)—

11 (A) in subclause (I), by striking “for the
12 next school year if, not later than June 30 of
13 the current school year,” and inserting “if”;

14 (B) in subclause (II)(aa), by inserting “,
15 based on counts conducted by schools of identi-
16 fied students beginning on or after April 1 of
17 that school year,” after “clause (viii)”; and

18 (C) in subclause (IV)(aa), by inserting “,
19 based on counts conducted by schools of identi-
20 fied students beginning on or after April 1 of
21 that school year,” after “clause (viii)”.

22 **SEC. 30805. ENHANCING DIRECT CERTIFICATION.**

23 Section 9(b)(15)(B)(ii)(III) of the Richard B. Russell
24 National School Lunch Act (42 U.S.C.

1 1758(b)(15)(B)(ii)(III)) is amended by striking “10” and
2 inserting “20”.

3 **SEC. 30806. STATE PERFORMANCE ON ENROLLING CHIL-**
4 **DREN RECEIVING PROGRAM BENEFITS FOR**
5 **FREE SCHOOL MEALS.**

6 Section 4301(b) of the Food, Conservation, and En-
7 ergy Act of 2008 (42 U.S.C. 1758a(b)) is amended—

8 (1) in paragraph (2), by striking “and” at the
9 end;

10 (2) in paragraph (3), by striking the period at
11 the end and inserting “; and”; and

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

13 “(4) in the case of a State identified under
14 clause (ii)(I) of section 9(b)(4)(F) of the Richard B.
15 Russell National School Lunch Act (42 U.S.C.
16 1758(b)(4)(F)), a description of—

17 “(A) the technical assistance provided to
18 the State; and

19 “(B) the progress made by the State in
20 implementing the measures and meeting the
21 goals described in items (aa) through (cc) of
22 clause (iii)(II) of that section.”.

1 **Subtitle I—Protect SNAP**

2 **SEC. 30901. SHORT TITLE.**

3 This subtitle may be cited as the “Protect SNAP
4 Act”.

5 **SEC. 30902. PREVENTING THE CHANGING OF REGULATIONS** 6 **GOVERNING WAIVERS UNDER THE SUPPLE-** 7 **MENTAL NUTRITION ASSISTANCE PROGRAM.**

8 No rule, regulation, proposed rule, policy directive, or
9 guideline may be issued or enforced by the Secretary of
10 Agriculture, by the head of any entity within the Depart-
11 ment of Agriculture (including the Food and Nutrition
12 Service), or by any other person or entity that—

13 (1) supersedes subsection (a), (b), (c), (d), (e),
14 or (f) of section 273.24 of title 7 of the Code of Fed-
15 eral Regulations as in effect on December 1, 2020;
16 or

17 (2) modifies the effect or operation of any such
18 subsection as so in effect.

19 **SEC. 30903. RESTRICTION ON FEDERAL FUNDS.**

20 No Federal funds (including fees) made available for
21 any fiscal year may be used to finalize, implement, admin-
22 ister, enforce, carry out, or otherwise give effect to the
23 proposed rule entitled “Supplemental Nutrition Assistance
24 Program: Requirements for Able Bodied Adults Without
25 Dependents” (84 Fed. Reg. 980; February 1, 2019).

1 **Subtitle J—Protections Against**
2 **Poverty**

3 **SEC. 31001. FINDINGS.**

4 Congress finds the following:

5 (1) According to the Census Bureau, more than
6 38,000,000 people, including 12,000,000 children,
7 lived in poverty in 2018 based on the Official Pov-
8 erty Measure.

9 (2) More than 17,000,000 people lived in deep
10 poverty, defined as living in a household with a total
11 cash income below 50 percent of its poverty thresh-
12 old.

13 (3) Poverty disproportionately impacts commu-
14 nities of color, with the poverty rate at 20.8 percent
15 for Blacks, 17.6 percent for Hispanics, and 10.1
16 percent for Asians, versus 8.1 percent for non-His-
17 panic Whites.

18 (4) The Official Poverty Measure often under-
19 states the number of people who have trouble mak-
20 ing ends meet.

21 (5) According to a 2020 Federal Reserve report
22 on the economic well-being of United States house-
23 holds, an estimated 37 percent of people cannot
24 cover an unexpected \$400 expense.

1 (6) The top one percent of United States house-
2 holds have experienced income growth before taxes
3 and transfer payments nearly seven times faster
4 than the bottom 20 percent of households since
5 1979.

6 (7) Wealth has become even more concentrated
7 than income.

8 (8) According to the Federal Reserve Bank of
9 St. Louis, the top 10 percent of United States
10 households ranked by wealth own 77 percent of the
11 country's total wealth while those in the bottom 50
12 percent own one percent.

13 (9) A full-time, full-year minimum wage worker
14 at the Federal minimum wage level of \$7.25 lives
15 below the poverty line.

16 (10) A vast majority of low wage earners lack
17 access to paid family leave, leaving them just one ac-
18 cident or illness away from economic devastation.

19 (11) Unions increase workers' wages, ensure ac-
20 cess to better benefits, address wage inequality, and
21 reduce poverty.

22 (12) 5,140,000 Americans aged 65 and older
23 lived in poverty in 2018.

1 (13) According to the United States Census
2 Bureau, 27,500,000 people did not have health in-
3 surance at any point in 2018.

4 (14) According to the Federal Reserve, 25 per-
5 cent of adults reported skipping medical care, such
6 as a visit to a doctor or dentist, because they were
7 unable to afford the cost in 2019.

8 (15) Minority and low-income individuals are
9 disproportionately affected by air pollution and are
10 more likely to face health conditions that put them
11 at greater risk when exposed to hazardous air pollu-
12 tion.

13 (16) Families living in poverty also struggle to
14 afford childcare, housing, utilities, and food ex-
15 penses.

16 (17) According to the United States Census
17 Bureau, households with incomes less than the Fed-
18 eral poverty level who pay for childcare spend on av-
19 erage four times the percentage of their income on
20 it as do other families.

21 (18) In 2017, 83 percent of renter households
22 with incomes below \$15,000 paid more than 30 per-
23 cent of their total household income for housing, ex-
24periencing housing costs burdens, and 72 percent

1 paid more than 50 percent of their income for hous-
2 ing, experiencing severe cost burdens.

3 (19) Water and wastewater bills are increas-
4 ingly unaffordable for millions of households nation-
5 wide.

6 (20) According to the Energy Information Ad-
7 ministration, nearly one-third of United States
8 households reported facing a challenge in paying en-
9 ergy bills or sustaining adequate heating and cooling
10 in their homes in 2015.

11 (21) More than 20,000,000 Americans lack ac-
12 cess to any broadband whatsoever and many more
13 are unable to adopt broadband, primarily due to pro-
14 hibitive costs.

15 (22) Limited access to technology and
16 broadband services makes it difficult for people to
17 apply for jobs online, connect with health insurance,
18 apply for financial aid, telework, or complete online
19 homework.

20 (23) According to the Department of Agri-
21 culture, 37,200,000 people, including 11,200,000
22 children, lived in food-insecure households in 2018.

23 (24) 5,600,000 households had very low food
24 security, defined as households in which the food in-
25 take of one or more members was reduced and eat-

1 ing patterns disrupted because of insufficient money
2 and other resources for food.

3 (25) According to a 2009 Department of Agri-
4 culture report on access to affordable and nutritious
5 food, millions of people live in food deserts, or areas
6 where they are more than a mile from a super-
7 market.

8 (26) Reliable and affordable public transpor-
9 tation is critical to accessing employment, food,
10 health care, and education.

11 (27) The educational level attained by individ-
12 uals has a dramatic impact on poverty, with 25.9
13 percent of adults over 25 years old without a high
14 school diploma in poverty versus 12.7 percent for
15 those with a high school degree, but no college, and
16 4.4 percent for those with a college degree.

17 (28) According to the Government Account-
18 ability Office, socioeconomic and racial segregation
19 in schools has increased dramatically in the past
20 decade.

21 (29) Low-income individuals are more likely to
22 be targeted by child welfare services and the crimi-
23 nal justice system and live in communities with high
24 rates of violence and heavy police presence.

1 (30) Low-income parents have their children re-
2 moved from the household every day, because living
3 in poverty is incorrectly treated as child neglect.

4 (31) The criminal justice system often punishes
5 poverty, as court fees and fines disproportionately
6 impact the poor.

7 (32) Police are most likely to use deadly force
8 in low-income, more highly segregated neighbor-
9 hoods.

10 (33) Low-income communities often have lim-
11 ited social capital and political voice.

12 (34) Strict voter ID requirements, closures of
13 polling places, limited access to alternatives to in-
14 person voting and other voter suppression tactics
15 disproportionately impact poor and minority Ameri-
16 cans.

17 (35) The effects of poverty are widespread,
18 long-lasting, and dangerous, and leave families vul-
19 nerable to unexpected events.

20 (36) Adults who were poor during childhood are
21 more likely to experience poverty as adults, are less
22 likely to graduate high school, and are less likely to
23 be consistently employed as young adults.

24 (37) Lower incomes are associated with shorter
25 life expectancies.

1 (38) The COVID–19 pandemic threatens to in-
2 crease health, food, housing, and economic insecurity
3 and push millions of people into poverty.

4 (39) Low-income and minority communities
5 have long experienced inadequate access to health
6 care, housing, nutritious food, and education and
7 economic opportunity, which increase the prevalence
8 of COVID–19 risk factors, such as diabetes, asthma,
9 heart disease, and high blood pressure.

10 (40) The COVID–19 pandemic has exposed and
11 exacerbated the inequality and poverty afflicting the
12 United States, as well as underlined the short-
13 comings of its social safety net programs.

14 **SEC. 31002. SENSE OF THE HOUSE OF REPRESENTATIVES.**

15 It is the sense of the House of Representatives that
16 the Congress should enact the Poverty Bill of Rights to
17 reaffirm the right of all Americans to live a life free from
18 poverty and its impacts, including the right to—

19 (1) equal opportunity, irrespective of race, gen-
20 der, or socioeconomic status;

21 (2) working family tax credits, such as the
22 Child Tax Credit and the Earned Income Tax Cred-
23 it, that are proven to lift families out of poverty, free
24 from onerous eligibility requirements;

1 (3) a livable wage that is enough to ensure ade-
2 quate housing, food, clothing, and other basic house-
3 hold needs;

4 (4) robust paid leave programs so they can care
5 for themselves, their families, and dependents with-
6 out fear of financial devastation;

7 (5) emergency financial assistance in times of
8 unemployment;

9 (6) unionize to negotiate for higher wages, bet-
10 ter benefits, and safe working conditions;

11 (7) financial security for themselves and their
12 families during retirement years;

13 (8) quality, affordable health care and prescrip-
14 tion drugs;

15 (9) clean air through robust environmental and
16 public health policies;

17 (10) high-quality, affordable, and reliable
18 childcare;

19 (11) accessible, affordable, safe housing;

20 (12) safe, clean, and affordable water and
21 wastewater services;

22 (13) affordable, reliable energy service;

23 (14) equitable access to technology and tele-
24 phone and broadband services;

1 (15) adequate access to affordable and nutri-
2 tious foods;

3 (16) reliable, efficient, and affordable public
4 transportation;

5 (17) high-quality, equitable PreK–12 public
6 education;

7 (18) safe public schools that promote racial and
8 socioeconomic diversity;

9 (19) access to affordable higher education, reg-
10 istered apprenticeships, and other vocational train-
11 ing opportunities;

12 (20) live with their families and not be sepa-
13 rated from each other on the basis of poverty;

14 (21) safe neighborhoods, where they are pro-
15 tected by law enforcement, not targeted, profiled,
16 harassed, and brutalized;

17 (22) equal treatment in criminal justice set-
18 tings, free from discrimination; and

19 (23) equal representation and participation in
20 democracy through unfettered, unabridged access to
21 the ballot box, accessible polling places, and alter-
22 natives to traditional in-person voting, such as early
23 voting and voting by mail.

1 **Subtitle K—LIFT (Livable Incomes**
 2 **for Families Today) the Middle**
 3 **Class**

4 **SEC. 31101. SHORT TITLE.**

5 This subtitle may be cited as the “LIFT (Livable In-
 6 comes for Families Today) the Middle Class Act”.

7 **SEC. 31102. ESTABLISHMENT OF MIDDLE CLASS TAX CRED-**
 8 **IT.**

9 (a) IN GENERAL.—Subpart C of part IV of sub-
 10 chapter A of chapter 1 of the Internal Revenue Code of
 11 1986 is amended by inserting after section 36 the fol-
 12 lowing new section:

13 **“SEC. 36A. MIDDLE CLASS TAX CREDIT.**

14 **“(a) ALLOWANCE OF CREDIT.—**

15 **“(1) IN GENERAL.—**In the case of an eligible
 16 individual, for any taxable year beginning after De-
 17 cember 31, 2018, there shall be allowed as a credit
 18 against the tax imposed by this subtitle for the tax-
 19 able year an amount equal to so much of the tax-
 20 payer’s earned income for the preceding taxable year
 21 as does not exceed \$3,000.

22 **“(2) PHASEOUT OF CREDIT.—**The amount of
 23 the credit allowable to the taxpayer under paragraph
 24 (1) for the taxable year shall be reduced (but not
 25 below zero) by an amount which bears the same

1 ratio to the amount of the credit determined under
2 such paragraph as—

3 “(A) the amount (not less than zero) equal
4 to the adjusted gross income (or, if greater, the
5 earned income) of the taxpayer for the pre-
6 ceding taxable year minus \$30,000, bears to

7 “(B) \$20,000.

8 “(3) JOINT RETURNS.—

9 “(A) IN GENERAL.—For purposes of deter-
10 mining the amount of the credit allowed under
11 this section for any taxable year, if a joint re-
12 turn was filed for the preceding taxable year by
13 an eligible individual and such individual’s
14 spouse, each of the dollar amounts under para-
15 graphs (1) and (2) shall be doubled.

16 “(B) MARRIED INDIVIDUALS.—For pur-
17 poses of determining the amount of the credit
18 allowed under this section for any taxable year,
19 if an individual was married during the pre-
20 ceding taxable year (within the meaning of sec-
21 tion 7703), this section shall apply only if a
22 joint return was filed for the preceding taxable
23 year under section 6013.

24 “(4) HEAD OF HOUSEHOLD.—For purposes of
25 determining the amount of the credit allowed under

1 this section for any taxable year, if a taxpayer filed
2 a return as a head of household for the preceding
3 taxable year, the reduction of the credit allowable to
4 the taxpayer under paragraph (1) shall be deter-
5 mined under paragraph (2) by substituting
6 ‘\$60,000’ for ‘\$30,000’ in subparagraph (A) thereof.

7 “(5) INFLATION ADJUSTMENTS.—

8 “(A) IN GENERAL.—In the case of any
9 taxable year after 2019, each of the dollar
10 amounts under paragraphs (1), (2), and (4)
11 shall be increased by an amount equal to—

12 “(i) such dollar amount, multiplied by

13 “(ii) the cost-of-living adjustment de-
14 termined under section 1(f)(3) for the cal-
15 endar year in which the taxable year be-
16 gins, determined by substituting ‘calendar
17 year 2018’ for ‘calendar year 2016’ in sub-
18 paragraph (A)(ii) thereof.

19 “(B) ROUNDING.—If any increase deter-
20 mined under subparagraph (A) is not a multiple
21 of \$50, such increase shall be rounded to the
22 nearest multiple of \$50.

23 “(b) DEFINITIONS.—For purposes of determining the
24 credit allowed under this section for any taxable year—

25 “(1) ELIGIBLE INDIVIDUAL.—

1 “(A) IN GENERAL.—The term ‘eligible in-
2 dividual’ means an individual—

3 “(i) who attained 18 years of age be-
4 fore the close of the preceding taxable
5 year,

6 “(ii) whose principal place of abode
7 was in the United States for more than
8 one-half of the preceding taxable year,

9 “(iii) who was not a dependent for
10 whom a deduction is allowable under sec-
11 tion 151 to another taxpayer for any tax-
12 able year beginning in the same calendar
13 year as the preceding taxable year, and

14 “(iv) who did not claim the benefits of
15 section 911 for the preceding taxable year.

16 “(B) LIMITATION ON ELIGIBILITY OF NON-
17 RESIDENT ALIENS.—The term ‘eligible indi-
18 vidual’ shall not include any individual who is
19 a nonresident alien individual for any portion of
20 the preceding taxable year, unless such indi-
21 vidual is treated for such taxable year as a resi-
22 dent of the United States for purposes of this
23 chapter by reason of an election under sub-
24 section (g) or (h) of section 6013.

1 “(C) IDENTIFICATION NUMBER REQUIRE-
2 MENT.—No credit shall be allowed under this
3 section to an eligible individual who does not in-
4 clude on the return of tax for the taxable
5 year—

6 “(i) such individual’s taxpayer identi-
7 fication number, and

8 “(ii) if the individual was married
9 during the preceding taxable year (within
10 the meaning of section 7703), the taxpayer
11 identification number of such individual’s
12 spouse.

13 “(D) TREATMENT OF MILITARY PER-
14 SONNEL STATIONED OUTSIDE OF THE UNITED
15 STATES.—For purposes of subparagraph
16 (A)(ii), the principal place of abode of a mem-
17 ber of the Armed Forces of the United States
18 shall be treated as in the United States during
19 any period during which such member is sta-
20 tioned outside the United States while serving
21 on extended active duty with the Armed Forces
22 of the United States. For purposes of the pre-
23 ceding sentence, the term ‘extended active duty’
24 means any period of active duty pursuant to a

1 call or order to such duty for a period in excess
2 of 90 days or for an indefinite period.

3 “(2) EARNED INCOME.—The term ‘earned in-
4 come’ has the same meaning given such term under
5 section 32(c)(2), except that such term shall include
6 any amounts received by the taxpayer as a Federal
7 Pell Grant under section 401 of the Higher Edu-
8 cation Act of 1965.

9 “(c) TAXABLE YEAR MUST BE FULL TAXABLE
10 YEAR.—Except in the case of a taxable year closed by rea-
11 son of the death of the taxpayer, no credit shall be allow-
12 able under this section in the case of a taxable year cov-
13 ering a period of less than 12 months.

14 “(d) RESTRICTIONS ON TAXPAYER WHO IMPROP-
15 ERLY CLAIMED CREDIT IN PRIOR YEAR.—Rules similar
16 to subsection (k) of section 32 shall apply for purposes
17 of this section.

18 “(e) AMOUNT OF CREDIT TO BE DETERMINED
19 UNDER TABLES.—

20 “(1) IN GENERAL.—The amount of the credit
21 allowed by this section shall be determined under ta-
22 bles prescribed by the Secretary.

23 “(2) REQUIREMENTS FOR TABLES.—The tables
24 prescribed under paragraph (1) shall reflect the pro-

visions of subsection (a) and shall have income
brackets of not greater than \$50 each—

“(A) for earned income between \$0 and
the amount of earned income at which the cred-
it is phased out under subsection (a)(2), and

“(B) for adjusted gross income between
the dollar amount at which the phaseout begins
under subsection (a)(2) and the amount of ad-
justed gross income at which the credit is
phased out under such subsection.

“(f) RECONCILIATION OF CREDIT AND ADVANCE
PAYMENTS.—The amount of the credit allowed under this
section for any taxable year shall be reduced (but not
below zero) by the aggregate amount of any advance pay-
ments of such credit under section 7527A for such taxable
year.”.

(b) ADVANCE PAYMENT OF MIDDLE CLASS TAX
CREDIT.—

(1) IN GENERAL.—Chapter 77 of the Internal
Revenue Code of 1986 is amended by inserting after
section 7527 the following new section:

**“SEC. 7527A. ADVANCE PAYMENT OF MIDDLE CLASS TAX
CREDIT.**

“(a) IN GENERAL.—Not later than 6 months after
the date of the enactment of the LIFT (Livable Incomes

1 for Families Today) the Middle Class Act, the Secretary
2 shall establish a program for making advance payments
3 of the credit allowed under section 36A on a monthly basis
4 (determined without regard to subsection (f) of such sec-
5 tion) to any taxpayer who—

6 “(1) the Secretary has determined will be al-
7 lowed such credit for the taxable year, and

8 “(2) has made an election under subsection (c).

9 “(b) AMOUNT OF ADVANCE PAYMENT.—

10 “(1) IN GENERAL.—For purposes of subsection
11 (a), the amount of the monthly advance payment of
12 the credit provided to a taxpayer during the applica-
13 ble period shall be equal to the lesser of—

14 “(A) an amount equal to—

15 “(i) the amount of the credit which
16 the Secretary has determined will be al-
17 lowed to such taxpayer under section 36A
18 for the taxable year ending in such applica-
19 ble period, divided by

20 “(ii) 12, or

21 “(B) such other amount as is elected by
22 the taxpayer.

23 “(2) APPLICABLE PERIOD.—For purposes of
24 this section, the term ‘applicable period’ means the
25 12-month period from the month of July of the tax-

1 able year through the month of June of the subse-
2 quent taxable year.

3 “(c) ELECTION OF ADVANCE PAYMENT.—A taxpayer
4 may elect to receive an advance payment of the credit al-
5 lowed under section 36A for any taxable year by including
6 such election on a timely filed return for the preceding
7 taxable year.

8 “(d) INTERNAL REVENUE SERVICE NOTIFICA-
9 TION.—The Internal Revenue Service shall take such
10 steps as may be appropriate to ensure that taxpayers who
11 are eligible to receive the credit under section 36A are
12 aware of the availability of the advance payment of such
13 credit under this section.

14 “(e) AUTHORITY.—The Secretary may prescribe such
15 regulations or other guidance as may be appropriate or
16 necessary for the purposes of carrying out this section.”.

17 (c) INCOME DISREGARD.—Any credit or refund al-
18 lowed or made to any individual by reason of section 36A
19 of the Internal Revenue Code of 1986 (as added by this
20 section) shall not be taken into account as income and
21 shall not be taken into account as resources for purposes
22 of determining the eligibility of such individual or any
23 other individual for benefits or assistance, or the amount
24 or extent of benefits or assistance, under any Federal pro-

1 gram or under any State or local program financed in
2 whole or in part with Federal funds.

3 (d) CONFORMING AMENDMENTS.—

4 (1) Section 6211(b)(4)(A) of the Internal Rev-
5 enue Code of 1986 is amended by inserting “36A,”
6 after “36,”.

7 (2) Section 6213(g)(2) of such Code is amend-
8 ed—

9 (A) in subparagraph (F), by inserting “or
10 section 36A” after “credit”;

11 (B) in subparagraph (G), by inserting “or
12 36A” after “section 32”;

13 (C) by striking subparagraph (K) and in-
14 serting the following:

15 “(K) an omission of information required
16 by section 32(k)(2) or 36(e) or an entry on the
17 return claiming—

18 “(i) the credit under section 32 for a
19 taxable year for which the credit is dis-
20 allowed under subsection (k)(1) thereof, or

21 “(ii) the credit under section 36A for
22 a taxable year for which the credit is dis-
23 allowed under subsection (d) thereof,”; and

24 (D) in subparagraph (L), by striking “or
25 32” and inserting “32, or 36A”.

1 (3) The table of sections for subpart C of part
 2 IV of subchapter A of chapter 1 of such Code is
 3 amended by inserting after the item relating to sec-
 4 tion 36 the following new item:

“Sec. 36A. Middle class tax credit.”.

5 (4) The table of sections for chapter 77 of such
 6 Code is amended by inserting after the item relating
 7 to section 7527 the following:

“Sec. 7527A. Advance payment of middle class tax credit.”.

8 (e) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to earned income received after De-
 10 cember 31, 2017.

11 **SEC. 31103. RETURN PREPARATION PROGRAMS FOR LOW-**
 12 **INCOME TAXPAYERS.**

13 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
 14 enue Code of 1986 is amended by inserting after section
 15 7526 the following new section:

16 **“SEC. 7526A. RETURN PREPARATION PROGRAMS FOR LOW-**
 17 **INCOME TAXPAYERS.**

18 “(a) VOLUNTEER INCOME TAX ASSISTANCE MATCH-
 19 ING GRANT PROGRAM.—

20 “(1) ESTABLISHMENT OF PROGRAM.—The Sec-
 21 retary, through the Internal Revenue Service, shall
 22 establish a Community Volunteer Income Tax As-
 23 sistance Matching Grant Program (hereinafter in
 24 this section referred to as the ‘VITA grant pro-

1 gram'). Except as otherwise provided in this section,
2 the VITA grant program shall be administered in a
3 manner which is substantially similar to the Commu-
4 nity Volunteer Income Tax Assistance matching
5 grants demonstration program established under
6 title I of division D of the Consolidated Appropria-
7 tions Act, 2008.

8 “(2) MATCHING GRANTS.—

9 “(A) IN GENERAL.—The Secretary may,
10 subject to the availability of appropriated funds,
11 make available grants under the VITA grant
12 program to provide matching funds for the de-
13 velopment, expansion, or continuation of quali-
14 fied return preparation programs assisting low-
15 income taxpayers and members of underserved
16 populations.

17 “(B) APPLICATION.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), in order to be eligible for a grant
20 under this section, a qualified return prep-
21 aration program shall submit an applica-
22 tion to the Secretary at such time, in such
23 manner, and containing such information
24 as the Secretary may reasonably require.

1 “(ii) ACCURACY REVIEW.—In the case
2 of any qualified return preparation pro-
3 gram which was awarded a grant under
4 this section and was subsequently subject
5 to a field site visit by the Internal Revenue
6 Service (including through the Stakeholder
7 Partnerships, Education, and Communica-
8 tion office) in which it was determined that
9 the average accuracy rate for preparation
10 of tax returns through such program was
11 less than 90 percent, such program shall
12 not be eligible for any additional grants
13 under this section unless such program
14 provides, as part of their application, suffi-
15 cient documentation regarding the correc-
16 tive measures established by such program
17 to address the deficiencies identified fol-
18 lowing the field site visit.

19 “(C) PRIORITY.—In awarding grants
20 under this section, the Secretary shall give pri-
21 ority to applications—

22 “(i) demonstrating assistance to low-
23 income taxpayers, with emphasis on out-
24 reach to and services for such taxpayers,

1 “(ii) demonstrating taxpayer outreach
2 and educational activities relating to eligi-
3 bility and availability of income supports
4 available through the Internal Revenue
5 Code of 1986, such as the earned income
6 tax credit, and

7 “(iii) demonstrating specific outreach
8 and focus on one or more underserved pop-
9 ulations.

10 “(D) DURATION OF GRANTS.—Upon appli-
11 cation of a qualified return preparation pro-
12 gram, the Secretary is authorized to award a
13 multi-year grant not to exceed 3 years.

14 “(3) AGGREGATE LIMITATION.—Unless other-
15 wise provided by specific appropriation, the Sec-
16 retary shall not allocate more than \$30,000,000 per
17 fiscal year (exclusive of costs of administering the
18 program) to carry out the purposes of this section.

19 “(b) USE OF FUNDS.—

20 “(1) IN GENERAL.—Qualified return prepara-
21 tion programs receiving a grant under this section
22 may use the grant for—

23 “(A) ordinary and necessary costs associ-
24 ated with program operation in accordance with

1 Cost Principles Circulars as set forth by the Of-
2 fice of Management and Budget, including—

3 “(i) for wages or salaries of persons
4 coordinating the activities of the program,

5 “(ii) to develop training materials,
6 conduct training, and perform quality re-
7 views of the returns for which assistance
8 has been provided under the program, and

9 “(iii) for equipment purchases and ve-
10 hicle-related expenses associated with re-
11 mote or rural tax preparation services,

12 “(B) outreach and educational activities
13 described in subsection (a)(2)(C)(ii), and

14 “(C) services related to financial education
15 and capability, asset development, and the es-
16 tablishment of savings accounts in connection
17 with tax return preparation.

18 “(2) USE OF GRANTS FOR OVERHEAD EX-
19 PENSES PROHIBITED.—No grant made under this
20 section may be used for overhead expenses that are
21 not directly related to any qualified return prepara-
22 tion program.

23 “(c) PROMOTION AND REFERRAL.—

24 “(1) PROMOTION.—The Secretary shall pro-
25 mote the benefits of, and encourage the use of, tax

1 preparation through qualified return preparation
2 programs through the use of mass communications,
3 referrals, and other means.

4 “(2) INTERNAL REVENUE SERVICE REFER-
5 RALS.—The Secretary may refer taxpayers to quali-
6 fied return preparation programs receiving funding
7 under this section.

8 “(3) VITA GRANTEE REFERRAL.—Qualified re-
9 turn preparation programs receiving a grant under
10 this section are encouraged to refer, as appropriate,
11 to local or regional Low Income Taxpayer Clinics in-
12 dividuals who are eligible to receive services at such
13 clinics.

14 “(d) DEFINITIONS.—For purposes of this section—

15 “(1) QUALIFIED RETURN PREPARATION PRO-
16 GRAM.—The term ‘qualified return preparation pro-
17 gram’ means any program—

18 “(A) which provides assistance to individ-
19 uals, not less than 90 percent of whom are low-
20 income taxpayers, in preparing and filing Fed-
21 eral income tax returns,

22 “(B) which is administered by a qualified
23 entity,

24 “(C) in which all of the volunteers who as-
25 sist in the preparation of Federal income tax

1 returns meet the training requirements pre-
2 scribed by the Secretary, and

3 “(D) which uses a quality review process
4 which reviews 100 percent of all returns.

5 “(2) QUALIFIED ENTITY.—

6 “(A) IN GENERAL.—The term ‘qualified
7 entity’ means any entity which—

8 “(i) is an eligible organization (as de-
9 scribed in subparagraph (B)),

10 “(ii) is in compliance with Federal tax
11 filing and payment requirements,

12 “(iii) is not debarred or suspended
13 from Federal contracts, grants, or coopera-
14 tive agreements, and

15 “(iv) agrees to provide documentation
16 to substantiate any matching funds pro-
17 vided under the VITA grant program.

18 “(B) ELIGIBLE ORGANIZATION.—

19 “(i) IN GENERAL.—Subject to clause
20 (ii), the term ‘eligible organization’
21 means—

22 “(I) an institution of higher edu-
23 cation which is described in section
24 102 (other than subsection (a)(1)(C)
25 thereof) of the Higher Education Act

1 of 1965 (20 U.S.C. 1088), as in effect
2 on the date of the enactment of this
3 section, and which has not been dis-
4 qualified from participating in a pro-
5 gram under title IV of such Act,

6 “(II) an organization described
7 in section 501(c) of the Internal Rev-
8 enue Code of 1986 and exempt from
9 tax under section 501(a) of such
10 Code,

11 “(III) a local government agency,
12 including—

13 “(aa) a county or municipal
14 government agency, and

15 “(bb) an Indian tribe, as de-
16 fined in section 4(13) of the Na-
17 tive American Housing Assist-
18 ance and Self-Determination Act
19 of 1996 (25 U.S.C. 4103(13)),
20 including any tribally designated
21 housing entity (as defined in sec-
22 tion 4(22) of such Act (25
23 U.S.C. 4103(22))), tribal sub-
24 sidiary, subdivision, or other
25 wholly owned tribal entity, or

1 “(IV) a local, State, regional, or
2 national coalition (with one lead orga-
3 nization which meets the eligibility re-
4 quirements of subclause (I), (II), or
5 (III) acting as the applicant organiza-
6 tion).

7 “(ii) ALTERNATIVE ELIGIBLE ORGANI-
8 ZATION.—If no eligible organization de-
9 scribed in clause (i) is available to assist
10 the targeted population or community, the
11 term ‘eligible organization’ shall include—

12 “(I) a State government agency,
13 and

14 “(II) a Cooperative Extension
15 Service office.

16 “(3) LOW-INCOME TAXPAYERS.—The term ‘low-
17 income taxpayer’ means a taxpayer who has income
18 for the taxable year which does not exceed an
19 amount equal to the completed phaseout amount
20 under section 32(b) for a married couple filing a
21 joint return with three or more qualifying children,
22 as determined in a revenue procedure or other pub-
23 lished guidance.

24 “(4) UNDERSERVED POPULATION.—The term
25 ‘underserved population’ includes populations of per-

1 sons with disabilities, persons with limited English
2 proficiency, Native Americans, individuals living in
3 rural areas, members of the Armed Forces and their
4 spouses, and the elderly.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 77 of the Internal Revenue Code of 1986 is
7 amended by inserting after the item relating to section
8 7526 the following new item:

 “7526A. Return preparation programs for low-income taxpayers.”.

9 **SEC. 31104. SENSE OF THE HOUSE OF REPRESENTATIVES.**

10 It is the sense of the House of Representatives that
11 the costs of carrying out this section and the amendments
12 made by this subtitle should be fully offset through—

13 (1) the repeal of Public Law 115–97, with the
14 exception of any provisions or amendments under
15 such Public Law that provide relief to taxpayers
16 with less than \$100,000 in annual income; and

17 (2) a fee, in such amount as is determined ap-
18 propriate by the Secretary of the Treasury for pur-
19 poses of offsetting the costs of carrying out this sub-
20 title and the amendments made by this subtitle, to
21 be assessed on any financial institution that has
22 total consolidated assets of more than
23 \$50,000,000,000.

1 **Subtitle L—Financial Inclusion in** 2 **Banking**

3 **SEC. 31201. SHORT TITLE.**

4 This subtitle may be cited as the “Financial Inclusion
5 in Banking Act of 2020”.

6 **SEC. 31202. OFFICE OF COMMUNITY AFFAIRS DUTIES WITH** 7 **RESPECT TO UNDER-BANKED, UN-BANKED,** 8 **AND UNDERSERVED CONSUMERS.**

9 Section 1013(b)(2) of the Consumer Financial Pro-
10 tection Act of 2010 (12 U.S.C. 5493(b)(2)) is amended—

11 (1) by striking “The Director shall establish a
12 unit” and inserting the following:

13 “(A) IN GENERAL.—The Director shall es-
14 tablish a unit to be known as the ‘Office of
15 Community Affairs’ ”; and

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

17 “(B) DUTIES RELATED TO UNDER-
18 BANKED, UN-BANKED, AND UNDERSERVED
19 CONSUMERS.—

20 “(i) IN GENERAL.—The Office of
21 Community Affairs shall—

22 “(I) lead coordination of research
23 to identify any causes and challenges
24 contributing to the decision of individ-
25 uals who, and households that, do not

1 initiate or maintain on-going and sus-
2 tainable relationships with depository
3 institutions, including consulting with
4 trade associations representing deposi-
5 tory institutions, trade associations
6 representing minority depository insti-
7 tutions, organizations representing the
8 interests of traditionally underserved
9 consumers and communities, organi-
10 zations representing the interests of
11 consumers (particularly low- and mod-
12 erate-income individuals), civil rights
13 groups, community groups, consumer
14 advocates, and the Consumer Advisory
15 Board about this matter;

16 “(II) identify subject matter ex-
17 perts within the Bureau to work on
18 the issues identified under subclause
19 (I);

20 “(III) lead coordination efforts
21 between other Federal departments
22 and agencies to better assess the rea-
23 sons for the lack of, and help increase
24 the participation of, under-banked,

1 un-banked, and underserved con-
2 sumers in the banking system; and

3 “(IV) identify and develop strate-
4 gies to increase financial education to
5 under-banked, un-banked, and under-
6 served consumers.

7 “(ii) COORDINATION WITH OTHER BU-
8 REAU OFFICES.—In carrying out this para-
9 graph, the Office of Community Affairs
10 shall consult with and coordinate with the
11 research unit established under subsection
12 (b)(1) and such other offices of the Bureau
13 as the Director may determine appropriate.

14 “(iii) REPORTING.—

15 “(I) IN GENERAL.—The Office of
16 Community Affairs shall submit a re-
17 port to Congress, within two years of
18 the date of enactment of this subpara-
19 graph and every 2 years thereafter,
20 that identifies any factors impeding
21 the ability of, or limiting the option
22 for, individuals or households to have
23 access to fair, on-going, and sustain-
24 able relationships with depository in-
25 stitutions to meet their financial

1 needs, discusses any regulatory, legal,
2 or structural barriers to enhancing
3 participation of under-banked, un-
4 banked, and underserved consumers
5 with depository institutions, and con-
6 tains recommendations to promote
7 better participation for all consumers
8 with the banking system.

9 “(II) TIMING OF REPORT.—To
10 the extent possible, the Office shall
11 submit each report required under
12 subclause (I) during a year in which
13 the Federal Deposit Insurance Cor-
14 poration does not issue the report on
15 encouraging use of depository institu-
16 tions by the unbanked required under
17 section 49 of the Federal Deposit In-
18 surance Act.”.

19 **SEC. 31203. DISCRETIONARY SURPLUS FUNDS.**

20 (a) IN GENERAL.—The dollar amount specified
21 under section 7(a)(3)(A) of the Federal Reserve Act (12
22 U.S.C. 289(a)(3)(A)) is reduced by \$10,000,000.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on September 30, 2021.

1 **SEC. 31204. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this subtitle, for the purpose
 3 of complying with the Statutory Pay-As-You-Go Act of
 4 2010, shall be determined by reference to the latest state-
 5 ment titled “Budgetary Effects of PAYGO Legislation”
 6 for this subtitle, submitted for printing in the Congres-
 7 sional Record by the Chairman of the House Budget Com-
 8 mittee, provided that such statement has been submitted
 9 prior to the vote on passage.

10 **Subtitle M—Investing in State**
 11 **Energy**

12 **SEC. 31301. SHORT TITLE.**

13 This subtitle may be cited as the “Investing in State
 14 Energy Act”.

15 **SEC. 31302. TIMING FOR DISTRIBUTION OF CERTAIN FINAN-**
 16 **CIAL ASSISTANCE UNDER THE STATE EN-**
 17 **ERGY PROGRAM AND THE WEATHERIZATION**
 18 **ASSISTANCE PROGRAM.**

19 (a) TIMING FOR DISTRIBUTION OF FINANCIAL AS-
 20 SISTANCE UNDER THE WEATHERIZATION ASSISTANCE
 21 PROGRAM.—Section 417(d) of the Energy Conservation
 22 and Production Act (42 U.S.C. 6867(d)) is amended—

23 (1) by striking “(d) Payments” and inserting
 24 the following:

25 “(d) METHOD AND TIMING OF PAYMENTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 any payments”; and

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

4 “(2) TIMING.—Notwithstanding any other pro-
5 vision of law (including regulations), not later than
6 60 days after the date on which funds have been
7 made available to provide assistance under this part,
8 the Secretary shall distribute to the applicable re-
9 cipient the full amount of assistance to be provided
10 to the recipient under this part for the fiscal year.”.

11 (b) TIMING FOR DISTRIBUTION OF FINANCIAL AS-
12 SISTANCE UNDER THE STATE ENERGY PROGRAM.—Sec-
13 tion 363 of the Energy Policy and Conservation Act (42
14 U.S.C. 6323) is amended by adding at the end the fol-
15 lowing:

16 “(g) TIMING FOR DISTRIBUTION OF FINANCIAL AS-
17 SISTANCE.—Notwithstanding any other provision of law
18 (including regulations), not later than 60 days after the
19 date on which funds have been made available to provide
20 financial assistance under this section, the Secretary shall
21 distribute to the applicable State the full amount of assist-
22 ance to be provided to the State under this section for
23 the fiscal year.”.

Subtitle N—Pathways Out of Poverty

SEC. 31401. FINDINGS.

Congress finds the following:

(1) The persistence of poverty, and especially intergenerational poverty, in America can be seen as a deep, structural problem that implicates our value system and our educational and economic institutions.

(2) Poverty may be defined as the lack of basic necessities of life such as food, shelter, clothing, health care, education, economic security, and economic opportunity.

(3) Policy initiatives and many safety net programs addressing poverty have not kept pace with the needs of millions of Americans.

(4) The lack of an equitable distribution of housing choices across the country leads to isolation and concentrated poverty.

(5) The number of Americans living in poverty rose by over 2.6 million from 2009 to 2010 (U.S. Census Bureau, September 2011).

(6) There were 46.2 million Americans living in poverty in 2010, consisting of 15.1 percent of the

1 American people (U.S. Census Bureau, September
2 2011).

3 (7) Poverty has a disproportionate impact on
4 minority communities in America with 27.4 percent
5 of African Americans, 26.6 percent of Hispanics,
6 12.1 percent of Asian Americans, and 9.9 percent of
7 Whites living in poverty in the United States in
8 2010 (U.S. Census Bureau, September 2011).

9 (8) In 2010 a family of 4 was considered poor
10 under the U.S. Census Bureau's official measure if
11 the family's income was below \$22,314.

12 (9) The economic consequences of poverty in
13 the United States are estimated to be at least \$500
14 billion per year (Center for American Progress,
15 2007).

16 (10) Children who grow up in poverty experi-
17 ence higher crime rates, decreased productivity, and
18 higher health costs over their lives (Center for Amer-
19 ican Progress, 2007).

20 (11) 3,500,000 seniors lived in poverty in 2010
21 (U.S. Census Bureau, 2011).

22 (12) Young Americans, ages 18–24, experience
23 a higher poverty rate than the national average
24 (U.S. Census Bureau, 2011).

1 (13) 16,400,000 children lived in poverty in
2 2010—more than one in every five American chil-
3 dren (U.S. Census Bureau, 2011).

4 (14) Almost 35 percent of African-American
5 children and over 30 percent of Hispanic children
6 lived in poverty in 2009 (U.S. Census Bureau,
7 2011).

8 (15) The 46,180,000 of Americans in poverty
9 in 2010 was the largest number yet recorded in the
10 52 years for which poverty estimates are available
11 (U.S. Census Bureau, 2011).

12 (16) The United States overseas territories
13 have high levels of poverty and varying access to
14 Federal anti-poverty programs. Poverty rates in
15 2009 for people over 18 were 41.4 percent in Puerto
16 Rico, 53.7 percent in Guam, 65.1 percent in the
17 United States Virgin Islands, 66.6 percent in the
18 Commonwealth of the Northern Mariana Islands,
19 and 52.6 percent in American Samoa.

20 (17) Individuals and families in poverty are
21 more socially vulnerable to natural disasters, ex-
22 treme weather and impacts of climate change and
23 have greater difficulty preparing for, responding to
24 and recovering from such events (Oxfam America,
25 2009).

1 (18) Children who live in families who fall into
2 poverty for even short periods of time are at greater
3 risk of a lifetime of lower earnings, lower edu-
4 cational attainment, and increased reliance on public
5 services and increased rates of incarceration (First
6 Focus, 2008).

7 (19) It is estimated that the additional 3 mil-
8 lion children who were forced into poverty due to the
9 recession of 2008, resulted in \$35 billion in eco-
10 nomic losses annually, and will cause at least \$1.7
11 trillion in economic losses to the United States dur-
12 ing their lifetimes (First Focus, 2008).

13 (20) Reducing poverty, especially child poverty,
14 not only reduces costs for Federal, State, and local
15 social services and benefits programs, but also in-
16 creases tax revenue at all levels of government (Chil-
17 dren's Defense Fund, 2009).

18 (21) The House of Representatives, on January
19 22, 2008, has resolved that it is the sense of Con-
20 gress that the United States should set a national
21 goal of cutting poverty in half over the next 10
22 years.

23 **SEC. 31402. DEFINITIONS.**

24 In this subtitle:

1 (1) FEDERAL AGENCY.—The term “Federal
2 agency” means any executive department, Govern-
3 ment corporation, Government-controlled corpora-
4 tion, or other establishment in the executive branch
5 of the Government (including the Executive Office of
6 the President), or any independent regulatory agen-
7 cy.

8 (2) POVERTY.—The term “poverty” means an
9 income level and living standard associated with and
10 based on the official poverty measure as established
11 and updated by the U.S. Census Bureau which es-
12 tablishes a threshold of minimum income necessary
13 to achieve a standard of living free from deprivation
14 of basic needs.

15 (3) EXTREME POVERTY.—The term “extreme
16 poverty” means having an income level or living
17 standard at a level of extreme deprivation based on
18 living with income below 50 percent of the Federal
19 poverty line as established by the U.S. Census.

20 (4) NEAR POVERTY.—The term “near poverty”
21 means having a level of household income below 200
22 percent of the Federal poverty line.

23 (5) CHILD POVERTY.—The term “child pov-
24 erty” means poverty which impacts those persons
25 under 18 years of age.

1 (6) DEPRIVATION.—The term “deprivation”
2 means lacking some or all basic human needs.

3 (7) DECENT LIVING STANDARD.—The term
4 “decent living standard” means the amount of an-
5 nual income that would allow an individual to live
6 beyond deprivation at a safe and decent, but modest,
7 standard of living.

8 (8) ALTERNATIVE POVERTY MEASURES.—The
9 term “alternative poverty measures” means meas-
10 ures and indicators, other than the traditional in-
11 come based measure of poverty, which can provide a
12 more detailed picture of the low-income and poverty
13 stricken populations, such as the number of people
14 who were kept above poverty by Government sup-
15 ports, the number of people who are poor due to
16 medical expenses, child care, and work expenses, the
17 rates of food insecurity, the number of people who
18 are asset poor (with less than three months of in-
19 come saved), the number of disconnected youth, teen
20 birth rates, participation rates in Federal anti-pov-
21 erty programs for all eligible populations, and the
22 number of people who are unbanked.

23 (9) REGIONAL COSTS OF LIVING.—The term
24 “regional costs of living” means a measure of the
25 differing costs of maintaining a given living standard

1 in varying regional, geographic, urban or rural re-
2 gions.

3 (10) ECONOMIC INSECURITY.—The term “eco-
4 nomic insecurity” means the inability of individuals
5 and households to cope with routine adverse or cost-
6 ly life events and the lack of means to maintain a
7 decent standard of living and to recover from the
8 costly consequences of those events.

9 (11) ECONOMIC STABILITY.—The term “eco-
10 nomic stability” means individuals and households
11 have access to the means and support systems nec-
12 essary to effectively cope with adverse or costly life
13 events and have the ability to effectively recover
14 from the consequences of those events while main-
15 taining their standard of living or maintaining a de-
16 cent standard of living.

17 (12) DIGITAL DIVIDE.—The term “digital di-
18 vide” means the gap between individuals, house-
19 holds, businesses and geographic areas at different
20 socio-economic levels with regard to both their access
21 information and communications technologies and
22 including the imbalance both in physical access to
23 technology and the resources, education and skills
24 needed to effectively use computer technology and
25 the Internet for a wide variety of activities.

1 (13) OUTCOMES.—The term “outcomes” means
2 change in the economic status, economic instability
3 or economic security of an individual, household or
4 other population which is attributable to a planned
5 intervention, benefit, or service or series of interven-
6 tions, benefits, and services, regardless of whether
7 such an intervention was intended to change such
8 economic status.

9 (14) DISPARATE IMPACT.—The term “disparate
10 impact” refers to the historic and ongoing impacts
11 of the pattern and practice of discrimination in em-
12 ployment, education, housing, banking and nearly
13 every other aspect of American life in the economy,
14 society or culture that have an adverse impact on
15 minorities, women, or other protected groups, re-
16 gardless of whether such practices were motivated by
17 discriminatory intent.

18 **SEC. 31403. ESTABLISHMENT OF THE FEDERAL INTER-**
19 **AGENCY WORKING GROUP ON REDUCING**
20 **POVERTY.**

21 (a) ESTABLISHMENT OF FEDERAL INTERAGENCY
22 WORKING GROUP ON REDUCING POVERTY.—There is es-
23 tablished within the Department of Health and Human
24 Services, a Federal Interagency Working Group on Reduc-
25 ing Poverty, which shall be chaired by the Secretary of

1 Health and Human Services, and whose members shall be
2 selected by their respective agency heads from the senior
3 ranks of their agencies, which shall—

4 (1) develop, within 180 days of enactment, a
5 National Strategy to reduce the number of persons
6 living in poverty in America in half within 10 years
7 of the release of the 2012 Census report on Income,
8 Poverty and Health Insurance Coverage in the
9 United States: 2011, that includes goals and objec-
10 tives relating to—

11 (A) reducing in half the number of Ameri-
12 cans living in poverty as reported by the 2012
13 Census report on Income, Poverty and Health
14 Insurance Coverage in the United States: 2011;

15 (B) eliminating child poverty in America;

16 (C) eliminating extreme poverty in Amer-
17 ica;

18 (D) improving the effectiveness and out-
19 comes of poverty-related programs by improving
20 our understanding of the root causes of poverty,
21 the social, economic, and the cultural contribu-
22 tors to persistent intergenerational poverty;

23 (E) improving the measure of poverty to
24 include more indicators and measures that can
25 meaningfully account for other aspects relating

1 to the measure of poverty, such as regional dif-
2 ferences in costs of living, the impact of rising
3 income inequality, the impact of the persistent
4 “digital divide”, expanding the understanding
5 of poverty by distinguishing a standard that
6 measures a level of freedom from deprivation
7 versus a standard that measures a standard of
8 economic adequacy provided by a living wage
9 and access to a decent living standard, and the
10 impact of poverty on other measures of eco-
11 nomic stability and economic outcomes, such as
12 educational attainment, rates of incarceration,
13 lifetime earnings, access to health care, health
14 care outcomes, access to housing, and including
15 other measures as necessary to improve our un-
16 derstanding of why poverty persists in America;

17 (F) eliminating the disparate rates of pov-
18 erty based on race, ethnicity, gender, age, or
19 sexual orientation and identity, especially
20 among children in those households so im-
21 pacted;

22 (G) measuring effectiveness of poverty re-
23 lated programs on the basis of long-term out-
24 comes, including the long-term savings and
25 value of preventive practice and policy, and em-

1 plying fact-based measures of programs to
2 make improvements;

3 (H) improving the accessibility of benefit
4 and social services programs, reducing the com-
5 plexity and difficulty of enrollment, and improv-
6 ing the rates of enrollment in need based pro-
7 grams for all eligible recipients to maximize the
8 impact of benefits and social services programs
9 on reducing the impacts of poverty and improv-
10 ing economic outcomes;

11 (I) making more uniform eligibility re-
12 quirements to improve the coordination of serv-
13 ice delivery, reduce gaps in eligibility, and im-
14 prove outcomes of programs addressing poverty
15 in the Federal Government;

16 (J) reducing the negative impacts of asset
17 limits for eligibility which impact Federal, State
18 and local poverty programs on the effectiveness
19 of programs where limited eligibility creates
20 gaps in necessary service and benefit delivery,
21 and restricts access to benefits as individuals
22 and families attempt to transition off of assist-
23 ance programs and which can prevent needy
24 beneficiaries from improving long-term out-

1 comes and achieving long-term economic inde-
2 pendence from need-based programs;

3 (K) identifying Federal programs, includ-
4 ing those related to disaster relief, hazard miti-
5 gation, extreme weather and climate change,
6 and necessary reforms to better target re-
7 sources towards disproportionately impacted so-
8 cially vulnerable, low-income and disadvantaged
9 communities may provide greater socio-eco-
10 nomic benefits;

11 (L) improving the ability of community-
12 based organizations to participate in the devel-
13 opment, oversight and implementation of Fed-
14 eral poverty-related programs;

15 (M) improving access to good jobs with
16 adequate wages and benefits by individuals liv-
17 ing in poverty, low-income households, and the
18 unemployed;

19 (N) expanding and stabilizing poor and
20 low-income persons connection to work and ac-
21 cess to critical job training and/or skills up-
22 grade training that will lead to re-entry in the
23 workforce;

24 (O) developing a comprehensive strategy to
25 connect low-income young people and to re-con-

1 nect currently disconnected youth to education,
2 work, and their community; and

3 (P) shifting the focus of poverty and
4 means-tested programs across the Federal Gov-
5 ernment beyond the relief of deprivation and in-
6 stead setting goals, measures, and outcomes
7 more focused on measuring the success of pro-
8 grams in supporting and improving how capable
9 individuals and families can access educational
10 and economic opportunities to successfully tran-
11 sition away from accessing public assistance
12 and benefits and achieving long-term economic
13 stability which will reduce long-term costs in
14 domestic social needs programs, reduce long-
15 term health care costs due to the improved
16 health of formerly poverty stricken households,
17 increase the number of taxpaying individuals
18 which will increase revenue, and lower the en-
19 rollment and costs in need based benefits and
20 services programs, thus improving the economy
21 and reducing long-term deficits for Federal,
22 State, and local governments;

23 (2) oversee, coordinate, and integrate all poli-
24 cies and activities of the Federal Government, in co-
25 ordination and consultation with the Domestic Pol-

1 icy Council and the National Economic Council,
2 across all agencies relating to reducing the number
3 of individuals, families, and children living below the
4 Federal poverty line, in extreme poverty or near pov-
5 erty and increasing the number of households able
6 to achieve long-term economic stability with assets
7 sufficient to maintain a decent living standard with-
8 out relying on public-support—

9 (A) economic, commercial, and pro-
10 grammatic policies that can effect or relieve the
11 effects of poverty through job creation, and eco-
12 nomic development targeted to low-income, mi-
13 nority, rural, urban and other populations who
14 suffer disparate rates of poverty, among Fed-
15 eral agencies; and

16 (B) services and benefits including emer-
17 gency programs, discretionary economic pro-
18 grams, and other policies and activities nec-
19 essary to ensure that the Federal Government
20 is able to mount effective responses to economic
21 downturns and increases in the rates of poverty;

22 (3) ensure that all relevant Federal agencies
23 comply with appropriate guidelines, policies, and di-
24 rectives from the Federal Interagency Working
25 Group on Reducing Poverty and the Department of

1 Health and Human Services and other Federal
2 agencies with responsibilities relating to poverty re-
3 duction or improving economic stability and inde-
4 pendence;

5 (4) ensure that Federal agencies, State govern-
6 ments and relevant congressional committees have
7 access to, receive, and appropriately disseminate best
8 practices in the administration of programs, have
9 adequate resources to maximize the public awareness
10 of programs, increase the reach of those programs,
11 especially into historically disenfranchised commu-
12 nities, maximize enrollment for all eligible Ameri-
13 cans, share relevant data, and issue relevant guid-
14 ance in consultation with nongovernment organiza-
15 tions and policy experts in the field and State and
16 local government officials who administer or direct
17 policy for anti-poverty programs in increasing and
18 maximizing the enrollment into and administration
19 of programs and services designed to alleviate pov-
20 erty;

21 (5) enact best practices for improved data col-
22 lection, relevant to—

23 (A) reducing poverty;

1 (B) reducing the racial, ethnic, age, gen-
2 der, and sexual orientation or sexual identity
3 based disparities in the rates of poverty;

4 (C) adequately measuring the effectiveness,
5 efficiency and impact of programs on the out-
6 comes for individuals, families and communities
7 who receive benefits and services;

8 (D) streamlining enrollment and eligibility
9 for programs;

10 (E) improving long-term outcomes for indi-
11 viduals who are enrolled in service and benefit
12 programs;

13 (F) reducing reliance on public programs;

14 (G) improving connections to work;

15 (H) improving economic stability;

16 (I) improving savings and investment, ac-
17 cess to capital, increasing rates of entrepreneur-
18 ship;

19 (J) improving our understanding of the
20 impact of extreme weather and natural disas-
21 ters on economically vulnerable communities
22 and improving those communities' resilience to
23 and recovery from extreme weather and natural
24 disasters;

1 (K) improving access to living wage em-
2 ployment; and

3 (L) improving access to employment-based
4 benefits; and

5 (6) study the feasibility of and test different
6 interagency, State and local, public/private models of
7 cooperative service and benefit delivery by creating
8 necessary exemptions, waivers and funding sources
9 to allow improved cooperation and innovation in the
10 development of programs, practices, policies and pro-
11 cedures that advance the goal of reducing poverty
12 and increasing economic opportunity.

13 (b) DIRECTOR OF NATIONAL POVERTY POLICY.—
14 There shall be a Staff Director of National Poverty Policy,
15 who shall be the head of the Federal Interagency Working
16 Group on Reducing Poverty.

17 **SEC. 31404. APPOINTMENT AND RESPONSIBILITIES OF THE**
18 **DIRECTOR.**

19 (a) APPOINTMENT.—

20 (1) IN GENERAL.—The Staff Director shall be
21 appointed by the Secretary of Housing and Urban
22 Development.

23 (2) QUALIFICATIONS.—The Secretary shall ap-
24 point the Staff Director from among individuals who
25 have demonstrated ability and knowledge in social

1 policy, improving outcome based management, issues
2 of equity and equal opportunity and access to serv-
3 ices and economic opportunity.

4 (b) RESPONSIBILITIES.—The Staff Director shall—

5 (1) advise the Secretary and all relevant cabinet
6 secretaries, and agency officials regarding the estab-
7 lishment of policies, goals, objectives, and priorities
8 for reducing poverty in America in half in ten years,
9 ending child poverty, ending extreme poverty and
10 eliminating racial, ethnic, gender, and sexual iden-
11 tity and orientation based disparities in the rates of
12 poverty;

13 (2) advise the Secretary, when directed by the
14 Secretary, advise relevant cabinet secretaries, heads
15 of independent Federal agencies and other entities
16 within the Executive Office of the President regard-
17 ing mechanisms to improve the effectiveness, coordi-
18 nation, impact, and outcomes of social services, ben-
19 efits, and other poverty reduction and economic op-
20 portunity programs, in collaboration with experts in
21 the field, nongovernmental organizations, and other
22 governments;

23 (3) work with Federal agencies to oversee, co-
24 ordinate, and integrate the implementation of the
25 National Plan or Strategy, including consultation

1 with independent nongovernmental policy experts
2 and service provider groups engaged in serving low-
3 income persons, children and households, State and
4 local government officials who administer or direct
5 policy for anti-poverty programs, and with as many
6 groups that directly represent low-income people,
7 such as public housing tenants' associations, or
8 other similar groups; and

9 (4) resolve any disputes that arise between Fed-
10 eral agencies relating to the National Plan to reduce
11 poverty in half in ten years or other matters within
12 the responsibility of the Office.

13 **SEC. 31405. CONSULTATION.**

14 (a) IN GENERAL.—The Director may consult and ob-
15 tain recommendations from, as needed, such Presidential
16 and other advisory entities such as consultation with inde-
17 pendent nongovernmental policy experts and service pro-
18 vider groups engaged in serving low-income persons, chil-
19 dren, and households; State and local government officials
20 who administer or direct policy for anti-poverty programs,
21 and groups made up of low-income people, such as public
22 housing tenants' associations, or other similar groups as
23 the Director determines will assist in carrying out the mis-
24 sion of the Office, including, but not limited to—

- 1 (1) the Administration for Children and Fami-
- 2 lies (ACF);
- 3 (2) the Administration on Aging (AoA);
- 4 (3) the Department of Agriculture (USDA);
- 5 (4) the Bankruptcy Courts;
- 6 (5) the Bureau of Consumer Financial Protec-
- 7 tion;
- 8 (6) the Bureau of Economic Analysis (BEA);
- 9 (7) the Bureau of Indian Affairs (BIA);
- 10 (8) the Bureau of the Census;
- 11 (9) the Center for Nutrition Policy and Pro-
- 12 motion;
- 13 (10) the Centers for Medicare & Medicaid Serv-
- 14 ices (formerly the Health Care Financing Adminis-
- 15 tration);
- 16 (11) the Commission on Civil Rights;
- 17 (12) the Office of Community Planning and
- 18 Development;
- 19 (13) the Consumer Financial Protection Bu-
- 20 reau;
- 21 (14) the Coordinating Council on Juvenile Jus-
- 22 tice and Delinquency Prevention;
- 23 (15) the Corporation for National and Commu-
- 24 nity Service;
- 25 (16) the Council of Economic Advisers;

- 1 (17) the Department of Agriculture (USDA);
- 2 (18) the Department of Commerce (DOC);
- 3 (19) the Department of Defense (DOD);
- 4 (20) the Department of Education (ED);
- 5 (21) the Department of Health and Human
- 6 Services (HHS);
- 7 (22) the Department of Housing and Urban
- 8 Development (HUD);
- 9 (23) the Department of Justice (DOJ);
- 10 (24) the Department of Labor (DOL);
- 11 (25) the Department of the Treasury;
- 12 (26) the Department of Transportation (DOT);
- 13 (27) the Department of Veterans Affairs (VA);
- 14 (28) the Disability Employment Policy Office;
- 15 (29) the Domestic Policy Council;
- 16 (30) the Drug Enforcement Administration
- 17 (DEA);
- 18 (31) the Economic Development Administra-
- 19 tion;
- 20 (32) the Economic Research Service;
- 21 (33) the English Language Acquisition Office;
- 22 (34) the Equal Employment Opportunity Com-
- 23 mission (EEOC);
- 24 (35) the Fair Housing and Equal Opportunity;
- 25 (36) the Federal Bureau of Prisons;

- 1 (37) the Federal Housing Finance Board;
- 2 (38) the Federal Labor Relations Authority;
- 3 (39) the Federal Trade Commission (FTC);
- 4 (40) the Food and Nutrition Service;
- 5 (41) the Indian Health Service;
- 6 (42) the Interagency Council on Homelessness;
- 7 (43) the Internal Revenue Service (IRS);
- 8 (44) the Legal Services Corporation;
- 9 (45) the National AIDS Policy Office;
- 10 (46) the National Credit Union Administration;
- 11 (47) the National Economic Council;
- 12 (48) the National Institutes of Health (NIH);
- 13 (49) the National Labor Relations Board;
- 14 (50) the Occupational Safety & Health Admin-
15 istration (OSHA);
- 16 (51) the Office of Management and Budget
17 (OMB);
- 18 (52) the Office of Refugee Resettlement;
- 19 (53) the Office of Policy Development and Re-
20 search (Housing and Urban Development Depart-
21 ment);
- 22 (54) the Small Business Administration (SBA);
- 23 (55) the Social Security Administration (SSA);
- 24 (56) the Substance Abuse and Mental Health
25 Services Administration;

1 (57) the Veterans' Employment and Training
2 Service; and

3 (58) the Women's Bureau (Labor Department).

4 (b) NATIONAL STRATEGY.—In developing and updat-
5 ing the National Strategy the Executive Director shall
6 consult with the Domestic Policy Council, the National
7 Economic Council, and, as appropriate, hold regional pub-
8 lic hearings around the country to collect information and
9 feedback from the public on their efforts and experience
10 for the development and updating of the National Strategy
11 and make this information available to the public.

12 **SEC. 31406. REPORTS TO CONGRESS AND THE PUBLIC.**

13 (a) IN GENERAL.—The Chair of the Federal Inter-
14 agency Working Group on Reducing Poverty shall submit
15 an annual report to the appropriate congressional commit-
16 tees describing the activities, ongoing projects, and plans
17 of the Federal Government designed to meet the goals and
18 objectives of the National Strategy on Poverty. The report
19 shall include an accounting of the savings to the Govern-
20 ment from any increased efficiencies in the delivery of
21 services, any savings from reducing the numbers of Ameri-
22 cans living in poverty and reductions in the demand for
23 need-based services and benefits for which persons living
24 in and near poverty are eligible, as well as an accounting
25 of any increase in revenue collections due to the numbers

1 of persons who become gainfully employed and pay taxes
2 into the Treasury instead of drawing benefits and services
3 from it.

4 (b) NATIONAL ACADEMY OF SCIENCES WORK-
5 SHOP.—Within 90 days after funds are made available to
6 carry out this subtitle, the Secretary of Health and
7 Human Services shall contract with the National Academy
8 of Sciences (hereinafter in this subsection referred to as
9 the “NAS”) to initiate a workshop series to provide nec-
10 essary background information to enable the Working
11 Group on Reducing Poverty to develop and finalize its
12 plan.

13 (1) The NAS shall convene a steering com-
14 mittee to organize, plan, and conduct a public work-
15 shop on what is known about the economic and so-
16 cial costs of poverty, including, but not limited to
17 the following:

18 (A) Macroeconomic costs (effects on pro-
19 ductivity and economic output).

20 (B) Health costs (effects on health expend-
21 itures and health status).

22 (C) Crime and other social costs.

23 (D) Direct Federal budget effects (e.g.,
24 outlays for income support and other poverty
25 reduction programs).

1 (E) Natural disaster related risks and
2 costs.

3 (F) The workshop shall also consider pov-
4 erty metrics (e.g., income poverty, food insecu-
5 rity, and other measures of deprivation), and
6 their role in assessing the effects of poverty and
7 the performance of anti-poverty programs.

8 The NAS shall commission experts to prepare pa-
9 pers that summarize and critique the relevant lit-
10 erature estimating monetary and non-monetary eco-
11 nomic and social impacts of poverty. A workshop
12 summary shall be produced that, along with the pa-
13 pers, shall be available electronically on the NAS
14 website. This workshop shall be convened within 6
15 months of receipt of a contract, the papers posted
16 immediately, and the summary released by the end
17 of month.

18 (2) The NAS steering committee shall organize,
19 plan, and conduct a second public workshop on what
20 is known about the economic and social costs and
21 benefits of a variety of programs and strategies to
22 reduce and prevent poverty. It shall take account of
23 such issues as the following:

24 (A) Short-term versus long-term effects,
25 including budget implications.

1 (B) Effects for different population
2 groups, such as children, the elderly, immi-
3 grants, long-term single-parent families, dis-
4 placed older workers, young people with large
5 loans, people in areas of concentrated poverty
6 and other social ills (e.g., Indian reservations,
7 some inner city areas, some rural areas).

8 (C) Effects by depth of poverty and near-
9 poverty (e.g., income to poverty ratios of less
10 than 50 percent, less than 100 percent, less
11 than 200 percent).

12 This second workshop shall be convened within 9
13 months of receipt of a contract, the papers posted
14 immediately, and a summary released by the end of
15 month 12.

16 (c) REPORT.—The relevant sections of the report
17 shall be posted on each agency's website on the plans and
18 impacts specific to their agency.

19 (d) PUBLIC REPORT.—A version of each report sub-
20 mitted under this section shall be made available to the
21 public.

22 (e) LEGISLATIVE LANGUAGE.—The Working Group
23 on Reducing Poverty shall submit, as necessary, legislative
24 language, including specific legislative recommendations to

1 the Congress of the United States towards achieving the
2 national goals.

3 **TITLE IV—HOUSING AND ASSET**
4 **BUILDING**

5 **Subtitle A—Affirming the Right of**
6 **All Renters to a Safe, Afford-**
7 **able, and Decent Home**

8 **SEC. 40101. FINDINGS.**

9 Congress finds the following:

10 (1) Housing is a basic human right.

11 (2) Evidence-based research has shown that
12 families with safe, decent, and affordable homes are
13 better able to find employment, achieve economic
14 mobility, perform better in school, and maintain im-
15 proved health.

16 (3) Investing in affordable housing strengthens
17 our economy, creates jobs, boosts families' incomes,
18 and encourages further development.

19 (4) Far too many families living in urban, sub-
20 urban, and rural communities struggle to afford
21 their rent each month, putting them at increased
22 risk of eviction and homelessness.

23 (5) According to the Department of Housing
24 and Urban Development (HUD) point-in-time count
25 of 2016, there were 549,928 people in the United

1 States experiencing homelessness on any given night,
2 including over 120,000 children.

3 (6) Homelessness has become so pervasive that
4 some States and cities have declared that homeless-
5 ness has reached a state of emergency.

6 (7) Major progress towards the national goals
7 for ending homelessness in our Nation has stalled in
8 the absence of increased funding.

9 (8) A shortage of affordable housing exists in
10 every State and major metropolitan area.

11 (9) A full-time worker earning the Federal min-
12 imum wage cannot afford a modest two-bedroom
13 apartment in any State, metropolitan area, or coun-
14 ty in the United States.

15 (10) Over half of all renters are cost-burdened,
16 paying more than 30 percent of their income for
17 housing, and 71 percent of extremely low-income
18 households are severely cost-burdened, paying more
19 than half of their income for housing.

20 (11) Rapidly rising rents across the country
21 have pushed many long-time residents and families
22 out of the communities they call home.

23 (12) Closed waiting lists and long waits mean
24 only a quarter of the families who qualify for hous-
25 ing assistance actually receive it.

1 (13) The role of Federal affordable housing in-
2 vestments is even more important given the limited
3 ability of the private market alone to address these
4 needs.

5 (14) Various programs at the Department of
6 Housing and Urban Development help to subsidize
7 housing for more than 4,000,000 low-income fami-
8 lies, including the Public Housing program, the Sec-
9 tion 8 Housing Choice Vouchers (HCV) program,
10 the Section 8 Project-Based Rental Assistance pro-
11 gram, the Section 202 Supportive Housing for the
12 Elderly program, the Section 811 Supportive Hous-
13 ing for Persons with Disabilities program, and the
14 Housing Opportunities for Persons with AIDS
15 (HOPWA) program.

16 (15) Despite leveraging billions of dollars in pri-
17 vate resources to preserve and expand the supply of
18 affordable housing, affordable housing programs
19 continue to be chronically underfunded despite their
20 success at providing safe housing to families in need.

21 (16) Chronic underfunding of the Public Hous-
22 ing Capital Fund has led to a backlog of more than
23 \$26,000,000,000 in capital repairs and deteriorating
24 conditions for residents.

1 (17) Without Federal investments, many more
2 families would be homeless, living in substandard or
3 overcrowded conditions, or struggling to meet other
4 basic needs because too much of their limited income
5 would be used to pay rent.

6 (18) Low Federal spending caps required by
7 the Budget Control Act of 2011 (Public Law 112–
8 25) have decreased funding for affordable housing
9 and community development programs.

10 (19) These austere spending caps threaten af-
11 fordable housing and community development for
12 millions of low income families.

13 (20) Even renters with housing subsidies often
14 face barriers to finding housing providers willing to
15 rent to them.

16 (21) Under current Federal law, housing dis-
17 crimination against a renter is illegal if it is based
18 on race, color, religion, sex, familial status, national
19 origin, or disability.

20 (22) Renters should be protected against hous-
21 ing discrimination through stronger enforcement of
22 fair housing laws.

23 (23) Despite various clarifying memos from
24 HUD, the re-entry community continues to face bar-

1 riers in trying to secure access to federally assisted
2 housing.

3 **SEC. 40102. SENSE OF CONGRESS.**

4 The Congress—

5 (1) supports lifting the spending caps required
6 by the Budget Control Act of 2011 and robustly
7 funding programs to increase access to affordable
8 housing and address homelessness at the Depart-
9 ment of Housing and Urban Development (HUD)
10 and other Federal agencies;

11 (2) opposes any cuts to Federal investments in
12 affordable housing programs at the Department of
13 Housing and Urban Development and other Federal
14 agencies;

15 (3) supports increased funding to the Public
16 Housing Capital Fund to address the backlog of
17 capital repairs for public housing;

18 (4) supports expanded funding for the National
19 Housing Trust Fund to boost the supply of afford-
20 able housing available to extremely low-income fami-
21 lies;

22 (5) supports efforts to preserve and rehabilitate
23 existing housing to maintain and increase the avail-
24 able stock of affordable housing and proposals by

1 local entities to prevent any net loss of overall af-
2 fordable housing units receiving Federal subsidies;

3 (6) supports strengthened Federal fair housing
4 laws;

5 (7) affirms that renters may not be barred from
6 federally assisted housing solely on the basis of a
7 criminal record;

8 (8) supports expansion of renters' rights, in-
9 cluding the right of tenants to organize tenant asso-
10 ciations; and

11 (9) affirms that housing is a basic human right.

12 **Subtitle B—Ending Homelessness**

13 **SEC. 40201. SHORT TITLE.**

14 This subtitle may be cited as the “Ending Homeless-
15 ness Act of 2020”.

16 **SEC. 40202. CONGRESSIONAL FINDINGS.**

17 The Congress finds that—

18 (1) although the United States has experienced
19 a reduction in veteran homelessness after a surge of
20 new Federal funding targeted to homeless veterans
21 starting in fiscal year 2008, major progress towards
22 the national goals for ending homelessness in our
23 Nation has virtually stalled in the absence of in-
24 creased funding;

1 (2) according to the Department of Housing
2 and Urban Development’s 2016 point-in-time count,
3 there were 549,928 people experiencing homeless-
4 ness in the United States on any given night, includ-
5 ing over 120,000 children;

6 (3) homelessness in many communities has
7 reached crisis proportions and some cities have de-
8 clared that homelessness has reached a state of
9 emergency; and

10 (4) the Federal Government must renew its
11 commitment to the national goals to end homeless-
12 ness.

13 **SEC. 40203. EMERGENCY RELIEF FUNDING.**

14 Title IV of the McKinney-Vento Homeless Assistance
15 Act (42 U.S.C. 11360 et seq) is amended—

16 (1) by redesignating section 491 (42 U.S.C.
17 11408; relating to rural housing stability grant pro-
18 gram) as section 441;

19 (2) by redesignating section 592 (42 U.S.C.
20 11408a; relating to use of FMHA inventory for
21 transitional housing for homeless persons and for
22 turnkey housing) as section 442; and

23 (3) by adding at the end the following new sub-
24 title:

1 **“Subtitle E—5-Year Path To End**
2 **Homelessness**

3 **“SEC. 451. EMERGENCY RELIEF FUNDING.**

4 “(a) DIRECT APPROPRIATIONS.—There is appro-
5 priated out of any money in the Treasury not otherwise
6 appropriated for each of fiscal years 2021 through 204,
7 \$1,000,000,000, to remain available until expended, for
8 emergency relief grants under this section to address the
9 unmet needs of homeless populations in jurisdictions with
10 the highest need.

11 “(b) FORMULA GRANTS.—

12 “(1) ALLOCATION.—Amounts appropriated
13 under subsection (a) for a fiscal year shall be allo-
14 cated among collaborative applicants that comply
15 with section 402, in accordance with the funding for-
16 mula established under paragraph (2) of this sub-
17 section.

18 “(2) FORMULA.—The Secretary shall, in con-
19 sultation with the United States Interagency Council
20 on Homeless, establish a formula for allocating
21 grant amounts under this section to address the
22 unmet needs of homeless populations in jurisdictions
23 with the highest need, using the best currently avail-
24 able data that targets need based on key structural
25 determinants of homelessness in the geographic area

1 represented by a collaborative applicant, which shall
2 include data providing accurate counts of—

3 “(A) the poverty rate in the geographic
4 area represented by the collaborative applicant;

5 “(B) shortages of affordable housing for
6 low-, very low-, and extremely low-income
7 households in the geographic area represented
8 by the collaborative applicant;

9 “(C) the number of overcrowded housing
10 units in the geographic area represented by the
11 collaborative applicant;

12 “(D) the number of unsheltered homeless
13 individuals and the number of chronically home-
14 less individuals; and

15 “(E) any other factors that the Secretary
16 considers appropriate.

17 “(3) GRANTS.—For each fiscal year for which
18 amounts are made available under subsection (a),
19 the Secretary shall make a grant to each collabo-
20 rative applicant for which an amount is allocated
21 pursuant to application of the formula established
22 pursuant to paragraph (2) of this subsection in an
23 amount that is equal to the formula amount deter-
24 mined for such collaborative applicant.

25 “(4) TIMING.—

1 “(A) FORMULA TO BE DEVISED SWIFT-
2 LY.—The funding formula required under para-
3 graph (2) shall be established not later than 60
4 days after the date of enactment of this section.

5 “(B) DISTRIBUTION.—Amounts appro-
6 priated or otherwise made available under this
7 section shall be distributed according to the
8 funding formula established pursuant to para-
9 graph (2) not later than 30 days after the es-
10 tablishment of such formula.

11 “(c) USE OF GRANTS.—

12 “(1) IN GENERAL.—Subject to paragraphs (2)
13 through (4), a collaborative applicant that receives a
14 grant under this section may use such grant
15 amounts only for eligible activities under section
16 415, 423, or 441(b).

17 “(2) PERMANENT SUPPORTIVE HOUSING RE-
18 QUIREMENT.—

19 “(A) REQUIREMENT.—Except as provided
20 in subparagraph (B), each collaborative appli-
21 cant that receives a grant under this section
22 shall use not less than 75 percent of such grant
23 amount for permanent supportive housing, in-
24 cluding capital costs, rental subsidies, and serv-
25 ices.

1 “(B) EXEMPTION.—The Secretary shall
2 exempt a collaborative applicant from the appli-
3 cability of the requirement under subparagraph
4 (A) if the applicant demonstrates, in accordance
5 with such standards and procedures as the Sec-
6 retary shall establish, that—

7 “(i) chronic homelessness has been
8 functionally eliminated in the geographic
9 area served by the applicant; or

10 “(ii) the permanent supportive hous-
11 ing under development in the geographic
12 area served by the applicant is sufficient to
13 functionally eliminate chronic homelessness
14 once such units are available for occu-
15 pancy.

16 The Secretary shall consider and make a deter-
17 mination regarding each request for an exemp-
18 tion under this subparagraph not later than 60
19 days after receipt of such request.

20 “(3) LIMITATION ON USE FOR ADMINISTRATIVE
21 EXPENSES.—Not more than 5 percent of the total
22 amount of any grant under this section to a collabo-
23 rative applicant may be used for costs of administra-
24 tion.

1 “(4) HOUSING FIRST REQUIREMENT.—The Sec-
2 retary shall ensure that each collaborative applicant
3 that receives a grant under this section is imple-
4 menting, to the extent possible, and will use such
5 grant amounts in accordance with, a Housing First
6 model for assistance for homeless persons.

7 “(d) RENEWAL FUNDING.—Expiring contracts for
8 leasing, rental assistance, or permanent housing shall be
9 treated, for purposes of section 429, as expiring contracts
10 referred to in subsection (a) of such section.

11 “(e) REPORTING TO CONGRESS.—

12 “(1) INITIAL REPORT.—Not later than Sep-
13 tember 1, 2021, the Secretary and the United States
14 Interagency Council on Homelessness shall submit a
15 report to the Committees on Financial Services and
16 Appropriations of the House of Representatives and
17 the Committees on Banking, Housing, and Urban
18 Affairs and Appropriations of the Senate describing
19 the design and implementation of the grant program
20 under this section, which shall include the formula
21 required by subsection (b)(2).

22 “(2) SEMIANNUAL STATUS REPORTS.—

23 “(A) REPORTS TO CONGRESS.—The Sec-
24 retary and the United States Interagency Coun-
25 cil on Homelessness shall submit reports to the

1 Committees specified in paragraph (1) semi-
2 annually describing the operation of the grant
3 program under this section during the pre-
4 ceding 6 months, including identification of the
5 grants made and a description of the activities
6 funded with grant amounts.

7 “(B) COLLECTION OF INFORMATION BY
8 SECRETARY.—The Secretary shall require each
9 collaborative applicant that receives a grant
10 under this section to submit such information
11 to the Secretary as may be necessary for the
12 Secretary to comply with the reporting require-
13 ment under subparagraph (A).

14 **“SEC. 452. SPECIAL PURPOSE VOUCHERS.**

15 “(a) DIRECT APPROPRIATION.—There is appro-
16 priated out of any money in the Treasury not otherwise
17 appropriated for each of fiscal years 2022 through 2027,
18 \$500,000,000, to remain available until expended, which
19 shall be used as follows:

20 “(1) RENTAL ASSISTANCE.—Except as provided
21 in paragraph (2), such amount shall be used for in-
22 cremental assistance for rental assistance under sec-
23 tion 8(o) of the United States Housing Act of 1937
24 (42 U.S.C. 1437f(o)) for persons and households
25 who are homeless (as such term is defined in section

1 103 (42 U.S.C. 11302)), which assistance shall be in
2 addition to such assistance provided pursuant to re-
3 newal of expiring contracts for such assistance.

4 “(2) ADMINISTRATIVE FEES.—The Secretary
5 may use not more than 10 percent of such amounts
6 provided for each fiscal year for administrative fees
7 under 8(q) of the United States Housing Act of
8 1937 (42 U.S.C. 1437f(q)). The Secretary shall es-
9 tablish policies and procedures to provide such fees
10 to the extent necessary to assist homeless persons
11 and families on whose behalf rental assistance is
12 provided to find and maintain suitable housing.

13 “(b) ALLOCATION.—The Secretary shall make assist-
14 ance provided under this section available to public hous-
15 ing agencies based on geographical need for such assist-
16 ance by homeless persons and households, as identified by
17 the Secretary, public housing agency administrative per-
18 formance, and other factors as specified by the Secretary.

19 “(c) AVAILABILITY.—Assistance made available
20 under this section shall continue to remain available only
21 for homeless persons and households upon turn-over.

22 “(d) RENEWAL FUNDING.—Renewal of expiring con-
23 tracts for rental assistance provided under subsection (a)
24 and for administrative fees under such subsection shall,
25 to the extent provided in appropriation Acts, be funded

1 under the section 8 tenant-based rental assistance ac-
2 count.

3 “(e) WAIVER AUTHORITY.—Upon a finding by the
4 Secretary that a waiver or alternative requirement pursu-
5 ant to this subsection is necessary to ensure that homeless
6 persons and households can obtain housing using rental
7 assistance made available under this section, the Secretary
8 may waive, or specify alternative requirements for, any
9 provision of any statute or regulation that the Secretary
10 administers in connection with the use of funds made
11 available under this section (except for requirements re-
12 lated to fair housing, nondiscrimination, labor standards,
13 and the environment) that relates to screening of appli-
14 cants for assistance, admission of applicants, and selection
15 of tenants. The Secretary shall require public housing
16 agencies receiving rental assistance funding made avail-
17 able under this section to take all reasonable actions to
18 help assisted persons and families avoid subsequent home-
19 lessness.

20 **“SEC. 453. OUTREACH FUNDING.**

21 “(a) DIRECT APPROPRIATION.—There is appro-
22 priated out of any money in the Treasury not otherwise
23 appropriated for each of fiscal years 2021 through 2025,
24 \$100,000,000, to remain available until expended, to the
25 Secretary for grants under this section to provide outreach

1 and coordinate services for persons and households who
2 are homeless or formerly homeless.

3 “(b) GRANTS.—

4 “(1) IN GENERAL.—The Secretary shall make
5 grants under this section on a competitive basis only
6 to collaborative applicants who comply with section
7 402.

8 “(2) PRIORITY.—The competition for grants
9 under this section shall provide priority to collabo-
10 rative applicants who submit plans to make innova-
11 tive and effective use of staff funded with grant
12 amounts pursuant to subsection (c).

13 “(c) USE OF GRANTS.—A collaborative applicant
14 that receives a grant under this section may use such
15 grant amounts only for providing case managers, social
16 workers, or other staff who conduct outreach and coordi-
17 nate services for persons and households who are homeless
18 or formerly homeless.

19 “(d) TIMING.—

20 “(1) CRITERIA TO BE ESTABLISHED SWIFT-
21 LY.—The Secretary shall establish the criteria for
22 the competition for grants under this section re-
23 quired under subsection (b) not later than 60 days
24 after the date of enactment of this section.

1 “(2) DISTRIBUTION.—Amounts appropriated or
2 otherwise made available under this section shall be
3 distributed according to the competition established
4 by the Secretary pursuant to subsection (b) not later
5 than 30 days after the establishment of such cri-
6 teria.”.

7 **SEC. 40204. HOUSING TRUST FUND.**

8 (a) FUNDING.—

9 (1) ANNUAL FUNDING.—There is appropriated,
10 out of any money in the Treasury not otherwise ap-
11 propriated, for fiscal year 2022 and each fiscal year
12 thereafter, \$1,000,000,000, to remain available until
13 expended, which shall be credited to the Housing
14 Trust Fund established pursuant to section 1338 of
15 the Federal Housing Enterprises Financial Safety
16 and Soundness Act of 1992 (12 U.S.C. 4568) for
17 use under such section.

18 (2) RENTAL ASSISTANCE.—There is appro-
19 priated, out of any money in the Treasury not other-
20 wise appropriated, for fiscal year 2022 and each fis-
21 cal year thereafter, \$50,000,000, to remain available
22 until expended, for incremental project-based vouch-
23 er assistance or project-based rental assistance, to
24 be allocated to States pursuant to the formula estab-
25 lished under section 1338 of the Federal Housing

1 Enterprises Financial Safety and Soundness Act of
2 1992 (12 U.S.C. 4568), to be used solely in conjunc-
3 tion with grant funds awarded under such section
4 1338.

5 (3) PRIORITY FOR HOUSING THE HOMELESS.—

6 (A) PRIORITY.—During the first 5 fiscal
7 years that amounts are made available under
8 this subsection, the Secretary of Housing and
9 Urban Development shall ensure that priority
10 for occupancy in dwelling units described in
11 subparagraph (B) that become available for oc-
12 cupancy shall be given to persons and house-
13 holds who are homeless (as such term is defined
14 in section 103 of the McKinney-Vento Homeless
15 Assistance Act (42 U.S.C. 11302)).

16 (B) COVERED DWELLING UNITS.—A dwell-
17 ing unit described in this subparagraph is any
18 dwelling unit that—

19 (i) is located in housing that was at
20 any time provided assistance with any
21 amounts from the Housing Trust Fund re-
22 ferred to paragraph (1) that were credited
23 to such Trust Fund by such paragraph; or

1 (ii) is receiving assistance described in
2 paragraph (2) with amounts made avail-
3 able under such paragraph.

4 (b) TENANT RENT CONTRIBUTION.—

5 (1) LIMITATION.—Subparagraph (A) of section
6 1338(c)(7) of the Federal Housing Enterprises Fi-
7 nancial Safety and Soundness Act of 1992 (12
8 U.S.C. 4568(c)(7)(A)) is amended—

9 (A) by striking “except that not less than
10 75 percent” and inserting the following: “except
11 that—

12 “(i) not less than 75 percent”;

13 (B) by adding at the end the following new
14 clause:

15 “(ii) notwithstanding any other provi-
16 sion of law, all rental housing dwelling
17 units shall be subject to legally binding
18 commitments that ensure that the con-
19 tribution toward rent by a family residing
20 in the dwelling unit shall not exceed 30
21 percent of the adjusted income (as such
22 term is defined in section 3(b) of the
23 United States Housing Act of 1937 (42
24 U.S.C. 1437a(b))) of such family; and”.

1 (2) REGULATIONS.—The Secretary of Housing
2 and Urban Development shall issue regulations to
3 implement section 1338(c)(7)(A)(ii) of the Federal
4 Housing Enterprises Financial Safety and Sound-
5 ness Act of 1992, as added by the amendment made
6 by paragraph (1)(B) of this section, not later than
7 the expiration of the 90-day period beginning on the
8 date of the enactment of this subtitle.

9 **SEC. 40205. TECHNICAL ASSISTANCE FUNDS TO HELP**
10 **STATES AND LOCAL ORGANIZATIONS ALIGN**
11 **HEALTH AND HOUSING SYSTEMS.**

12 (a) FUNDING.—There is hereby made available to the
13 Secretary of Housing and Urban Development
14 \$20,000,000, to remain available until expended, for pro-
15 viding technical assistance under section 405 of the
16 McKinney-Vento Homeless Assistance Act (42 U.S.C.
17 11361(b)) in connection with expanding the Healthcare
18 and Housing (H2) Systems Integration Initiative of the
19 Secretary of Housing and Urban Development, in collabo-
20 ration with the United States Interagency Council on
21 Homelessness and the Secretary of Health and Human
22 Services.

23 (b) USE.—In expanding the Initiative referred to in
24 subsection (a), the Secretary shall seek to—

1 (1) assist States and localities in integrating
2 and aligning policies and funding between Medicaid
3 programs, behavioral health providers, and housing
4 providers to create supportive housing opportunities;
5 and

6 (2) engages State Medicaid program directors,
7 Governors, State housing and homelessness agencies,
8 any other relevant State offices, and any relevant
9 local government entities, to assist States in increas-
10 ing use of their Medicaid programs to finance sup-
11 portive services for homeless persons.

12 (c) PRIORITY.—In using amounts made available
13 under this section, the Secretary shall give priority to use
14 for States and localities having the highest numbers of
15 chronically homeless persons.

16 **SEC. 40206. PERMANENT AUTHORIZATION OF APPROPRIA-**
17 **TIONS FOR MCKINNEY-VENTO HOMELESS AS-**
18 **SISTANCE ACT GRANTS.**

19 Section 408 of the McKinney-Vento Homeless Assist-
20 ance Act (42 U.S.C. 11364) is amended to read as follows:

21 **“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated to carry out
23 this title such sums as may be necessary for each fiscal
24 year.”.

1 **SEC. 40207. PERMANENT EXTENSION OF UNITED STATES**
 2 **INTERAGENCY COUNCIL ON HOMELESSNESS.**

3 Section 209 of the McKinney-Vento Homeless Assist-
 4 ance Act (42 U.S.C. 11319) is hereby repealed.

5 **SEC. 40208. EMERGENCY DESIGNATION.**

6 (a) IN GENERAL.—The amounts provided by this
 7 subtitle, and the amendments made by this subtitle, are
 8 designated as an emergency requirement pursuant to sec-
 9 tion 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2
 10 U.S.C. 933(g)).

11 (b) DESIGNATION IN SENATE.—In the Senate, this
 12 subtitle and the amendments made by this subtitle are
 13 designated as an emergency requirement pursuant to sec-
 14 tion 403(a) of S. Con. Res. 13 (111th Congress), the con-
 15 current resolution on the budget for fiscal year 2010.

16 **Subtitle C—Tenant Protection**

17 **SEC. 40301. SHORT TITLE.**

18 This subtitle may be cited as the “Tenant Protection
 19 Act”.

20 **SEC. 40302. TENANT BLACKLISTING.**

21 (a) DEFINITIONS.—In this section—

22 (1) the terms “consumer”, “consumer report”,
 23 and “nationwide specialty consumer reporting agen-
 24 cy” have the meanings given those terms in section
 25 603 of the Fair Credit Reporting Act (15 U.S.C.
 26 1681a); and

1 (2) the term “tenant rating agency” means a
2 nationwide specialty consumer reporting agency de-
3 scribed in section 603(x)(2) of the Fair Credit Re-
4 porting Act (15 U.S.C. 1681a(x)(2)).

5 (b) AMENDMENTS TO THE FAIR CREDIT REPORTING
6 ACT.—The Fair Credit Reporting Act (15 U.S.C. 1601
7 et seq.) is amended—

8 (1) in section 605 (15 U.S.C. 1681e), by adding
9 at the end the following:

10 “(i) HOUSING COURT RECORDS.—A consumer re-
11 porting agency may not make a consumer report con-
12 taining a landlord-tenant court or other housing court
13 record, unless—

14 “(1) the case to which the record pertains re-
15 sulted in a judgment of possession;

16 “(2) the decision of the court in the case to
17 which the record pertains is not being appealed; and

18 “(3) the record antedates the consumer report
19 by not more than 3 years.”;

20 (2) in section 611(a) (15 U.S.C. 1681i(a))—

21 (A) in paragraph (1)(A), by inserting “or
22 by submitting a notice of the dispute through
23 the centralized source described in section
24 612(a)(1)(B) or the centralized source required
25 to be established under section 2(c) of the Ten-

1 ant Protection Act” after “through a reseller”;
2 and

3 (B) in paragraph (2)—

4 (i) in subparagraph (A)—

5 (I) by striking “or a reseller”
6 and inserting “a reseller, or a central-
7 ized source”; and

8 (II) by striking “or reseller” and
9 inserting “reseller, or centralized
10 source”; and

11 (ii) in subparagraph (B), by striking
12 “or the reseller” and inserting “the re-
13 seller, or the centralized source”;

14 (3) in section 615 (15 U.S.C. 1681m), by add-
15 ing at the end the following:

16 “(i) ADDITIONAL DUTY OF USERS TAKING ADVERSE
17 ACTIONS ON THE BASIS OF HOUSING COURT RECORDS
18 CONTAINED IN CONSUMER REPORTS.—If any person
19 takes any adverse action with respect to a consumer that
20 is based in whole or in part on a landlord-tenant court
21 or other housing record contained in a consumer report,
22 the person shall provide to the consumer a free copy of
23 the consumer report used by the person in taking the ad-
24 verse action.”; and

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

1 **“SEC. 630. CIVIL LIABILITY FOR CREATING REPORTS WITH**
2 **INACCURATE HOUSING COURT RECORDS.**

3 “Any person who willfully makes a consumer report
4 with respect to a consumer that contains an inaccurate
5 landlord-tenant court or other housing record is liable to
6 the consumer in an amount equal to the sum of—

7 “(1) any actual damages sustained by the con-
8 sumer as a result of making that consumer report
9 or damages of not less than \$500 and not more than
10 \$1,500;

11 “(2) such amount of punitive damages as the
12 court may allow; and

13 “(3) in the case of any successful action to en-
14 force any liability under this section, the costs of the
15 action together with reasonable attorney’s fees as de-
16 termined by the court.”.

17 (c) REGULATIONS APPLICABLE TO CLEARINGHOUSE
18 SYSTEM.—Not later than 1 year after the date of enact-
19 ment of this subtitle, the Bureau of Consumer Financial
20 Protection shall issue regulations—

21 (1) applicable to tenant rating agencies to re-
22 quire the establishment of—

23 (A) a centralized source through which
24 consumers may—

25 (i) obtain a consumer report from
26 each such tenant rating agency once dur-

1 ing any 12-month period, using a single re-
2 quest, and without charge to the consumer,
3 as provided in section 612(a) of the Fair
4 Credit Reporting Act (15 U.S.C.
5 1681j(a)); and

6 (ii) submit a notice of a dispute of in-
7 accurate information, as provided in sec-
8 tion 611(a) of the Fair Credit Reporting
9 Act (15 U.S.C. 1681i(a)); and

10 (B) a standardized form for a consumer to
11 make a request for a consumer report under
12 subparagraph (A)(i) or submit a notice of dis-
13 pute under subparagraph (A)(ii) by mail or
14 through an Internet website; and

15 (2) to provide that a consumer may submit a
16 notice of dispute of inaccurate information through
17 the centralized source established in accordance with
18 section 211(c) of the Fair and Accurate Credit
19 Transactions Act of 2003 (15 U.S.C. 1681j note), as
20 provided in section 611(a) of the Fair Credit Re-
21 porting Act (15 U.S.C. 1681i(a)), using the stand-
22 ardized form described in paragraph (1)(B).

23 (d) REPORT.—Not later than 1 year after the date
24 of enactment of this subtitle, the Bureau of Consumer Fi-
25 nancial Protection shall conduct a study and submit to

1 Congress a report on the status of tenant rating agencies
2 and the compliance of tenant rating agencies under the
3 Fair Credit Reporting Act (15 U.S.C. 1601 et seq.), in-
4 cluding a gap analysis of laws and resources to deter non-
5 compliance with the intent and purpose of the Fair Credit
6 Reporting Act (15 U.S.C. 1601 et seq.).

7 **Subtitle D—Hardest Hit Housing**

8 **SEC. 40401. SHORT TITLE.**

9 This subtitle may be cited as the “Hardest Hit Hous-
10 ing Act of 2020”.

11 **SEC. 40402. CAPITAL FUND AMOUNTS FOR LARGE PUBLIC** 12 **HOUSING AGENCIES.**

13 (a) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
14 tion to any amounts authorized to be appropriated for for-
15 mula grants to public housing agencies from the Capital
16 Fund pursuant to section 9(d)(2) of the United States
17 Housing Act of 1937 (42 U.S.C. 1437g(d)(2)), there is
18 authorized to be appropriated \$4,000,000,000 for each of
19 fiscal years 2022 through 2026 for the Public Housing
20 Capital Fund Program under section 9(d) of the United
21 States Housing Act of 1937 (42 U.S.C. 1437g(b)).

22 (b) **ELIGIBLE PUBLIC HOUSING AGENCIES.**—Any
23 amounts appropriated pursuant to this section shall be
24 used by the Secretary of Housing and Urban Development

1 only for grants to public housing agencies that own or ad-
 2 minister more than 10,000 public housing dwelling units.

3 (c) ELIGIBLE USES.—Funds from grants made with
 4 amounts appropriated pursuant to this section may be
 5 used only for eligible capital activities under section
 6 9(d)(1) of the United States Housing Act of 1937 (42
 7 U.S.C. 1437g(d)(1)). Section 9(g)(3) of such Act shall not
 8 apply to any such grant funds.

9 **SEC. 40403. ASSISTANCE TO NEIGHBORWORKS FOR MORT-**
 10 **GAGE FORECLOSURE MITIGATION ACTIVI-**
 11 **TIES.**

12 There is authorized to be appropriated \$5,000,000,
 13 for each of fiscal years 2022 through 2026 for assistance
 14 to the Neighborhood Reinvestment Corporation for mort-
 15 gage foreclosure mitigation activities, under the following
 16 terms and conditions:

17 (1) MORTGAGE FORECLOSURE MITIGATION
 18 COUNSELING.—

19 (A) The Neighborhood Reinvestment Cor-
 20 poration (in this section referred to as the
 21 “NRC”) may make grants under this para-
 22 graph to counseling intermediaries approved by
 23 the Department of Housing and Urban Devel-
 24 opment (in this section referred to as “HUD”)
 25 (with match to be determined by NRC based on

1 affordability and the economic conditions of an
2 area; a match also may be waived by NRC
3 based on the aforementioned conditions) to pro-
4 vide mortgage foreclosure mitigation assistance
5 to the 15 States with highest rates of home
6 mortgage defaults and foreclosures, as of Janu-
7 ary 1, 2018, to help eliminate the default and
8 foreclosure of mortgages of owner-occupied sin-
9 gle-family homes that are at risk of such fore-
10 closure and located in metropolitan statistical
11 areas having the greatest such need. Other than
12 areas with high rates of defaults and fore-
13 closures, grants may also be provided to ap-
14 proved counseling intermediaries based on a ge-
15 ographic analysis of the Nation by NRC which
16 determines where there is a prevalence of mort-
17 gages that are risky and likely to fail, including
18 any trends for mortgages that are likely to de-
19 fault and face foreclosure. A State Housing Fi-
20 nance Agency may also be eligible where the
21 State Housing Finance Agency meets all the re-
22 quirements under this paragraph. A HUD-ap-
23 proved counseling intermediary shall meet cer-
24 tain mortgage foreclosure mitigation assistance
25 counseling requirements, as determined by

1 NRC, and shall be approved by HUD or NRC
2 as meeting these requirements.

3 (B) Mortgage foreclosure mitigation assist-
4 ance shall only be made available to home-
5 owners of owner-occupied homes with mort-
6 gages in default or in danger of default. These
7 mortgages shall likely be subject to a fore-
8 closure action and homeowners will be provided
9 such assistance that shall consist of activities
10 that are likely to prevent foreclosures and result
11 in the long-term affordability of the mortgage
12 retained pursuant to such activity or another
13 positive outcome for the homeowner. No funds
14 made available pursuant to this paragraph may
15 be provided directly to lenders or homeowners
16 to discharge outstanding mortgage balances or
17 for any other direct debt reduction payments.

18 (C) The use of mortgage foreclosure miti-
19 gation assistance by approved counseling inter-
20 mediaries and State Housing Finance Agencies
21 shall involve a reasonable analysis of the bor-
22 rower's financial situation, an evaluation of the
23 current value of the property that is subject to
24 the mortgage, counseling regarding the assump-
25 tion of the mortgage by another non-Federal

1 party, counseling regarding the possible pur-
2 chase of the mortgage by a non-Federal third
3 party, counseling and advice of all likely re-
4 structuring and refinancing strategies or the
5 approval of a work-out strategy by all interested
6 parties.

7 (D) NRC may provide up to 15 percent of
8 the total funds made available pursuant to this
9 paragraph to its own charter members with ex-
10 pertise in foreclosure prevention counseling,
11 subject to a certification by NRC that the pro-
12 cedures for selection do not consist of any pro-
13 cedures or activities that could be construed as
14 a conflict of interest or have the appearance of
15 impropriety.

16 (E) HUD-approved counseling entities and
17 State Housing Finance Agencies receiving
18 funds made available pursuant to this para-
19 graph shall have demonstrated experience in
20 successfully working with financial institutions
21 as well as borrowers facing default, delinquency,
22 and foreclosure as well as documented coun-
23 seling capacity, outreach capacity, past success-
24 ful performance and positive outcomes with doc-
25 umented counseling plans (including post-mort-

1 gage foreclosure mitigation counseling), loan
2 workout agreements, and loan modification
3 agreements. NRC may use other criteria to
4 demonstrate capacity in underserved areas.

5 (F) Of the total amount made available
6 pursuant to this paragraph, up to \$250,000
7 may be made available to build the mortgage
8 foreclosure and default mitigation counseling
9 capacity of counseling intermediaries through
10 NRC training courses with HUD-approved
11 counseling intermediaries and their partners,
12 except that private financial institutions that
13 participate in NRC training shall pay market
14 rates for such training.

15 (G) Of the total amount made available
16 pursuant to this paragraph, up to 5 percent
17 may be used for associated administrative ex-
18 penses for NRC to carry out activities provided
19 under this paragraph.

20 (H) Mortgage foreclosure mitigation assist-
21 ance grants may include a budget for outreach
22 and advertising, and training, as determined by
23 NRC.

24 (I) NRC shall report bi-annually to the
25 House and Senate Committees on Appropria-

1 tions as well as the Senate Banking Committee
2 and House Financial Services Committee on its
3 efforts to mitigate mortgage default.

4 (2) LEGAL ASSISTANCE.—

5 (A) The Neighborhood Reinvestment Cor-
6 poration may make grants to counseling inter-
7 mediaries approved by HUD or the NRC to
8 hire attorneys to assist homeowners who have
9 legal issues directly related to the homeowner's
10 foreclosure, delinquency, or short sale.

11 (B) Such attorneys shall be capable of as-
12 sisting homeowners of owner-occupied homes
13 with mortgages in default, in danger of default,
14 or subject to or at risk of foreclosure and who
15 have legal issues that cannot be handled by
16 counselors already employed by such inter-
17 mediaries.

18 (C) Grants under this paragraph may only
19 be made to counseling intermediaries and legal
20 organizations that (i) provide legal assistance in
21 the 15 States with the highest rates of home
22 mortgage defaults and foreclosures, as of Janu-
23 ary 1, 2018, and (ii) have the capacity to begin
24 using the financial assistance within 90 days
25 after receipt of the assistance.

1 (D) No funds made available pursuant to
2 this paragraph shall be used to provide, obtain,
3 or arrange on behalf of a homeowner, legal rep-
4 resentation involving or for the purposes of civil
5 litigation.

6 **SEC. 40404. INCREMENTAL HOUSING CHOICE VOUCHER AS-**
7 **SISTANCE.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated for each of fiscal years 2022
10 through 2024 such sums as may be necessary to provide
11 in each such fiscal year 20,000 incremental vouchers for
12 rental assistance under section 8(o) of the United States
13 Housing Act of 1937 (42 U.S.C. 1437f(o)).

14 (b) ELIGIBLE PUBLIC HOUSING AGENCIES.—Any
15 amounts appropriated pursuant to this section shall be
16 used by the Secretary of Housing and Urban Development
17 only to provide additional amounts for rental assistance
18 vouchers for public housing agencies that administer
19 10,000 or more vouchers for rental assistance under such
20 section 8(o).

21 **Subtitle E—FHA Alternative Credit**
22 **Pilot Program Reauthorization**

23 **SEC. 40501. SHORT TITLE.**

24 This subtitle may be cited as the “FHA Alternative
25 Credit Pilot Program Reauthorization Act of 2020”.

1 **SEC. 40502. EXTENSION OF PILOT PROGRAM.**

2 Section 258(d) of the National Housing Act (12
3 U.S.C. 1715z–24(d)) is amended by striking “5-year” and
4 inserting “14-year”.

5 **Subtitle F—Housing Financial**
6 **Literacy**

7 **SEC. 40601. SHORT TITLE.**

8 This subtitle may be cited as the “Housing Financial
9 Literacy Act of 2020”.

10 **SEC. 40602. DISCOUNT ON MORTGAGE INSURANCE PRE-**
11 **MIUM PAYMENTS FOR FIRST-TIME HOME-**
12 **BUYERS WHO COMPLETE FINANCIAL LIT-**
13 **ERACY HOUSING COUNSELING PROGRAMS.**

14 The second sentence of subparagraph (A) of section
15 203(c)(2) of the National Housing Act (12 U.S.C.
16 1709(c)(2)(A)) is amended by striking “not exceed 2.75
17 percent of the amount of the original insured principal ob-
18 ligation of the mortgage” and inserting “be 25 basis
19 points lower than the premium payment amount estab-
20 lished by the Secretary under the first sentence of this
21 subparagraph”.

22 **Subtitle G—Young Americans**
23 **Financial Literacy**

24 **SEC. 40701. SHORT TITLE.**

25 This subtitle may be cited as the “Young Americans
26 Financial Literacy Act”.

1 **SEC. 40702. FINDINGS.**

2 The Congress finds as follows:

3 (1) That 87 percent of Americans believe fi-
4 nance education should be taught in schools and 92
5 percent of K–12 teachers believe that financial edu-
6 cation should be taught in school, but only 12 per-
7 cent of teachers actually teach the subject.

8 (2) According to a 2016 survey, 1 in 3 States
9 require high school students to take a personal fi-
10 nance course, and only 5 States require high school
11 students to take a semester long personal finance
12 course.

13 (3) The percentage of Americans grading them-
14 selves with an A or B in personal finance knowledge
15 has declined from 60 percent in 2013 to 56 percent
16 in 2016. In 2016, 75 percent of Americans admitted
17 they could benefit from additional advice and an-
18 swers to everyday financial questions from a profes-
19 sional. Most adults feel that their financial literacy
20 skills are inadequate, yet they do not rely on anyone
21 else to handle their finances; they feel it is impor-
22 tant to know more but have received no financial
23 education.

24 (4) It is necessary to respond immediately to
25 the pressing needs of individuals faced with the loss
26 of their financial stability; however increased atten-

1 tion must also be paid to financial literacy education
2 reform and long-term solutions to prevent future
3 personal financial disasters.

4 (5) Research-based financial literacy education
5 programs are needed to reach individuals at all ages
6 and socioeconomic levels, particularly those facing
7 unique and challenging financial situations, such as
8 high school graduates entering the workforce, soon-
9 to-be and recent college graduates, young families,
10 and to address the unique needs of military per-
11 sonnel and their families.

12 (6) High school and college students who are
13 exposed to cumulative financial education show an
14 increase in financial knowledge, which in turn drives
15 increasingly responsible behavior as they become
16 young adults.

17 (7) Sixty percent of parents identify their teens
18 as “quick spenders”, and most acknowledge they
19 could do a better job of teaching and preparing kids
20 for the financial challenges of adulthood, including
21 budgeting, saving, and investing.

22 (8) The majority (52 percent) of young adults
23 ages 23 through 28 consider “making better choices
24 about managing money”, the single most important
25 issue for individual Americans to act on today.

1 (9) According to the Government Accountability
2 Office, giving Americans the information they need
3 to make effective financial decisions can be key to
4 their well-being and to the country's economic
5 health. The recent financial crisis, when many bor-
6 rowers failed to fully understand the risks associated
7 with certain financial products, underscored the need
8 to improve individuals' financial literacy and em-
9 power all Americans to make informed financial de-
10 cisions. This is especially true for young people as
11 they are earning their first paychecks, securing stu-
12 dent aid, and establishing their financial independ-
13 ence. Therefore, focusing economic education and fi-
14 nancial literacy efforts and best practices for young
15 people ages 8 through 24 is of utmost importance.

16 **SEC. 40703. AUTHORIZATION FOR FUNDING THE ESTAB-**
17 **LISHMENT OF CENTERS OF EXCELLENCE IN**
18 **FINANCIAL LITERACY EDUCATION.**

19 (a) IN GENERAL.—The Director of the Bureau of
20 Consumer Financial Protection, in consultation with the
21 Financial Literacy and Education Commission established
22 under the Financial Literacy and Education Improvement
23 Act, shall make competitive grants to and enter into agree-
24 ments with eligible institutions to establish centers of ex-
25 cellence to support research, development and planning,

1 implementation, and evaluation of effective programs in
2 financial literacy education for young people and families
3 ages 8 through 24 years old.

4 (b) AUTHORIZED ACTIVITIES.—Activities authorized
5 to be funded by grants made under subsection (a) shall
6 include the following:

7 (1) Developing and implementing comprehen-
8 sive research based financial literacy education pro-
9 grams for young people—

10 (A) based on a set of core competencies
11 and concepts established by the Director, in-
12 cluding goal setting, planning, budgeting, man-
13 aging money or transactions, tools and struc-
14 tures, behaviors, consequences, both long- and
15 short-term savings, managing debt and earn-
16 ings; and

17 (B) which can be incorporated into edu-
18 cational settings through existing academic con-
19 tent areas, including materials that appro-
20 priately serve various segments of at-risk popu-
21 lations, particularly minority and disadvantaged
22 individuals.

23 (2) Designing instructional materials using evi-
24 dence-based content for young families and con-
25 ducting related outreach activities to address unique

1 life situations and financial pitfalls, including bank-
2 ruptcy, foreclosure, credit card misuse, and preda-
3 tory lending.

4 (3) Developing and supporting the delivery of
5 professional development programs in financial lit-
6 eracy education to assure competence and account-
7 ability in the delivery system.

8 (4) Improving access to, and dissemination of,
9 financial literacy information for young people and
10 families.

11 (5) Reducing student loan default rates by de-
12 veloping programs to help individuals better under-
13 stand how to manage educational debt through sus-
14 tained educational programs for college students.

15 (6) Conducting ongoing research and evaluation
16 of financial literacy education programs to assure
17 learning of defined skills and knowledge, and reten-
18 tion of learning.

19 (7) Developing research-based assessment and
20 accountability of the appropriate applications of
21 learning over short and long terms to measure effec-
22 tiveness of authorized activities.

23 (c) PRIORITY FOR CERTAIN APPLICATIONS.—The
24 Director shall give a priority to applications that—

1 (1) provide clear definitions of “financial lit-
2 eracy” and “financially literate” to clarify edu-
3 cational outcomes;

4 (2) establish parameters for identifying the
5 types of programs that most effectively reach young
6 people and families in unique life situations and fi-
7 nancial pitfalls, including bankruptcy, foreclosure,
8 credit card misuse, and predatory lending;

9 (3) include content that is appropriate to age
10 and socioeconomic levels;

11 (4) develop programs based on educational
12 standards, definitions, and research;

13 (5) include individual goals of financial inde-
14 pendence and stability; and

15 (6) establish professional development and de-
16 livery systems using evidence-based practices.

17 (d) APPLICATION AND EVALUATION STANDARDS AND
18 PROCEDURES; DISTRIBUTION CRITERIA.—The Director
19 shall establish application and evaluation standards and
20 procedures, distribution criteria, and such other forms,
21 standards, definitions, and procedures as the Director de-
22 termines to be appropriate.

23 (e) LIMITATION ON GRANT AMOUNTS.—

1 (1) IN GENERAL.—The aggregate amount of
2 grants made under this section during any fiscal
3 year may not exceed \$55,000,000.

4 (2) TERMINATION.—No grants may be made
5 under this section after the end of fiscal year 2022.

6 (f) DEFINITIONS.—For purposes of this subtitle the
7 following definitions shall apply:

8 (1) DIRECTOR.—The term “Director” means
9 the Director of the Bureau of Consumer Financial
10 Protection.

11 (2) ELIGIBLE INSTITUTION.—The term “eligi-
12 ble institution” means a partnership of two or more
13 of the following:

14 (A) Institution of higher education.

15 (B) Local educational agency.

16 (C) A nonprofit agency, organization, or
17 association.

18 (D) A financial institution.

19 (3) INSTITUTION OF HIGHER EDUCATION.—The
20 term “institution of higher education” has the
21 meaning given such term in section 101 of the High-
22 er Education Act of 1965 (20 U.S.C. 1001(a)).

1 **Subtitle H—Improving Access to**
2 **Traditional Banking**

3 **SEC. 40801. SHORT TITLE.**

4 This subtitle may be cited as the “Improving Access
5 to Traditional Banking Act of 2020”.

6 **SEC. 40802. OFFICE FOR UNDER-BANKED AND UN-BANKED**
7 **CONSUMERS.**

8 Section 1013 of the Consumer Financial Protection
9 Act of 2010 (12 U.S.C. 5493) is amended by adding at
10 the end the following:

11 “(i) OFFICE FOR UNDER-BANKED AND UN-BANKED
12 CONSUMERS.—

13 “(1) ESTABLISHMENT.—Before the end of the
14 90-day period beginning on the date of the enact-
15 ment of the subsection, the Bureau shall establish
16 an Office for Under-Banked and Un-Banked Con-
17 sumers (hereinafter referred to as the ‘Office’), the
18 functions of which shall include activities designed to
19 better assess the reasons for the lack of, and help
20 increase the participation of, under-banked and un-
21 banked consumers in the banking system, including
22 the coordination with other Federal and State finan-
23 cial services agencies on this matter to ensure the
24 most efficient and effective use of governmental re-
25 sources.

1 “(2) DUTIES.—The Office shall—

2 “(A) conduct research to identify any
3 causes and challenges contributing to the deci-
4 sion of individuals who, and households that,
5 choose not to initiate or maintain on-going and
6 sustainable relationships with depository insti-
7 tutions, including consulting with trade associa-
8 tions representing minority depository institu-
9 tions, and organizations representing the inter-
10 ests of traditionally underserved consumers and
11 communities, and organizations representing
12 the interests of consumers, particularly low-
13 and moderate-income individuals, civil rights
14 groups, community groups, and consumer advo-
15 cates, about this matter;

16 “(B) identify best practices, develop and
17 implement strategies to increase the participa-
18 tion of under-banked and un-banked consumers
19 in the banking system; and

20 “(C) submit a report to Congress, within
21 two years of the establishment of the Office and
22 annually thereafter, that identifies any factors
23 impeding the ability to, or limiting the option
24 for, individuals or households to have access to
25 on-going and sustainable relationships with de-

1 pository institutions to meet their financial
2 needs, discusses any regulatory, legal, or struc-
3 tural barriers to enhancing participation of
4 under-banked and un-banked consumers with
5 depository institutions, and contains regulatory
6 and legislative recommendations to promote
7 better participation for all consumers with the
8 banking system.”.

9 **Subtitle I—Fair Lending For All**

10 **SEC. 40901. SHORT TITLE.**

11 This subtitle may be cited as the “Fair Lending for
12 All Act”.

13 **SEC. 40902. OFFICE OF FAIR LENDING TESTING.**

14 (a) ESTABLISHMENT.—There is established within
15 the Bureau of Consumer Financial Protection an Office
16 of Fair Lending Testing (hereinafter referred to as the
17 “Office”).

18 (b) DIRECTOR.—The head of the Office shall be a
19 Director, who shall—

20 (1) be appointed to a 5-year term by, and re-
21 port to, the Director of the Bureau of Consumer Fi-
22 nancial Protection;

23 (2) appoint and fix the compensation of such
24 employees as are necessary to carry out the duties
25 of the Office under this section; and

1 (3) provide an estimated annual budget to the
2 Director of the Bureau of Consumer Financial Pro-
3 tection.

4 (c) CIVIL SERVICE POSITION.—The position of the
5 Director shall be a career position within the civil service.

6 (d) TESTING.—

7 (1) IN GENERAL.—The Office, in consultation
8 with the Attorney General and the Secretary of
9 Housing and Urban Development, shall conduct
10 testing of compliance with the Equal Credit Oppor-
11 tunity Act by creditors, through the use of individ-
12 uals who, without any bona fide intent to receive a
13 loan, pose as prospective borrowers for the purpose
14 of gathering information.

15 (2) REFERRAL OF VIOLATIONS.—If, in carrying
16 out the testing described under paragraph (1), the
17 Office believes a person has violated the Equal Cred-
18 it Opportunity Act, the Office shall refer such viola-
19 tion in writing to the Attorney General for appro-
20 priate action.

21 (e) REPORT TO CONGRESS.—Section 707 of the
22 Equal Credit Opportunity Act (15 U.S.C. 1691f) is
23 amended by adding at the end the following: “In addition,
24 each report of the Bureau shall include an analysis of the
25 testing carried out pursuant to section 2 of the Fair Lend-

1 ing for All Act, and each report of the Bureau and the
2 Attorney General shall include a summary of criminal en-
3 forcement actions taken under section 706A.”.

4 **SEC. 40903. PROHIBITION ON CREDIT DISCRIMINATION.**

5 Subsection (a) of 701 of the Equal Credit Oppor-
6 tunity Act (15 U.S.C. 1691) is amended to read as follows:

7 “(a) It shall be unlawful for any creditor to discrimi-
8 nate against any applicant, with respect to any aspect of
9 a credit transaction—

10 “(1) on the basis of race, color, religion, na-
11 tional origin, sex (including sexual orientation and
12 gender identity), marital status, or age (provided the
13 applicant has the capacity to contract);

14 “(2) on the basis of the applicant’s zip code, or
15 census tract;

16 “(3) because all or part of the applicant’s in-
17 come derives from any public assistance program; or

18 “(4) because the applicant has in good faith ex-
19 ercised any right under the Consumer Credit Protec-
20 tion Act.”.

21 **SEC. 40904. CRIMINAL PENALTIES FOR VIOLATIONS OF THE**
22 **EQUAL CREDIT OPPORTUNITY ACT.**

23 (a) IN GENERAL.—The Equal Credit Opportunity
24 Act (15 U.S.C. 1691 et seq.) is amended by inserting after
25 section 706 the following:

1 **“§ 706A. Criminal penalties**

2 “(a) INDIVIDUAL VIOLATIONS.—Any person who
3 knowingly and willfully violates this title shall be fined not
4 more than \$50,000, or imprisoned not more than 1 year,
5 or both.

6 “(b) PATTERN OR PRACTICE.—

7 “(1) IN GENERAL.—Any person who engages in
8 a pattern or practice of knowingly and willfully vio-
9 lating this title shall be fined not more than
10 \$100,000 for each violation of this title, or impris-
11 oned not more than twenty years, or both.

12 “(2) PERSONAL LIABILITY OF EXECUTIVE OFFI-
13 CERS AND DIRECTORS OF THE BOARD.—Any execu-
14 tive officer or director of the board of an entity who
15 knowingly and willfully causes the entity to engage
16 in a pattern or practice of knowingly and willfully
17 violating this title (or who directs another agent,
18 senior officer, or director of the entity to commit
19 such a violation or engage in such acts that result
20 in the director or officer being personally unjustly
21 enriched) shall be—

22 “(A) fined in an amount not to exceed 100
23 percent of the compensation (including stock
24 options awarded as compensation) received by
25 such officer or director from the entity—

1 “(i) during the time period in which
2 the violations occurred; or

3 “(ii) in the one to three year time pe-
4 riod preceding the date on which the viola-
5 tions were discovered; and

6 “(B) imprisoned for not more than 5
7 years.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 for the Equal Credit Opportunity Act (15 U.S.C. 1691
10 et seq.) is amended by inserting after the item relating
11 to section 706 the following:

“706A. Criminal penalties.”.

12 **SEC. 40905. REVIEW OF LOAN APPLICATIONS.**

13 (a) IN GENERAL.—Subtitle C of the Consumer Fi-
14 nancial Protection Act of 2010 (12 U.S.C. 5531 et seq.)
15 is amended by adding at the end the following:

16 **“SEC. 1038. REVIEW OF LOAN APPLICATIONS.**

17 “(a) IN GENERAL.—The Bureau shall carry out re-
18 views of loan applications and the process of taking loan
19 applications being used by covered persons to ensure such
20 applications and processes do not violate the Equal Credit
21 Opportunity Act or any other Federal consumer financial
22 law.

23 “(b) PROHIBITION AND ENFORCEMENT.—If the Bu-
24 reau determines under subsection (a) that any loan appli-
25 cation or process of taking a loan application violates the

1 Equal Credit Opportunity Act or any other Federal con-
 2 sumer financial law, the Bureau shall—

3 “(1) prohibit the covered person from using
 4 such application or process; and

5 “(2) take such enforcement or other actions
 6 with respect to the covered person as the Bureau de-
 7 termines appropriate.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
 9 in section 1 of the Dodd-Frank Wall Street Reform and
 10 Consumer Protection Act is amended by inserting after
 11 the item relating to section 1037 the following:

“Sec. 1038. Review of loan applications.”.

12 **SEC. 40906. MORTGAGE DATA COLLECTION.**

13 (a) IN GENERAL.—Section 304(b)(4) of the Home
 14 Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(b)(4))
 15 is amended by striking “census tract, income level, racial
 16 characteristics, age, and gender” and inserting “the appli-
 17 cant or borrower’s zip code, census tract, income level,
 18 race, color, religion, national origin, sex, marital status,
 19 sexual orientation, and age”.

20 (b) PROTECTION OF PRIVACY INTERESTS.—Section
 21 304(h)(3)(A) of the Home Mortgage Disclosure Act of
 22 1975 (12 U.S.C. 2803(h)(3)(A)) is amended—

23 (1) in clause (i), by striking “and” at the end;

24 (2) by redesignating clause (ii) as clause (iii);

25 and

(3) by inserting after clause (i) the following:

“(ii) zip code, census tract, and any other category of data described in subsection (b)(4), as the Bureau determines to be necessary to satisfy the purpose described in paragraph (1)(E), and in a manner consistent with that purpose; and”.

Subtitle J—LEP Data Acquisition in Mortgage Lending

SEC. 41001. SHORT TITLE.

This subtitle may be cited as the “LEP Data Acquisition in Mortgage Lending Act”.

SEC. 41002. PREFERRED LANGUAGE QUESTION.

Subpart A of part 2 of subtitle A of title 13 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended by adding at the end the following:

“SEC. 1329. UNIFORM RESIDENTIAL LOAN APPLICATION.

“(a) IN GENERAL.—The Director shall, not later than February 1, 2020, require each enterprise to include a preferred language question, that is optional for borrowers, on the form known as the Uniform Residential Loan Application and include such question in the form in which it was presented for inclusion on the Uniform Residential Loan Application by the Federal Housing Fi-

1 nance Agency on October 20, 2017 as also written in sub-
2 section (b).

3 “(b) FORM OF QUESTION.—The preferred language
4 question on the Uniform Residential Loan Application
5 shall read as follows:

6 “Language Preference—Your loan transaction
7 is likely to be conducted in English. This question
8 requests information to see if communications are
9 available to assist you in your preferred language.
10 Please be aware that communications may NOT be
11 available in your preferred language.

12 “Optional—Mark the language you would pre-
13 fer, if available: English — Chinese — Korean —
14 Spanish — Tagalog — Vietnamese — Other — I do
15 not wish to respond.

16 “Your answer will NOT negatively affect your
17 mortgage application. Your answer does not mean
18 the Lender or Other Loan Participants agree to
19 communicate or provide documents in your preferred
20 language. However, it may let them assist you or di-
21 rect you to persons who can assist you. Language
22 assistance and resources may be available through
23 housing counseling agencies approved by the U.S.
24 Department of Housing and Urban Development.

1 “To find a housing counseling agency, contact
2 one of the following Federal Government agencies:

3 “U.S. Department of Housing and Urban De-
4 velopment (HUD) at (800) 569-4287 or
5 www.hud.gov/counseling.

6 “Consumer Financial Protection Bureau
7 (CFPB) at (855) 411-2372 or
8 www.consumerfinance.gov/find-a-housing-counselor.

9 “(c) RESPONSE DATA.—Any response of a borrower
10 to the question described in subsection (a) shall be re-
11 corded by the mortgage originator of the borrower and
12 such mortgage originator shall transfer the record of such
13 response to any person who purchases or services the
14 mortgage of the borrower.”.

15 **Subtitle K—Housing, Opportunity,** 16 **Mobility and Equity**

17 **SEC. 41101. SHORT TITLE.**

18 This subtitle may be cited as the “Housing, Oppor-
19 tunity, Mobility, and Equity Act of 2020”.

20 **SEC. 41102. REQUIREMENT FOR CDBG GRANTEES.**

21 Section 104 of the Housing and Community Develop-
22 ment Act of 1974 (42 U.S.C. 5304) is amended by adding
23 at the end the following:

24 “(n) STRATEGY TO INCREASE THE AFFORDABLE
25 HOUSING STOCK.—

1 “(1) IN GENERAL.—Each grantee receiving as-
2 sistance under this title shall—

3 “(A) include in the consolidated plan re-
4 quired under part 91 of title 24, Code of Fed-
5 eral Regulations (or any successor thereto), a
6 strategy to support new inclusive zoning poli-
7 cies, programs, or regulatory initiatives that
8 create a more affordable, elastic, and diverse
9 housing supply and thereby increase economic
10 growth and access to jobs and housing; and

11 “(B) include in the annual performance re-
12 port submitted under section 91.520 of title 24,
13 Code of Federal Regulations (or any successor
14 thereto), the progress and implementation of
15 the strategy described in subparagraph (A).

16 “(2) INCLUSIONS.—The strategy under para-
17 graph (1) shall—

18 “(A) demonstrate—

19 “(i) transformative activities in com-
20 munities that—

21 “(I) reduce barriers to housing
22 development, including affordable
23 housing; and

24 “(II) increase housing supply af-
25 fordability and elasticity; and

1 “(ii) strong connections between hous-
2 ing, transportation, and workforce plan-
3 ning;

4 “(B) include, as appropriate, policies relat-
5 ing to inclusive land use, such as—

6 “(i) for the purpose of adding afford-
7 able units, increasing both the percentage
8 and absolute number of affordable units—

9 “(I) authorizing high-density and
10 multifamily zoning;

11 “(II) eliminating off-street park-
12 ing requirements;

13 “(III) establishing density bo-
14 nuses;

15 “(IV) streamlining or shortening
16 permitting processes and timelines;

17 “(V) removing height limitations;

18 “(VI) establishing by-right devel-
19 opment;

20 “(VII) using property tax abate-
21 ments; and

22 “(VIII) relaxing lot size restric-
23 tions;

24 “(ii) prohibiting source of income dis-
25 crimination;

1 “(iii) taxing vacant land or donating
2 vacant land to nonprofit developers;

3 “(iv) allowing accessory dwelling
4 units;

5 “(v) establishing development tax or
6 value capture incentives; and

7 “(vi) prohibiting landlords from ask-
8 ing prospective tenants for their criminal
9 history; and

10 “(C) provide that affordable housing units
11 should, to the maximum extent practicable—

12 “(i) be designated as affordable for
13 not less than 30 years;

14 “(ii) comprise not less than 20 per-
15 cent of the new housing stock in the com-
16 munity; and

17 “(iii) be accessible to the population
18 served by the program established under
19 this title.”.

20 **SEC. 41103. REFUNDABLE CREDIT FOR RENT COSTS OF ELI-**
21 **GIBLE INDIVIDUALS.**

22 (a) IN GENERAL.—Subpart C of part IV of sub-
23 chapter A of chapter 1 of the Internal Revenue Code of
24 1986 is amended by inserting after section 36 the fol-
25 lowing new section:

1 **“SEC. 36A. RENT COSTS OF ELIGIBLE INDIVIDUALS.**

2 “(a) IN GENERAL.—In the case of an eligible indi-
3 vidual, there shall be allowed as a credit against the tax
4 imposed by this subtitle for the taxable year an amount
5 equal to the excess of—

6 “(1) the lesser of—

7 “(A) the mean fair market rental amount
8 with respect to the individual, or

9 “(B) the rent paid during the taxable year
10 by the individual (and, if married, the individ-
11 ual’s spouse) for the principal residence of the
12 individual, over

13 “(2) an amount equal to 30 percent of the ad-
14 justed gross income of the taxpayer for the taxable
15 year.

16 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
17 section—

18 “(1) IN GENERAL.—The term ‘eligible indi-
19 vidual’ means any individual if the rent paid during
20 the taxable year by the individual (and, if married,
21 the individual’s spouse) for the principal residence of
22 the individual exceeds 30 percent of the adjusted
23 gross income of the taxpayer for the taxable year.

24 “(2) EXCEPTIONS.—Such term shall not in-
25 clude any individual if—

1 “(A) the individual does not include on the
2 return of tax for the taxable year such individ-
3 ual’s taxpayer identification number and, if
4 married, the taxpayer identification number of
5 such individual’s spouse, or

6 “(B) a deduction under section 151 with
7 respect to such individual is allowable to an-
8 other taxpayer for the taxable year.

9 “(3) MARRIED INDIVIDUALS.—Such term shall
10 include an individual who is married only if a joint
11 return is filed for the taxable year.

12 “(4) SPECIAL RULES.—

13 “(A) PRINCIPAL RESIDENCE.—The term
14 ‘principal residence’ has the same meaning as
15 when used in section 121.

16 “(B) MARRIED.—Marital status shall be
17 determined under section 7703.

18 “(c) MEAN FAIR MARKET RENTAL AMOUNT.—For
19 purposes of this section, with respect to an individual, the
20 mean fair market rental amount for a taxable year is the
21 fair market rent (including the utility allowance) published
22 by the Department of Housing and Urban Development
23 for purposes of the Housing Choice Voucher Program,
24 under the rule published in the Federal Register on No-
25 vember 16, 2016 (81 Fed. Reg. 80567), for the same area

1 and a comparable rental unit as the individual's principal
2 residence.

3 “(d) RENT.—For purposes of this section, rent paid
4 includes any amount paid for utilities of a type taken into
5 account for purposes of determining the utility allowance
6 under section 42(g)(2)(B)(ii).”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for subpart C of part IV of subchapter A of chapter 1
9 of the Internal Revenue Code of 1986 is amended by in-
10 serting after the item relating to section 36 the following
11 new item:

“Sec. 36A. Rent costs of eligible individuals.”.

12 (c) CONFORMING AMENDMENT.—Section
13 6211(b)(4)(A) of the Internal Revenue Code of 1986 is
14 amended by inserting “, 36A” after “36”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to taxable years beginning after
17 the date of the enactment of this subtitle.

18 (e) REPORT.—Not later than 2 years after the date
19 of the enactment of this subtitle, the Secretary of the
20 Treasury shall submit to Congress a report on the credit
21 allowed under section 36A of the Internal Revenue Code
22 of 1986 (as added by subsection (a)), including on whether
23 taxpayers are fraudulently claiming such credit.

1 **SEC. 41104. REFUND TO RAINY DAY SAVINGS PROGRAM.**

2 (a) IN GENERAL.—Not later than December 31,
3 2021, the Secretary of the Treasury or the Secretary’s del-
4 egate (referred to in this section as the “Secretary”) shall
5 establish and implement a program (referred to in this
6 section as the “Refund to Rainy Day Savings Program”)
7 to allow a participating taxpayer, pursuant to the require-
8 ments established under this section, to defer payment on
9 20 percent of the amount which would otherwise be re-
10 funded to such taxpayer as an overpayment (as described
11 in section 6401 of the Internal Revenue Code of 1986).

12 (b) PERIOD OF DEFERRAL.—Except as provided
13 under subsection (c)(5), a participating taxpayer may elect
14 to defer payment of the amount described in subsection
15 (a) and have such amount deposited in the Rainy Day
16 Fund (as described in subsection (c)).

17 (c) RAINY DAY FUND.—

18 (1) IN GENERAL.—The Secretary shall establish
19 a fund, in such manner as the Secretary determines
20 to be appropriate, to be known as the “Rainy Day
21 Fund”, consisting of any amounts described in sub-
22 section (a) on which payment has been deferred by
23 participating taxpayers.

24 (2) INVESTMENT.—Any amounts deposited in
25 the Rainy Day Fund shall be invested by the Sec-
26 retary, in coordination with the Bureau of the Fiscal

1 Service of the Department of the Treasury, in
2 United States Treasury bills issued under chapter
3 31 of title 31, United States Code, with maturities
4 suitable for the needs of the Fund and selected so
5 as to provide the highest return on investment for
6 participating taxpayers.

7 (3) DISBURSEMENTS FROM FUND.—

8 (A) IN GENERAL.—On the date that is 180
9 days after receipt of the individual income tax
10 return of a participating taxpayer, the amounts
11 in the Rainy Day Fund shall be made available
12 to the Secretary to distribute to such taxpayer
13 in an amount equal to the amount deferred by
14 such taxpayer under subsection (a) and any in-
15 terest accrued on such amount (as determined
16 under paragraph (4)).

17 (B) DISTRIBUTED TO BANK ACCOUNT.—

18 The amounts described in subparagraph (A)
19 shall be distributed to the bank account identi-
20 fied by the participating taxpayer under sub-
21 section (d)(3).

22 (4) INTEREST ACCRUED.—The amount of inter-
23 est accrued on the amount deferred by a partici-
24 pating taxpayer under subsection (a) shall be deter-
25 mined by the Secretary, in coordination with the Bu-

1 reau of the Fiscal Service of the Department of the
2 Treasury, based upon the return on the investment
3 of such amounts under paragraph (2).

4 (5) EARLY WITHDRAWAL.—

5 (A) IN GENERAL.—On any date during the
6 period between the date which is 30 days after
7 receipt by the Secretary of the individual in-
8 come tax return of the participating taxpayer
9 and October 15 of the applicable year, such tax-
10 payer may elect to terminate the deferral of the
11 amount described under subsection (a) and re-
12 ceive a distribution from the Rainy Day Fund
13 equal to such amount and any interest which
14 has accrued on such amount up to that date.

15 (B) COMPLETE WITHDRAWAL.—A partici-
16 pating taxpayer making an election under sub-
17 paragraph (A) must terminate deferral of the
18 full amount described under subsection (a), and
19 such amount shall be distributed to the bank
20 account identified by the participating taxpayer
21 under subsection (d)(3).

22 (d) PARTICIPATING TAXPAYER.—For purposes of
23 this section, the term “participating taxpayer” means a
24 taxpayer who—

1 (1) has not requested or received an extension
2 of the time for payment of taxes for such taxable
3 year under section 6161 of the Internal Revenue
4 Code of 1986;

5 (2) prior to the due date for filing the return
6 of tax for such taxable year, elects to participate in
7 the Refund to Rainy Day Savings Program; and

8 (3) provides the Secretary with a bank account
9 number and any other financial information deemed
10 necessary by the Secretary for purposes of para-
11 graphs (3)(B) and (5)(B) of subsection (c).

12 (e) FORMS.—The Secretary shall ensure that the
13 election to defer payment of the amount described in sub-
14 section (a) may be claimed on Forms 1040, 1040A, and
15 1040EZ.

16 (f) IMPLEMENTATION.—

17 (1) EDUCATIONAL MATERIALS AND OUT-
18 REACH.—The Secretary shall—

19 (A) design educational materials for tax-
20 payers regarding financial savings and the Re-
21 fund to Rainy Day Savings Program;

22 (B) publicly disseminate and distribute
23 such materials during the first calendar quarter
24 of each calendar year and following disburse-

1 ment of amounts described in subsection (c)(3);
2 and

3 (C) engage in outreach regarding the Re-
4 fund to Rainy Day Savings Program to the Vol-
5 unteer Income Tax Assistance program and
6 paid tax preparers.

7 (2) INFORMATION FOR PARTICIPATING TAX-
8 PAYERS.—The Secretary shall ensure that a partici-
9 pating taxpayer is able to electronically verify the
10 status of the amount deferred by such taxpayer
11 under subsection (a), including any interest accrued
12 on such amount and the status of any distribution.

13 (3) FEDERALLY FUNDED BENEFITS.—Any
14 amounts described in subsection (a) which are dis-
15 tributed to a participating taxpayer, including any
16 interest accrued on such amount, shall be treated in
17 the same manner as any refund made to such tax-
18 payer under section 32 of the Internal Revenue Code
19 of 1986 for purposes of determining the eligibility of
20 such taxpayer for benefits or assistance, or the
21 amount or extent of benefits or assistance, under
22 any Federal program or under any State or local
23 program financed in whole or in part with Federal
24 funds.

1 **Subtitle L—Lead-Safe Housing For** 2 **Kids**

3 **SEC. 41201. SHORT TITLE.**

4 This subtitle may be cited as the “Lead-Safe Housing
 5 for Kids Act of 2020”.

6 **SEC. 41202. AMENDMENTS TO THE LEAD-BASED PAINT POI-** 7 **SONING PREVENTION ACT.**

8 Section 302(a) of the Lead-Based Paint Poisoning
 9 Prevention Act (42 U.S.C. 4822(a)) is amended—

10 (1) by redesignating paragraph (4) as para-
 11 graph (5); and

12 (2) by inserting after paragraph (3) the fol-
 13 lowing:

14 “(4) **ADDITIONAL PROCEDURES FOR FAMILIES**
 15 **WITH CHILDREN UNDER THE AGE OF 6.—**

16 “(A) **RISK ASSESSMENT.—**

17 “(i) **DEFINITION.—**In this subpara-
 18 graph, the term ‘covered housing’—

19 “(I) means housing receiving
 20 Federal assistance described in para-
 21 graph (1) that was constructed prior
 22 to 1978; and

23 “(II) does not include—

24 “(aa) single-family housing
 25 covered by an application for

1 mortgage insurance under the
2 National Housing Act (12 U.S.C.
3 1701 et seq.); or

4 “(bb) multi-family housing
5 that—

6 “(AA) is covered by an
7 application for mortgage in-
8 surance under the National
9 Housing Act (12 U.S.C.
10 1701 et seq.); and

11 “(BB) does not receive
12 any other Federal housing
13 assistance.

14 “(ii) REGULATIONS.—Not later than
15 180 days after the date of enactment of
16 the Lead-Safe Housing for Kids Act of
17 2020, the Secretary shall promulgate regu-
18 lations that—

19 “(I) require the owner of covered
20 housing in which a family with a child
21 of less than 6 years of age will reside
22 or is expected to reside to conduct an
23 initial risk assessment for lead-based
24 paint hazards—

1 “(aa) in the case of covered
2 housing receiving tenant-based
3 rental assistance under section 8
4 of the United States Housing Act
5 of 1937 (42 U.S.C. 1437f), not
6 later than 15 days after the date
7 on which the family and the
8 owner submit a request for ap-
9 proval of a tenancy;

10 “(bb) in the case of covered
11 housing receiving public housing
12 assistance under the United
13 States Housing Act of 1937 (42
14 U.S.C. 1437 et seq.) or project-
15 based rental assistance under
16 section 8 of the United States
17 Housing Act of 1937 (42 U.S.C.
18 1437f), not later than 15 days
19 after the date on which a phys-
20 ical condition inspection occurs;
21 and

22 “(cc) in the case of covered
23 housing not described in item
24 (aa) or (bb), not later than a
25 date established by the Secretary;

1 “(II) provide that a visual assess-
2 ment alone is not sufficient for pur-
3 poses of complying with subclause (I);

4 “(III) require that, if lead-based
5 paint hazards are identified by an ini-
6 tial risk assessment conducted under
7 subclause (I), the owner of the cov-
8 ered housing shall—

9 “(aa) not later than 30 days
10 after the date on which the initial
11 risk assessment is conducted,
12 control the lead-based paint haz-
13 ards, including achieving clear-
14 ance in accordance with regula-
15 tions promulgated under section
16 402 or 404 of the Toxic Sub-
17 stances Control Act (15 U.S.C.
18 2682, 2684), as applicable; and

19 “(bb) provide notice to all
20 residents in the covered housing
21 affected by the initial risk assess-
22 ment, and provide notice in the
23 common areas of the covered
24 housing, that lead-based paint
25 hazards were identified and will

1 be controlled within the 30-day
2 period described in item (aa);
3 and

4 “(IV) provide that there shall be
5 no extension of the 30-day period de-
6 scribed in subclause (III)(aa).

7 “(iii) EXCEPTIONS.—The regulations
8 promulgated under clause (ii) shall provide
9 an exception to the requirement under sub-
10 clause (I) of such clause for covered hous-
11 ing—

12 “(I) if the owner of the covered
13 housing submits to the Secretary doc-
14 umentation—

15 “(aa) that the owner con-
16 ducted a risk assessment of the
17 covered housing for lead-based
18 paint hazards during the 12-
19 month period preceding the date
20 on which the family is expected
21 to reside in the covered housing;
22 and

23 “(bb) of any clearance ex-
24 aminations of lead-based paint
25 hazard control work resulting

1 from the risk assessment de-
2 scribed in item (aa);

3 “(II) from which all lead-based
4 paint has been identified and removed
5 and clearance has been achieved in ac-
6 cordance with regulations promul-
7 gated under section 402 or 404 of the
8 Toxic Substances Control Act (15
9 U.S.C. 2682, 2684), as applicable;

10 “(III)(aa) if lead-based paint
11 hazards are identified in the dwelling
12 unit in the covered housing in which
13 the family will reside or is expected to
14 reside;

15 “(bb) the dwelling unit is unoccu-
16 pied;

17 “(cc) the owner of the covered
18 housing, without any further delay in
19 occupancy or increase in rent, pro-
20 vides the family with another dwelling
21 unit in the covered housing that has
22 no lead-based paint hazards; and

23 “(dd) the common areas servicing
24 the new dwelling unit have no lead-
25 based paint hazards; and

1 “(IV) in accordance with any
2 other standard or exception the Sec-
3 retary deems appropriate based on
4 health-based standards.

5 “(B) RELOCATION.—Not later than 180
6 days after the date of enactment of the Lead-
7 Safe Housing for Kids Act of 2020, the Sec-
8 retary shall promulgate regulations to provide
9 that a family with a child of less than 6 years
10 of age that occupies a dwelling unit in covered
11 housing in which lead-based paint hazards were
12 identified, but not controlled in accordance with
13 regulations required under clause (ii), may relo-
14 cate on an emergency basis and without place-
15 ment on any waitlist, penalty (including rent
16 payments to be made for that dwelling unit), or
17 lapse in assistance to—

18 “(i) a dwelling unit that was con-
19 structed in 1978 or later; or

20 “(ii) another dwelling unit in covered
21 housing that has no lead-based paint haz-
22 ards.”.

1 **SEC. 41203. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 the amendments made by section 41202 such sums as may
4 be necessary for each of fiscal years 2022 through 2026.

5 **Subtitle M—GROW Affordable**
6 **Housing**

7 **SEC. 41301. SHORT TITLES.**

8 This subtitle may be cited as the “Generating Re-
9 sources and Opportunities Within Affordable Housing
10 Act” or the “GROW Affordable Housing Act”.

11 **SEC. 41302. AFFORDABLE HOUSING ALLOCATIONS.**

12 Section 1337(a) of the Federal Housing Enterprises
13 Financial Safety and Soundness Act of 1992 (12 U.S.C.
14 4567(a)) is amended by striking “4.2 basis points” each
15 place such term appears and inserting “10 basis points”.

16 **Subtitle N—Expanding**
17 **Opportunity for MDIs**

18 **SEC. 41401. SHORT TITLE.**

19 This subtitle may be cited as the “Expanding Oppor-
20 tunity for Minority Depository Institutions Act” or the
21 “Expanding Opportunity for MDIs Act”.

22 **SEC. 41402. ESTABLISHMENT OF FINANCIAL AGENT MEN-**
23 **TOR-PROTÉGÉ PROGRAM.**

24 (a) IN GENERAL.—Section 308 of the Financial In-
25 stitutions Reform, Recovery, and Enforcement Act of

1 1989 (12 U.S.C. 1463 note) is amended by adding at the
2 end the following new subsection:

3 “(d) FINANCIAL AGENT MENTOR-PROTÉGÉ PRO-
4 GRAM.—

5 “(1) IN GENERAL.—The Secretary of the
6 Treasury shall establish a program to be known as
7 the ‘Financial Agent Mentor-Protégé Program’ (in
8 this subsection referred to as the ‘Program’) under
9 which a financial agent designated by the Secretary
10 or a large financial institution may serve as a men-
11 tor, under guidance or regulations prescribed by the
12 Secretary, to a small financial institution to allow
13 such small financial institution—

14 “(A) to be prepared to perform as a finan-
15 cial agent; or

16 “(B) to improve capacity to provide serv-
17 ices to the customers of the small financial in-
18 stitution.

19 “(2) OUTREACH.—The Secretary shall hold
20 outreach events to promote the participation of fi-
21 nancial agents, large financial institutions, and small
22 financial institutions in the Program at least once a
23 year.

24 “(3) EXCLUSION.—The Secretary shall issue
25 guidance or regulations to establish a process under

1 which a financial agent, large financial institution,
2 or small financial institution may be excluded from
3 participation in the Program.

4 “(4) REPORT.—The Office of Minority and
5 Women Inclusion of the Department of the Treasury
6 shall include in the report submitted to Congress
7 under section 342(e) of the Dodd-Frank Wall Street
8 Reform and Consumer Protection Act information
9 pertaining to the Program, including—

10 “(A) the number of financial agents, large
11 financial institutions, and small financial insti-
12 tutions participating in such Program; and

13 “(B) the number of outreach events de-
14 scribed in paragraph (2) held during the year
15 covered by such report.

16 “(5) DEFINITIONS.—In this subsection:

17 “(A) FINANCIAL AGENT.—The term ‘fi-
18 nancial agent’ means any national banking as-
19 sociation designated by the Secretary of the
20 Treasury to be employed as a financial agent of
21 the Government.

22 “(B) LARGE FINANCIAL INSTITUTION.—
23 The term ‘large financial institution’ means any
24 entity regulated by the Comptroller of the Cur-
25 rency, the Board of Governors of the Federal

Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration that has total consolidated assets greater than or equal to \$50,000,000,000.

“(C) SMALL FINANCIAL INSTITUTION.—

The term ‘small financial institution’ means—

“(i) any entity regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration that has total consolidated assets lesser than or equal to \$2,000,000,000; or

“(ii) a minority depository institution.”.

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect 90 days after the date of the enactment of this subtitle.

Subtitle O—Closing the Racial Wealth Gap

SEC. 41501. SHORT TITLE.

This subtitle may be cited as the “Closing the Racial Wealth Gap Act of 2020”.

SEC. 41502. FINDINGS.

Congress finds that:

1 (1) Between 1983 and 2016, the median Black
2 family saw their wealth drop by more than half after
3 adjusting for inflation, compared to a 33 percent in-
4 crease for the median White household.

5 (2) The Forbes 400 richest Americans own
6 more wealth than all Black households plus a quar-
7 ter of Latinx households.

8 (3) Black families are about 20 times more
9 likely to have zero or negative wealth (37 percent)
10 than they are to have \$1 million or more in assets
11 (1.9 percent).

12 (4) Latinx families are 14 times more likely to
13 have zero or negative wealth (32.8 percent) than
14 they are to reach the millionaire threshold (2.3 per-
15 cent).

16 (5) White families are equally likely to have
17 zero or negative wealth (about 15 percent) as they
18 are to be a millionaire (15 percent).

19 (6) The rate of home ownership for Black fami-
20 lies is the same today in 2019 as it was before pas-
21 sage of the Fair Housing Act of 1968.

22 (7) The racial wealth gap is not an accident or
23 the result of inadvisable financial choices by people
24 of color, rather it is the result of the centuries of
25 policies, programs, Supreme Court decisions and in-

1 stitutional practices that were designed to create
2 barriers or to strip wealth from people of color.

3 (8) Adjustments to Black and Latinx education
4 rates, homeownership, savings and employment do
5 not greatly reduce the racial wealth divide due to the
6 structural underpinnings holding the racial wealth
7 divide in place.

8 (9) To understand and address the racial
9 wealth gap, many experts believe we need federally
10 funded data collection efforts with the ability to
11 disaggregate sample sizes by race, ethnicity, tribal
12 affiliation, and country of birth.

13 (10) Analytical tools like the “Racial Wealth
14 Audit” from the Institute on Assets and Social Pol-
15 icy (IASP) and the “Racial Equity Toolkit” from
16 the Government Alliance on Racial Equity (GARE)
17 are needed to provide a framework to assess how
18 legislation will widen or narrow the racial wealth di-
19 vide.

20 (11) Changes in individual behavior will not
21 close the racial wealth divide, only structural sys-
22 temic policy change.

1 **SEC. 41503. DATA COLLECTION ON RACE AND WEALTH.**

2 Section 10 of the Federal Reserve Act (12 U.S.C. 241
3 et seq.) is amended by inserting before paragraph (12) the
4 following:

5 “(11) DATA COLLECTION ON RACE AND
6 WEALTH.—The Board of Governors of the Federal
7 Reserve System shall, in carrying out any Survey of
8 Consumer Finances or Survey of Household Eco-
9 nomics and Decisionmaking, including the collection
10 of localized data, collect information on household
11 assets and debt disaggregated by respondent race,
12 ethnicity, tribal affiliation, and ancestral origin.”.

13 **Subtitle P—Housing Financial**
14 **Literacy**

15 **SEC. 41601. SHORT TITLE.**

16 This subtitle may be cited as the “Housing Financial
17 Literacy Act of 2020”.

18 **SEC. 41602. DISCOUNT ON MORTGAGE INSURANCE PRE-**
19 **MIUM PAYMENTS FOR FIRST-TIME HOME-**
20 **BUYERS WHO COMPLETE FINANCIAL LIT-**
21 **ERACY HOUSING COUNSELING PROGRAMS.**

22 The second sentence of subparagraph (A) of section
23 203(c)(2) of the National Housing Act (12 U.S.C.
24 1709(c)(2)(A)) is amended—

25 (1) by inserting before the comma the following:
26 “and such program is completed before the mort-

1 gagor has signed an application for a mortgage to
2 be insured under this title or a sales agreement”;
3 and

4 (2) by striking “not exceed 2.75 percent of the
5 amount of the original insured principal obligation of
6 the mortgage” and inserting “be 25 basis points
7 lower than the premium payment amount estab-
8 lished by the Secretary under the first sentence of
9 this subparagraph”.

10 **Subtitle Q—Rent Relief**

11 **SEC. 41701. SHORT TITLE.**

12 This subtitle may be cited as the “Rent Relief Act
13 of 2020”.

14 **SEC. 41702. REFUNDABLE CREDIT FOR RENT PAID FOR** 15 **PRINCIPAL RESIDENCE.**

16 (a) IN GENERAL.—Subpart C of part IV of sub-
17 chapter A of chapter 1 of the Internal Revenue Code of
18 1986 is amended by inserting after section 36B the fol-
19 lowing new section:

20 **“SEC. 36C. RENT PAID FOR PRINCIPAL RESIDENCE.**

21 “(a) IN GENERAL.—In the case of an individual who
22 leases the individual’s principal residence (within the
23 meaning of section 121) during the taxable year and who
24 pays rent with respect to such residence in excess of 30
25 percent of the taxpayer’s gross income for such taxable

1 year, there shall be allowed as a credit against the tax
 2 imposed by this subtitle for such taxable year an amount
 3 equal to the applicable percentage of such excess.

4 “(b) CREDIT LIMITED BY 100 PERCENT OF SMALL
 5 AREA FAIR MARKET RENT.—Solely for purposes of deter-
 6 mining the amount of the credit allowed under subsection
 7 (a) with respect to a residence for the taxable year, there
 8 shall not be taken into account rent in excess of an
 9 amount equal to 100 percent of the small area fair market
 10 rent (including the utility allowance) applicable to the resi-
 11 dence involved (as most recently published, as of the be-
 12 ginning of the taxable year, by the Department of Housing
 13 and Urban Development).

14 “(c) DEFINITIONS AND SPECIAL RULES.—For pur-
 15 poses of this section—

16 “(1) APPLICABLE PERCENTAGE.—

17 “(A) IN GENERAL.—Except as provided in
 18 subparagraph (B), the applicable percentage
 19 shall be determined in accordance with the fol-
 20 lowing table:

“If gross income is:	The applicable percentage is:
Not over \$25,000	100 percent
Over \$25,000, but not over \$50,000	75 percent
Over \$50,000, but not over \$75,000	50 percent
Over \$75,000, but not over \$100,000	25 percent
Over \$100,000	0 percent.

21 “(B) HIGH-COST AREAS.—In the case of
 22 an individual whose principal residence is lo-

1 cated in an area for which, under the rule pub-
2 lished in the Federal Register on November 16,
3 2016 (81 Fed. Reg. 80567), the small area fair
4 market rent is used for purposes of the Hous-
5 ing Choice Voucher Program, each of the dollar
6 amounts in the table contained in subparagraph
7 (A) shall be increased by \$25,000.

8 “(2) PARTIAL YEAR RESIDENCE.—The Sec-
9 retary shall prescribe such rules as are necessary to
10 carry out the purposes of this section for taxpayers
11 with respect to whom a residence is a principal resi-
12 dence for only a portion of the taxable year.

13 “(3) SPECIAL RULE FOR INDIVIDUALS RESID-
14 ING IN GOVERNMENT-SUBSIDIZED HOUSING.—In the
15 case of a principal residence—

16 “(A) the rent with respect to which is sub-
17 sidized under a Federal, State, local, or tribal
18 program, and

19 “(B) with respect to which the taxpayer
20 elects the application of this paragraph,
21 in lieu of the credit determined under subsection (a),
22 there shall be allowed as a credit against the tax im-
23 posed by this subtitle for such taxable year an
24 amount equal to $\frac{1}{12}$ of the amount of rent paid by
25 the taxpayer (and not subsidized under any such

1 program) during the taxable year with respect to
 2 such residence.

3 “(4) RENT.—The term ‘rent’ includes any
 4 amount paid for utilities of a type taken into ac-
 5 count for purposes of determining the utility allow-
 6 ance under section 42(g)(2)(B)(ii).

7 “(d) RECONCILIATION OF CREDIT AND ADVANCE
 8 PAYMENTS.—The amount of the credit allowed under this
 9 section for any taxable year shall be reduced (but not
 10 below zero) by the aggregate amount of any advance pay-
 11 ments of such credit under section 7527A for such taxable
 12 year.”.

13 (b) ADVANCE PAYMENT.—Chapter 77 of the Internal
 14 Revenue Code of 1986 is amended by inserting after sec-
 15 tion 7527 the following new section:

16 **“SEC. 7527A. ADVANCE PAYMENT OF MIDDLE CLASS TAX**
 17 **CREDIT.**

18 “(a) IN GENERAL.—Not later than 6 months after
 19 the date of the enactment of the Rent Relief Act of 2019,
 20 the Secretary shall establish a program for making ad-
 21 vance payments of the credit allowed under section 36C
 22 on a monthly basis to any taxpayer who—

23 “(1) the Secretary has determined will be al-
 24 lowed such credit for the taxable year, and

25 “(2) has made an election under subsection (c).

1 “(b) AMOUNT OF ADVANCE PAYMENT.—

2 “(1) IN GENERAL.—For purposes of subsection
3 (a), the amount of the monthly advance payment of
4 the credit provided to a taxpayer during the applica-
5 ble period shall be equal to the lesser of—

6 “(A) an amount equal to—

7 “(i) the amount of the credit which
8 the Secretary has determined will be al-
9 lowed to such taxpayer under section 36C
10 for the taxable year ending in such applica-
11 ble period, divided by

12 “(ii) 12, or

13 “(B) such other amount as is elected by
14 the taxpayer.

15 “(2) APPLICABLE PERIOD.—For purposes of
16 this section, the term ‘applicable period’ means the
17 12-month period from the month of July of the tax-
18 able year through the month of June of the subse-
19 quent taxable year.

20 “(c) ELECTION OF ADVANCE PAYMENT.—A taxpayer
21 may elect to receive an advance payment of the credit al-
22 lowed under section 36C for any taxable year by including
23 such election on a timely filed return for the preceding
24 taxable year.

1 “(d) INTERNAL REVENUE SERVICE NOTIFICA-
 2 TION.—The Internal Revenue Service shall take such
 3 steps as may be appropriate to ensure that taxpayers who
 4 are eligible to receive the credit under section 36C are
 5 aware of the availability of the advance payment of such
 6 credit under this section.

7 “(e) AUTHORITY.—The Secretary may prescribe such
 8 regulations or other guidance as may be appropriate or
 9 necessary for the purposes of carrying out this section.”.

10 (c) CLERICAL AMENDMENTS.—

11 (1) IN GENERAL.—The table of sections for
 12 subpart C of part IV of subchapter A of chapter 1
 13 of the Internal Revenue Code of 1986 is amended by
 14 inserting after the item relating to section 36B the
 15 following new item:

“Sec. 36C. Rent paid for principal residence.”.

16 (2) ADVANCE PAYMENT.—The table of sections
 17 for chapter 77 of such Code is amended by inserting
 18 after the item relating to section 7527 the following
 19 new item:

“Sec. 7527A. Advance payment of middle class tax credit.”.

20 (d) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply with respect to taxable years begin-
 22 ning after December 31, 2022.

1 **Subtitle R—Safe Housing For**
2 **Families**

3 **SEC. 41801. SHORT TITLE.**

4 This subtitle may be cited as the “Safe Housing for
5 Families Act”.

6 **SEC. 41802. CARBON MONOXIDE DETECTORS IN FEDER-**
7 **ALLY ASSISTED HOUSING.**

8 (a) SUPPORTIVE HOUSING FOR THE ELDERLY.—Sec-
9 tion 202(j) of the Housing Act of 1949 (12 U.S.C.
10 1701q(j)) is amended by adding at the end the following:

11 “(9) CARBON MONOXIDE DETECTORS.—

12 “(A) IN GENERAL.—Each owner of a
13 dwelling unit assisted under this section shall
14 ensure that not less than 1 carbon monoxide
15 detector is installed per floor in the dwelling
16 unit in accordance with standards and criteria
17 acceptable to the Secretary for the protection of
18 occupants in the dwelling unit.

19 “(B) REHABILITATION.—Each owner of a
20 dwelling unit assisted under this section that is
21 located in a property that is undergoing or
22 planning a substantial rehabilitation project
23 shall ensure that, during that rehabilitation, not
24 less than 1 carbon monoxide detector is in-
25 stalled per floor in the dwelling unit in accord-

1 ance with standards and criteria acceptable to
2 the Secretary for the protection of occupants in
3 the dwelling unit.”.

4 (b) SUPPORTIVE HOUSING FOR PERSONS WITH DIS-
5 ABILITIES.—Section 811(j) of the Cranston-Gonzalez Na-
6 tional Affordable Housing Act (42 U.S.C. 8013(j)) is
7 amended by adding at the end the following:

8 “(7) CARBON MONOXIDE DETECTORS.—

9 “(A) IN GENERAL.—Each dwelling unit as-
10 sisted under this section shall contain not less
11 than 1 carbon monoxide detector installed per
12 floor of the dwelling unit in accordance with
13 standards and criteria acceptable to the Sec-
14 retary for the protection of occupants in the
15 dwelling unit.

16 “(B) REHABILITATION.—Each dwelling
17 unit assisted under this section that is located
18 in a property that is undergoing or planning a
19 substantial rehabilitation project shall, during
20 that rehabilitation, have installed not less than
21 1 carbon monoxide detector per floor of the
22 dwelling unit in accordance with standards and
23 criteria acceptable to the Secretary for the pro-
24 tection of occupants in the dwelling unit.”.

1 (c) PUBLIC AND SECTION 8 HOUSING.—The United
2 States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is
3 amended—

4 (1) in section 3(a) (42 U.S.C. 1437a(a)), by
5 adding at the end the following:

6 “(8) CARBON MONOXIDE DETECTORS.—

7 “(A) IN GENERAL.—Each public housing
8 agency shall ensure, for each dwelling unit in
9 public housing owned or operated by the public
10 housing agency, that not less than 1 carbon
11 monoxide detector is installed per floor in the
12 dwelling unit in accordance with standards and
13 criteria acceptable to the Secretary for the pro-
14 tection of occupants in the dwelling unit.

15 “(B) REHABILITATION.—With respect to
16 public housing for which a public housing agen-
17 cy is undergoing or planning a substantial reha-
18 bilitation project, the public housing agency
19 shall ensure that, during that rehabilitation, not
20 less than 1 carbon monoxide detector is in-
21 stalled per floor in each dwelling unit located in
22 that public housing in accordance with stand-
23 ards and criteria acceptable to the Secretary for
24 the protection of occupants in the dwelling
25 unit.”; and

1 (2) in section 8(o) (42 U.S.C. 1437f(o)), by
2 adding at the end the following:

3 “(21) CARBON MONOXIDE DETECTORS.—

4 “(A) IN GENERAL.—Each owner of a
5 dwelling unit receiving tenant-based assistance
6 or project-based assistance under this sub-
7 section shall ensure that not less than 1 carbon
8 monoxide detector is installed per floor in the
9 dwelling unit in accordance with standards and
10 criteria acceptable to the Secretary for the pro-
11 tection of occupants in the dwelling unit.

12 “(B) REHABILITATION.—With respect to a
13 property receiving tenant-based assistance or
14 project-based assistance for which the owner is
15 undergoing or planning a substantial rehabilita-
16 tion project, the owner shall ensure that, during
17 that rehabilitation, not less than 1 carbon mon-
18 oxide detector is installed per floor in each
19 dwelling unit assisted in that property in ac-
20 cordance with standards and criteria acceptable
21 to the Secretary for the protection of occupants
22 in the dwelling unit.”.

23 (d) ADDITIONAL FUNDING.—There are authorized to
24 be appropriated to carry out the amendments made by this

1 subtitle \$1,000,000 for each of fiscal years 2022 through
2 2031.

3 **Subtitle S—COVID-19 Mortgage**
4 **Relief**

5 **SEC. 41901. MORTGAGE RELIEF.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “COVID-19 Mortgage Relief Act”.

8 (b) MORTGAGE RELIEF.—

9 (1) FORBEARANCE AND FORECLOSURE MORA-
10 TORIUM FOR COVERED MORTGAGE LOANS.—Section
11 4022 of the CARES Act (15 U.S.C. 9056) is
12 amended—

13 (A) by striking “Federally backed mort-
14 gage loan” each place such term appears and
15 inserting “covered mortgage loan”; and

16 (B) in subsection (a)—

17 (i) by amending paragraph (2) to read
18 as follows:

19 “(2) COVERED MORTGAGE LOAN.—The term
20 ‘covered mortgage loan’ means any credit trans-
21 action that is secured by a mortgage, deed of trust,
22 or other equivalent consensual security interest on a
23 1- to 4-unit dwelling or on residential real property
24 that includes a 1- to 4-unit dwelling, except that it

1 shall not include a credit transaction under an open
2 end credit plan other than a reverse mortgage.”; and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(3) COVERED PERIOD.—With respect to a
6 loan, the term ‘covered period’ means the period be-
7 ginning on the date of enactment of this Act and
8 ending 12 months after such date of enactment.”.

9 (2) AUTOMATIC FORBEARANCE FOR DELIN-
10 QUENT BORROWERS.—Section 4022(c) of the
11 CARES Act (15 U.S.C. 9056(c)), as amended by
12 paragraph (5) of this subsection, is further amended
13 by adding at the end the following:

14 “(9) AUTOMATIC FORBEARANCE FOR DELIN-
15 QUENT BORROWERS.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other law governing forbearance relief—

18 “(i) any borrower whose covered mort-
19 gage loan became 60 days delinquent be-
20 tween March 13, 2021, and the date of en-
21 actment of this paragraph, and who has
22 not already received a forbearance under
23 subsection (b), shall automatically be
24 granted a 60-day forbearance that begins
25 on the date of enactment of this para-

1 graph, provided that a borrower shall not
2 be considered delinquent for purposes of
3 this paragraph while making timely pay-
4 ments or otherwise performing under a
5 trial modification or other loss mitigation
6 agreement; and

7 “(ii) any borrower whose covered
8 mortgage loan becomes 60 days delinquent
9 between the date of enactment of this
10 paragraph and the end of the covered pe-
11 riod, and who has not already received a
12 forbearance under subsection (b), shall
13 automatically be granted a 60-day forbear-
14 ance that begins on the 60th day of delin-
15 quency, provided that a borrower shall not
16 be considered delinquent for purposes of
17 this paragraph while making timely pay-
18 ments or otherwise performing under a
19 trial modification or other loss mitigation
20 agreement.

21 “(B) INITIAL EXTENSION.—An automatic
22 forbearance provided under subparagraph (A)
23 shall be extended for up to an additional 120
24 days upon the borrower’s request, oral or writ-
25 ten, submitted to the borrower’s servicer affirm-

1 ing that the borrower is experiencing a financial
2 hardship that prevents the borrower from mak-
3 ing timely payments on the covered mortgage
4 loan due, directly or indirectly, to the COVID-
5 19 emergency.

6 “(C) SUBSEQUENT EXTENSION.—A for-
7 bearance extended under subparagraph (B)
8 shall be extended for up to an additional 180
9 days, up to a maximum of 360 days (including
10 the period of automatic forbearance), upon the
11 borrower’s request, oral or written, submitted to
12 the borrower’s servicer affirming that the bor-
13 rower is experiencing a financial hardship that
14 prevents the borrower from making timely pay-
15 ments on the covered mortgage loan due, di-
16 rectly or indirectly, to the COVID-19 emer-
17 gency.

18 “(D) RIGHT TO ELECT TO CONTINUE MAK-
19 ING PAYMENTS.—With respect to a forbearance
20 provided under this paragraph, the borrower of
21 such loan may elect to continue making regular
22 payments on the loan. A borrower who makes
23 such election shall be offered a loss mitigation
24 option pursuant to subsection (d) within 30

1 days of resuming regular payments to address
2 any payment deficiency during the forbearance.

3 “(E) RIGHT TO SHORTEN FORBEAR-
4 ANCE.—At a borrower’s request, any period of
5 forbearance provided under this paragraph may
6 be shortened. A borrower who makes such a re-
7 quest shall be offered a loss mitigation option
8 pursuant to subsection (d) within 30 days of re-
9 suming regular payments to address any pay-
10 ment deficiency during the forbearance.

11 “(10) AUTOMATIC FORBEARANCE FOR CERTAIN
12 REVERSE MORTGAGE LOANS.—

13 “(A) IN GENERAL.—When any covered
14 mortgage loan which is also a federally insured
15 reverse mortgage loan, during the covered pe-
16 riod, is due and payable due to the death of the
17 last borrower or end of a deferral period or eli-
18 gible to be called due and payable due to a
19 property charge default, or if the borrower de-
20 faults on a property charge repayment plan, or
21 if the borrower defaults for failure to complete
22 property repairs, or if an obligation of the bor-
23 rower under the Security Instrument is not per-
24 formed, the mortgagee automatically shall be
25 granted a six-month extension of—

1 “(i) the mortgagee’s deadline to re-
2 quest due and payable status from the De-
3 partment of Housing and Urban Develop-
4 ment;

5 “(ii) the mortgage’s deadline to send
6 notification to the mortgagor or his or her
7 heirs that the loan is due and payable;

8 “(iii) the deadline to initiate fore-
9 closure;

10 “(iv) any reasonable diligence period
11 related to foreclosure or the Mortgage Op-
12 tional Election;

13 “(v) if applicable, the deadline to ob-
14 tain the due and payable appraisal; and

15 “(vi) any claim submission deadline,
16 including the 6-month acquired property
17 marketing period.

18 “(B) FORBEARANCE PERIOD.—The mort-
19 gagee shall not request due and payable status
20 from the Secretary of Housing and Urban De-
21 velopment nor initiate foreclosure during this
22 six-month period described under subparagraph
23 (A), which shall be considered a forbearance pe-
24 riod.

1 “(C) EXTENSION.—A forbearance provided
2 under subparagraph (B) and related deadline
3 extension authorized under subparagraph (A)
4 shall be extended for an additional 180 days
5 upon—

6 “(i) the borrower’s request, oral or
7 written, submitted to the borrower’s
8 servicer affirming that the borrower is ex-
9 periencing a financial hardship that pre-
10 vents the borrower from making payments
11 on property charges, completing property
12 repairs, or performing an obligation of the
13 borrower under the Security Instrument
14 due, directly or indirectly, to the COVID–
15 19 emergency;

16 “(ii) a non-borrowing spouse’s re-
17 quest, oral or written, submitted to the
18 servicer affirming that the non-borrowing
19 spouse has been unable to satisfy all cri-
20 teria for the Mortgagee Optional Election
21 program due, directly or indirectly, to the
22 COVID–19 emergency, or to perform all
23 actions necessary to become an eligible
24 non-borrowing spouse following the death
25 of all borrowers; or

1 “(iii) a successor-in-interest of the
 2 borrower’s request, oral or written, sub-
 3 mitted to the servicer affirming the heir’s
 4 difficulty satisfying the reverse mortgage
 5 loan due, directly or indirectly, to the
 6 COVID–19 emergency.

7 “(D) CURTAILMENT OF DEBENTURE IN-
 8 TEREST.—Where any covered mortgage loan
 9 which is also a federally insured reverse mort-
 10 gage loan is in default during the covered pe-
 11 riod and subject to a prior event which provides
 12 for curtailment of debenture interest in connec-
 13 tion with a claim for insurance benefits, the
 14 curtailment of debenture interest shall be sus-
 15 pended during any forbearance period provided
 16 herein.”.

17 (3) ADDITIONAL FORECLOSURE AND REPOSSES-
 18 SION PROTECTIONS.—Section 4022(c) of the
 19 CARES Act (15 U.S.C. 9056(c)) is amended—

20 (A) in paragraph (2), by striking “may not
 21 initiate any judicial or non-judicial foreclosure
 22 process, move for a foreclosure judgment or
 23 order of sale, or execute a foreclosure-related
 24 eviction or foreclosure sale for not less than the
 25 60-day period beginning on March 18, 2021”

1 and inserting “may not initiate or proceed with
2 any judicial or non-judicial foreclosure process,
3 schedule a foreclosure sale, move for a fore-
4 closure judgment or order of sale, execute a
5 foreclosure related eviction or foreclosure sale
6 for six months after the date of enactment of
7 the COVID–19 HERO Act”; and

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

9 “(3) REPOSSESSION MORATORIUM.—In the case
10 of personal property, including any recreational or
11 motor vehicle, used as a dwelling, no person may use
12 any judicial or non-judicial procedure to repossess or
13 otherwise take possession of such property for six
14 months after date of enactment of this paragraph.”.

15 (4) MORTGAGE FORBEARANCE REFORMS.—Sec-
16 tion 4022 of the CARES Act (15 U.S.C. 9056) is
17 amended—

18 (A) in subsection (b), by striking para-
19 graphs (1), (2), and (3) and inserting the fol-
20 lowing:

21 “(1) IN GENERAL.—During the covered period,
22 a borrower with a covered mortgage loan who has
23 not obtained automatic forbearance pursuant to this
24 section and who is experiencing a financial hardship
25 that prevents the borrower from making timely pay-

1 ments on the covered mortgage loan due, directly or
2 indirectly, to the COVID–19 emergency may request
3 forbearance on the loan, regardless of delinquency
4 status, by—

5 “(A) submitting a request, orally or in
6 writing, to the servicer of the loan; and

7 “(B) affirming that the borrower is experi-
8 encing a financial hardship that prevents the
9 borrower from making timely payments on the
10 covered mortgage loan due, directly or indi-
11 rectly, to the COVID–19 emergency.

12 “(2) DURATION OF FORBEARANCE.—

13 “(A) IN GENERAL.—Upon a request by a
14 borrower to a servicer for forbearance under
15 paragraph (1), such forbearance shall be grant-
16 ed by the servicer for the period requested by
17 the borrower, up to an initial length of 180
18 days, the length of which shall be extended by
19 the servicer, at the request of the borrower for
20 the period or periods requested, for a total for-
21 bearance period of up to 12 months.

22 “(B) MINIMUM FORBEARANCE
23 AMOUNTS.—For purposes of granting a forbear-
24 ance under this paragraph, a servicer may
25 grant an initial forbearance with a term of not

1 less than 90 days, provided that it is automati-
2 cally extended for an additional 90 days unless
3 the servicer confirms the borrower does not
4 want to renew the forbearance or that the bor-
5 rower is no longer experiencing a financial
6 hardship that prevents the borrower from mak-
7 ing timely mortgage payments due, directly or
8 indirectly, to the COVID–19 emergency.

9 “(C) RIGHT TO SHORTEN FORBEAR-
10 ANCE.—At a borrower’s request, any period of
11 forbearance described under this paragraph
12 may be shortened. A borrower who makes such
13 a request shall be offered a loss mitigation op-
14 tion pursuant to subsection (d) within 30 days
15 of resuming regular payments to address any
16 payment deficiency during the forbearance.

17 “(3) ACCRUAL OF INTEREST OR FEES.—A
18 servicer shall not charge a borrower any fees, pen-
19 alties, or interest (beyond the amounts scheduled or
20 calculated as if the borrower made all contractual
21 payments on time and in full under the terms of the
22 mortgage contract) in connection with a forbearance,
23 provided that a servicer may offer the borrower a
24 modification option at the end of a forbearance pe-
25 riod granted hereunder that includes the capitaliza-

1 tion of past due principal and interest and escrow
2 payments as long as the borrower's principal and in-
3 terest payment under such modification remains at
4 or below the contractual principal and interest pay-
5 ments owed under the terms of the mortgage con-
6 tract before such forbearance period except as the
7 result of a change in the index of an adjustable rate
8 mortgage.

9 “(4) COMMUNICATION WITH SERVICERS.—Any
10 communication between a borrower and a servicer
11 described under this section may be made in writing
12 or orally, at the borrower's choice.

13 “(5) COMMUNICATION WITH BORROWERS WITH
14 A DISABILITY.—Upon request from a borrower,
15 servicers shall communicate with borrowers who
16 have a disability in the borrower's preferred method
17 of communication. For purposes of this paragraph,
18 the term ‘disability’ has the meaning given that term
19 in the Fair Housing Act, the Americans with Dis-
20 abilities Act of 1990, or the Rehabilitation Act of
21 1973.”; and

22 (B) in subsection (c), by amending para-
23 graph (1) to read as follows:

24 “(1) NO DOCUMENTATION REQUIRED.—A
25 servicer of a covered mortgage loan shall not require

1 any documentation with respect to a forbearance
2 under this section other than the borrower's affirma-
3 tion (oral or written) to a financial hardship that
4 prevents the borrower from making timely payments
5 on the covered mortgage loan due, directly or indi-
6 rectly, to the COVID-19 emergency. An oral request
7 for forbearance and oral affirmation of hardship by
8 the borrower shall be sufficient for the borrower to
9 obtain or extend a forbearance.”.

10 (5) OTHER SERVICER REQUIREMENTS DURING
11 FORBEARANCE.—Section 4022(c) of the CARES Act
12 (15 U.S.C. 9056(c)), as amended by paragraph (3)
13 of this subsection, is further amended by adding at
14 the end the following:

15 “(4) FORBEARANCE TERMS NOTICE.—Within
16 30 days of a servicer of a covered mortgage loan
17 providing forbearance to a borrower under sub-
18 section (b) or paragraph (9) or (10), or 10 days if
19 the forbearance is for a term of less than 60 days,
20 but only where the forbearance was provided in re-
21 sponse to a borrower's request for forbearance or
22 when an automatic forbearance was initially pro-
23 vided under paragraph (9) or (10), and not when an
24 existing forbearance is automatically extended, the

1 servicer shall provide the borrower with a notice in
2 accordance with the terms in paragraph (5).

3 “(5) CONTENTS OF NOTICE.—The written no-
4 tice required under paragraph (4) shall state in
5 plain language—

6 “(A) the specific terms of the forbearance;

7 “(B) the beginning and ending dates of the
8 forbearance;

9 “(C) that the borrower is eligible for up to
10 12 months of forbearance;

11 “(D) that the borrower may request an ex-
12 tension of the forbearance unless the borrower
13 will have reached the maximum period at the
14 end of the forbearance;

15 “(E) that the borrower may request that
16 the initial or extended period be shortened at
17 any time;

18 “(F) that the borrower should contact the
19 servicer before the end of the forbearance pe-
20 riod;

21 “(G) a description of the loss mitigation
22 options that may be available to the borrower at
23 the end of the forbearance period based on the
24 borrower’s specific loan;

1 “(H) information on how to find a housing
2 counseling agency approved by the Department
3 of Housing and Urban Development;

4 “(I) in the case of a forbearance provided
5 pursuant to paragraph (9) or (10), that the for-
6 bearance was automatically provided and how
7 to contact the servicer to make arrangements
8 for further assistance, including any renewal;
9 and

10 “(J) where applicable, that the forbearance
11 is subject to an automatic extension including
12 the terms of any such automatic extensions and
13 when any further extension would require a bor-
14 rower request.

15 “(6) TREATMENT OF ESCROW ACCOUNTS.—
16 During any forbearance provided under this section,
17 a servicer shall pay or advance funds to make dis-
18 bursements in a timely manner from any escrow ac-
19 count established on the covered mortgage loan.

20 “(7) NOTIFICATION FOR BORROWERS.—During
21 the period that begins 90 days after the date of the
22 enactment of this paragraph and ends at the end of
23 the covered period, each servicer of a covered mort-
24 gage loan shall be required to—

1 “(A) make available in a clear and con-
2 spicuous manner on their web page accurate in-
3 formation, in English and Spanish, for bor-
4 rowers regarding the availability of forbearance
5 as provided under subsection (b); and

6 “(B) notify every borrower whose pay-
7 ments on a covered mortgage loan are delin-
8 quent in any oral communication with or to the
9 borrower that the borrower may be eligible to
10 request forbearance as provided under sub-
11 section (b), except that such notice shall not be
12 required if the borrower already has requested
13 forbearance under subsection (b).

14 “(8) CERTAIN TREATMENT UNDER RESPA.—As
15 long as a borrower’s payment on a covered mortgage
16 loan was not more than 30 days delinquent on
17 March 13, 2021, a servicer may not deem the bor-
18 rower as delinquent while a forbearance granted
19 under subsection (b) is in effect for purposes of the
20 application of sections 6 and 10 of the Real Estate
21 Settlement Procedures Act and any applicable regu-
22 lations.”.

23 (6) POST-FORBEARANCE LOSS MITIGATION.—

1 (A) AMENDMENT TO CARES ACT.—Section
2 4022 of the CARES Act (15 U.S.C. 9056) is
3 amended by adding at the end the following:

4 “(d) POST-FORBEARANCE LOSS MITIGATION.—

5 “(1) NOTICE OF AVAILABILITY OF ADDITIONAL
6 FORBEARANCE.—With respect to any covered mort-
7 gage loan as to which forbearance under this section
8 has been granted and not otherwise extended, in-
9 cluding by automatic extension, a servicer shall, no
10 later than 30 days before the end of the forbearance
11 period, in writing, notify the borrower that addi-
12 tional forbearance may be available and how to re-
13 quest such forbearance, except that no such notice
14 is required where the borrower already has requested
15 an extension of the forbearance period, is subject to
16 automatic extension pursuant to subsection
17 (b)(2)(B), or no additional forbearance is available.

18 “(2) LOSS MITIGATION OFFER BEFORE EXPIRA-
19 TION OF FORBEARANCE.—No later than 30 days be-
20 fore the end of any forbearance period that has not
21 been extended or 30 days after a request by a con-
22 sumer to terminate the forbearance, which time shall
23 be before the servicer initiates or engages in any
24 foreclosure activity listed in subsection (c)(2), in-
25 cluding incurring or charging to a borrower any fees

1 or corporate advances related to a foreclosure, the
2 servicer shall, in writing—

3 “(A) offer the borrower a loss mitigation
4 option, without the charging of any fees or pen-
5 alties other than interest, such that the bor-
6 rower’s principal and interest payment remains
7 the same as it was prior to the forbearance,
8 subject to any adjustment of the index pursuant
9 to the terms of an adjustable rate mortgage,
10 and that either—

11 “(i) defers the payment of total ar-
12 rearages, including any escrow advances,
13 to the end of the existing term of the loan,
14 without the charging or collection of any
15 additional interest on the deferred
16 amounts; or

17 “(ii) extends the term of the mortgage
18 loan, and capitalizes, defers, or forgives all
19 escrow advances and other arrearages,
20 provided, however, that the servicer may offer
21 the borrower a loss mitigation option that re-
22 duces the principal and interest payment on the
23 loan and capitalizes, defers, or forgives all es-
24 crow advances or arrearages if the servicer has
25 information indicating that the borrower cannot

1 resume the pre-forbearance mortgage payments;
2 and

3 “(B) concurrent with the loss mitigation
4 offer in subparagraph (A), notify the borrower
5 that the borrower has the right to be evaluated
6 for other loss mitigation options if the borrower
7 is not able to make the payment under the op-
8 tion offered in subparagraph (A).

9 “(3) EVALUATION FOR LOSS MITIGATION PRIOR
10 TO FORECLOSURE INITIATION.—Before a servicer
11 may initiate or engage in any foreclosure activity
12 listed in subsection (c)(2), including incurring or
13 charging to a borrower any fees or corporate ad-
14 vances related to a foreclosure on the basis that the
15 borrower has failed to perform under the loss miti-
16 gation offer in paragraph (2)(A) within the first 90
17 days after the option is offered, including a failure
18 to accept the loss mitigation offer in paragraph
19 (2)(A), the servicer shall—

20 “(A) unless the borrower has already sub-
21 mitted a complete application that the servicer
22 is reviewing—

23 “(i) notify the borrower in writing of
24 the documents and information, if any,
25 needed by the servicer to enable the

1 servicer to consider the borrower for all
2 available loss mitigation options; and

3 “(ii) exercise reasonable diligence to
4 obtain the documents and information
5 needed to complete the borrower’s loss
6 mitigation application; and

7 “(B) upon receipt of a complete applica-
8 tion or if, despite the servicer’s exercise of rea-
9 sonable diligence, the loss mitigation application
10 remains incomplete sixty days after the notice
11 in paragraph (2)(A) is sent, conduct an evalua-
12 tion of the complete or incomplete loss mitiga-
13 tion application without reference to whether
14 the borrower has previously submitted a com-
15 plete loss mitigation application and offer the
16 borrower all available loss mitigation options for
17 which the borrower qualifies under applicable
18 investor guidelines, including guidelines regard-
19 ing required documentation.

20 “(4) EFFECT ON FUTURE REQUESTS FOR LOSS
21 MITIGATION REVIEW.—An application, offer, or eval-
22 uation for loss mitigation under this section shall
23 not be the basis for the denial of a borrower’s appli-
24 cation as duplicative or for a reduction in the bor-
25 rower’s appeal rights under Regulation X (12 C.F.R.

1 1024) in regard to any loss mitigation application
2 submitted after the servicer has complied with the
3 requirements of paragraphs (2) and (3).

4 “(5) SAFE HARBOR.—Any loss mitigation op-
5 tion authorized by the Federal National Mortgage
6 Association, the Federal Home Loan Corporation, or
7 the Federal Housing Administration that either—

8 “(A) defers the payment of total arrear-
9 ages, including any escrow advances, to the end
10 of the existing term of the loan, without the
11 charging or collection of any additional interest
12 on the deferred amounts; or

13 “(B) extends the term of the mortgage
14 loan, and capitalizes, defers, or forgives all es-
15 crow advances and other arrearages, without
16 the charging of any fees or penalties beyond in-
17 terest on any amount capitalized into the loan
18 principal,

19 shall be deemed to comply with the requirements of
20 paragraph (1)(B).

21 “(6) HOME RETENTION OPTIONS FOR CERTAIN
22 REVERSE MORTGAGE LOANS.—

23 “(A) IN GENERAL.—For a covered mort-
24 gage loan which is also a federally insured re-
25 verse mortgage loan, a servicer’s conduct shall

1 be deemed to comply with this section provided
2 that if the loan is eligible to be called due and
3 payable due to a property charge default, the
4 mortgagee shall, as a precondition to sending a
5 due and payable request to the Secretary or ini-
6 tiating or continuing a foreclosure process—

7 “(i) make a good faith effort to com-
8 municate with the borrower regarding
9 available home retention options to cure
10 the property charge default, including en-
11 couraging the borrower to apply for home
12 retention options; and

13 “(ii) consider the borrower for all
14 available home retention options as allowed
15 by the Secretary.

16 “(B) PERMISSIBLE REPAYMENT PLANS.—
17 The Secretary shall amend its allowable home
18 retention options to permit a repayment plan of
19 up to 120 months in length, and to permit a re-
20 payment plan without regard to prior defaults
21 on repayment plans.

22 “(C) LIMITATION ON INTEREST CURTAIL-
23 MENT.—The Secretary may not curtail interest
24 paid to mortgagees who engage in loss mitiga-
25 tion or home retention actions through interest

1 curtailment during such loss mitigation or home
2 retention review or during the period when a
3 loss mitigation or home retention plan is in ef-
4 fect and ending 90 days after any such plan
5 terminates.”.

6 (B) AMENDMENT TO HOUSING ACT OF
7 1949.—Section 505 of the Housing Act of 1949
8 (42 U.S.C. 1475) is amended—

9 (i) by striking the section heading and
10 inserting “LOSS MITIGATION AND FORE-
11 CLOSURE PROCEDURES”;

12 (ii) in subsection (a), by striking the
13 section designation and all that follows
14 through “During any” and inserting the
15 following:

16 “SEC. 505. (a) Moratorium—(1) In determining a
17 borrower’s eligibility for relief, the Secretary shall make
18 all eligibility decisions based on the borrower’s household’s
19 income, expenses, and circumstances.

20 “(2) During any”;

21 (iii) by redesignating subsection (b) as
22 subsection (c); and

23 (iv) by inserting after subsection (a)
24 the following new subsection:

1 “(b) LOAN MODIFICATION.—(1) Notwithstanding
 2 any other provision of this title, for any loan made under
 3 section 502 or 504, the Secretary may modify the interest
 4 rate and extend the term of such loan for up to 30 years
 5 from the date of such modification.

6 “(2) At the end of any moratorium period granted
 7 under this section or under the COVID–19 HERO Act,
 8 the Secretary shall determine whether the borrower can
 9 reasonably resume making principal and interest pay-
 10 ments after the Secretary modifies the borrower’s loan ob-
 11 ligations in accordance with paragraph (1).”.

12 (7) MULTIFAMILY MORTGAGE FORBEARANCE.—
 13 Section 4023 of the CARES Act (15 U.S.C. 9057)
 14 is amended—

15 (A) by striking “Federally backed multi-
 16 family mortgage loan” each place such term ap-
 17 pears and inserting “multifamily mortgage
 18 loan”;

19 (B) in subsection (b), by striking “during”
 20 and inserting “due, directly or indirectly, to”;

21 (C) in subsection (c)(1)—

22 (i) in subparagraph (A), by adding
 23 “and” at the end; and

24 (ii) by striking subparagraphs (B) and
 25 (C) and inserting the following:

1 “(B) provide the forbearance for up to the
2 end of the period described under section
3 4024(b).”;

4 (D) by redesignating subsection (f) as sub-
5 section (g);

6 (E) by inserting after subsection (e) the
7 following:

8 “(f) TREATMENT AFTER FORBEARANCE.—With re-
9 spect to a multifamily mortgage loan provided a forbear-
10 ance under this section, the servicer of such loan—

11 “(1) shall provide the borrower with a 12-
12 month period beginning at the end of such forbear-
13 ance to become current on the payments under such
14 loan;

15 “(2) may not charge any late fees, penalties, or
16 other charges with respect to payments on the loan
17 that were due during the forbearance period, if such
18 payments are made before the end of the 12-month
19 period; and

20 “(3) may not report any adverse information to
21 a credit rating agency (as defined under section 603
22 of the Fair Credit Reporting Act with respect to any
23 payments on the loan that were due during the for-
24 bearance period, if such payments are made before
25 the end of the 12-month period.)”; and

1 (F) in subsection (g), as so redesignated—

2 (i) in paragraph (2)—

3 (I) by striking “that—” and all
4 that follows through “(A) is secured
5 by” and inserting “that is secured
6 by”;

7 (II) by striking “; and” and in-
8 serting a period; and

9 (III) by striking subparagraph
10 (B); and

11 (ii) by amending paragraph (5) to
12 read as follows:

13 “(5) COVERED PERIOD.—With respect to a
14 loan, the term ‘covered period’ has the meaning
15 given that term under section 4022(a)(3).”.

16 (8) RENTER PROTECTIONS DURING FORBEAR-
17 ANCE PERIOD.—A borrower that receives a forbear-
18 ance pursuant to section 4022 or 4023 of the
19 CARES Act (15 U.S.C. 9056 or 9057) may not, for
20 the duration of the forbearance—

21 (A) evict or initiate the eviction of a tenant
22 solely for nonpayment of rent or other fees or
23 charges; or

1 (B) charge any late fees, penalties, or
2 other charges to a tenant for late payment of
3 rent.

4 (9) EXTENSION OF GSE PATCH.—

5 (A) NON-APPLICABILITY OF EXISTING
6 SUNSET.—Section 1026.43(e)(4)(iii)(B) of title
7 12, Code of Federal Regulations, shall have no
8 force or effect.

9 (B) EXTENDED SUNSET.—The special
10 rules in section 1026.43(e)(4) of title 12, Code
11 of Federal Regulations, shall apply to covered
12 transactions consummated prior to June 1,
13 2022, or such later date as the Director of the
14 Bureau of Consumer Financial Protection may
15 determine, by rule.

16 (10) SERVICER SAFE HARBOR FROM INVESTOR
17 LIABILITY.—

18 (A) SAFE HARBOR.—

19 (i) IN GENERAL.—A servicer of cov-
20 ered mortgage loans or multifamily mort-
21 gage loans shall be deemed not to have vio-
22 lated any duty or contractual obligation
23 owed to investors or other parties regard-
24 ing such mortgage loans on account of of-
25 fering or implementing in good faith for-

1 bearance during the covered period or of-
2 fering or implementing in good faith post-
3 forbearance loss mitigation (including after
4 the expiration of the covered period) in ac-
5 cordance with the terms of sections 4022
6 and 4023 of the CARES Act to borrowers,
7 respectively, on covered or multifamily
8 mortgage loans that it services and shall
9 not be liable to any party who is owed such
10 a duty or obligation or subject to any in-
11 junction, stay, or other equitable relief to
12 such party on account of such offer or im-
13 plementation of forbearance or post-for-
14 bearance loss mitigation.

15 (ii) OTHER PERSONS.—Any person,
16 including a trustee of a securitization vehi-
17 cle or other party involved in a
18 securitization or other investment vehicle,
19 who in good faith cooperates with a
20 servicer of covered or multifamily mortgage
21 loans held by that securitization or invest-
22 ment vehicle to comply with the terms of
23 section 4022 and 4023 of the CARES Act,
24 respectively, to borrowers on covered or
25 multifamily mortgage loans owned by the

1 securitization or other investment vehicle
2 shall not be liable to any party who is owed
3 such a duty or obligation or subject to any
4 injunction, stay, or other equitable relief to
5 such party on account of its cooperation
6 with an offer or implementation of forbear-
7 ance during the covered period or post-for-
8 bearance loss mitigation, including after
9 the expiration of the covered period.

10 (B) STANDARD INDUSTRY PRACTICE.—

11 During the covered period, notwithstanding any
12 contractual restrictions, it is deemed to be
13 standard industry practice for a servicer to
14 offer forbearance or loss mitigation options in
15 accordance with the terms of sections 4022 and
16 4023 of the CARES Act to borrowers, respec-
17 tively, on all covered or multifamily mortgage
18 loans it services.

19 (C) RULE OF CONSTRUCTION.—Nothing in
20 this paragraph may be construed as affecting
21 the liability of a servicer or other person for ac-
22 tual fraud in the servicing of a mortgage loan
23 or for the violation of a State or Federal law.

24 (D) DEFINITIONS.—In this paragraph:

1 (i) COVERED MORTGAGE LOAN.—The
2 term “covered mortgage loan” has the
3 meaning given that term under section
4 4022(a) of the CARES Act.

5 (ii) COVERED PERIOD.—The term
6 “covered period” has the meaning given
7 that term under section 4023(g) of the
8 CARES Act.

9 (iii) MULTIFAMILY MORTGAGE
10 LOAN.—The term “multifamily mortgage
11 loan” has the meaning given that term
12 under section 4023(g) of the CARES Act.

13 (iv) SERVICER.—The term
14 “servicer”—

15 (I) has the meaning given the
16 term under section 6(i) of the Real
17 Estate Settlement Procedures Act of
18 1974 (12 U.S.C. 2605(i)); and

19 (II) means a master servicer and
20 a subservicer, as such terms are de-
21 fined, respectively, under section
22 1024.31 of title 12, Code of Federal
23 Regulations.

24 (v) SECURITIZATION VEHICLE.—The
25 term “securitization vehicle” has the

1 meaning given that term under section
2 129A(f) of the Truth in Lending Act (15
3 U.S.C. 1639a(f)).

4 (11) AMENDMENTS TO NATIONAL HOUSING
5 ACT.—Section 306(g)(1) of the National Housing
6 Act (12 U.S.C. 1721(a)) is amended—

7 (A) in the fifth sentence, by inserting after
8 “issued” the following: “, subject to any pledge
9 or grant of security interest of the Federal Re-
10 serve under section 4003(a) of the CARES Act
11 (Public Law 116–136; 134 Stat. 470; 15
12 U.S.C. 9042(a)) and to any such mortgage or
13 mortgages or any interest therein and the pro-
14 ceeds thereon, which the Association may elect
15 to approve”; and

16 (B) in the sixth sentence—

17 (i) by striking “or (C)” and inserting
18 “(C)”; and

19 (ii) by inserting before the period the
20 following: “, or (D) its approval and hon-
21 oring of any pledge or grant of security in-
22 terest of the Federal Reserve under section
23 4003(a) of the CARES Act and to any
24 such mortgage or mortgages or any inter-
25 est therein and proceeds thereon as”.

1 (12) BANKRUPTCY PROTECTIONS.—

2 (A) BANKRUPTCY PROTECTIONS FOR FED-
3 ERAL CORONAVIRUS RELIEF PAYMENTS.—Sec-
4 tion 541(b) of title 11, United States Code, is
5 amended—

6 (i) in paragraph (9), in the matter fol-
7 lowing subparagraph (B), by striking “or”;

8 (ii) in paragraph (10)(C), by striking
9 the period at the end and inserting “; or”;
10 and

11 (iii) by inserting after paragraph (10)
12 the following:

13 “(11) payments made under Federal law relat-
14 ing to the national emergency declared by the Presi-
15 dent under the National Emergencies Act (50
16 U.S.C. 1601 et seq.) with respect to the coronavirus
17 disease 2019 (COVID–19).”.

18 (B) PROTECTION AGAINST DISCRIMINA-
19 TORY TREATMENT OF HOMEOWNERS IN BANK-
20 RUPTCY.—Section 525 of title 11, United
21 States Code, is amended by adding at the end
22 the following:

23 “(d) A person may not be denied any forbearance,
24 assistance, or loan modification relief made available to
25 borrowers by a mortgage creditor or servicer because the

1 person is or has been a debtor, or has received a discharge,
2 in a case under this title.”.

3 (C) INCREASING THE HOMESTEAD EXEMP-
4 TION.—Section 522 of title 11, United States
5 Code, is amended—

6 (i) in subsection (d)(1), by striking
7 “\$15,000” and inserting “\$100,000”; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(r) Notwithstanding any other provision of applica-
11 ble nonbankruptcy law, a debtor in any State may exempt
12 from property of the estate the property described in sub-
13 section (d)(1) not to exceed the value in subsection (d)(1)
14 if the exemption for such property permitted by applicable
15 nonbankruptcy law is lower than that amount.”.

16 (D) EFFECT OF MISSED MORTGAGE PAY-
17 MENTS ON DISCHARGE.—Section 1328 of title
18 11, United States Code, is amended by adding
19 at the end the following:

20 “(i) A debtor shall not be denied a discharge under
21 this section because, as of the date of discharge, the debtor
22 did not make 6 or fewer payments directly to the holder
23 of a debt secured by real property.

24 “(j) Notwithstanding subsections (a) and (b), upon
25 the debtor’s request, the court shall grant a discharge of

1 all debts provided for in the plan that are dischargeable
2 under subsection (a) if the debtor—

3 “(1) has made payments under a confirmed
4 plan for at least 1 year; and

5 “(2) who is experiencing or has experienced a
6 material financial hardship due, directly or indi-
7 rectly, to the coronavirus disease 2019 (COVID–19)
8 pandemic.”.

9 (E) EXPANDED ELIGIBILITY FOR CHAPTER
10 13.—Section 109(e) of title 11, United States
11 Code, is amended—

12 (i) by striking “\$250,000” each place
13 the term appears and inserting
14 “\$850,000”; and

15 (ii) by striking “\$750,000” each place
16 the term appears and inserting
17 “\$2,600,000”.

18 (F) EXTENDED CURE PERIOD FOR HOME-
19 OWNERS HARMED BY COVID–19 PANDEMIC.—

20 (i) IN GENERAL.—Chapter 13 of title
21 11, United States Code, is amended by
22 adding at the end thereof the following:

1 **“§ 1331. Special provisions related to COVID–19 pan-**
2 **demic**

3 “(a) Notwithstanding subsections (b)(2) and (d) of
4 section 1322, if the debtor is experiencing or has experi-
5 enced a material financial hardship due, directly or indi-
6 rectly, to the coronavirus disease 2019 (COVID–19) pan-
7 demic, a plan may provide for the curing of any default
8 within a reasonable time, not to exceed 7 years after the
9 time that the first payment under the original confirmed
10 plan was due, and maintenance of payments while the case
11 is pending on any unsecured claim or secured claim on
12 which the last payment is due after the expiration of such
13 time. Any such plan provision shall not affect the applica-
14 ble commitment period under section 1325(b).

15 “(b) For purposes of sections 1328(a) and 1328(b),
16 any cure or maintenance payments under subsection (a)
17 that are made after the end of the period during which
18 the plan provides for payments (other than payments
19 under subsection (a)) shall not be treated as payments
20 under the plan.

21 “(c) Notwithstanding section 1329(c), a plan modi-
22 fied under section 1329 at the debtor’s request may pro-
23 vide for cure or maintenance payments under subsection
24 (a) over a period that is not longer than 7 years after
25 the time that the first payment under the original con-
26 firmed plan was due.

1 “(d) Notwithstanding section 362(c)(2), during the
 2 period after the debtor receives a discharge and the period
 3 during which the plan provides for the cure of any default
 4 and maintenance of payments under the plan, section
 5 362(a) shall apply to the holder of a claim for which a
 6 default is cured and payments are maintained under sub-
 7 section (a) and to any property securing such claim.

8 “(e) Notwithstanding section 1301(a)(2), the stay of
 9 section 1301(a) terminates upon the granting of a dis-
 10 charge under section 1328 with respect to all creditors
 11 other than the holder of a claim for which a default is
 12 cured and payments are maintained under subsection
 13 (a).”.

14 (ii) TABLE OF CONTENTS.—The table
 15 of sections of chapter 13, title 11, United
 16 States Code, is amended by adding at the
 17 end thereof the following:

“Sec. 1331. Special provisions related to COVID–19 pandemic.”.

18 (iii) APPLICATION.—The amendments
 19 made by this paragraph shall apply only to
 20 any case under title 11, United States
 21 Code, commenced before 3 years after the
 22 date of enactment of this subtitle and
 23 pending on or commenced after such date
 24 of enactment, in which a plan under chap-

1 ter 13 of title 11, United States Code, was
2 not confirmed before March 27, 2021.

3 (13) LIQUIDITY FOR MORTGAGE SERVICERS
4 AND RESIDENTIAL RENTAL PROPERTY OWNERS.—

5 (A) IN GENERAL.—Section 4003 of the
6 CARES Act (15 U.S.C. 9042), is amended by
7 adding at the end the following:

8 “(i) LIQUIDITY FOR MORTGAGE SERVICERS.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 the Secretary shall ensure that servicers of covered
11 mortgage loans (as defined under section 4022) and
12 multifamily mortgage loans (as defined under sec-
13 tion 4023) are provided the opportunity to partici-
14 pate in the loans, loan guarantees, or other invest-
15 ments made by the Secretary under this section. The
16 Secretary shall ensure that servicers are provided
17 with access to such opportunities under equitable
18 terms and conditions regardless of their size.

19 “(2) MORTGAGE SERVICER ELIGIBILITY.—In
20 order to receive assistance under subsection (b)(4),
21 a mortgage servicer shall—

22 “(A) demonstrate that the mortgage
23 servicer has established policies and procedures
24 to use such funds only to replace funds used for
25 borrower assistance, including to advance funds

1 as a result of forbearance or other loss mitiga-
2 tion provided to borrowers;

3 “(B) demonstrate that the mortgage
4 servicer has established policies and procedures
5 to provide forbearance, post-forbearance loss
6 mitigation, and other assistance to borrowers in
7 compliance with the terms of section 4022 or
8 4023, as applicable;

9 “(C) demonstrate that the mortgage
10 servicer has established policies and procedures
11 to ensure that forbearance and post-forbearance
12 assistance is available to all borrowers in a non-
13 discriminatory fashion and in compliance with
14 the Fair Housing Act, the Equal Credit Oppor-
15 tunity Act, and other applicable fair housing
16 and fair lending laws; and

17 “(D) comply with the limitations on com-
18 pensation set forth in section 4004.

19 “(3) MORTGAGE SERVICER REQUIREMENTS.—A
20 mortgage servicer receiving assistance under sub-
21 section (b)(4) may not, while the servicer is under
22 any obligation to repay funds provided or guaran-
23 teed under this section—

24 “(A) pay dividends with respect to the
25 common stock of the mortgage servicer or pur-

1 chase an equity security of the mortgage
2 servicer or any parent company of the mortgage
3 servicer if the security is listed on a national se-
4 curities exchange, except to the extent required
5 under a contractual obligation that is in effect
6 on the date of enactment of this subsection; or

7 “(B) prepay any debt obligation.”.

8 (B) CREDIT FACILITY FOR RESIDENTIAL
9 RENTAL PROPERTY OWNERS.—

10 (i) IN GENERAL.—The Board of Gov-
11 ernors of the Federal Reserve System
12 shall—

13 (I) establish a facility, using
14 amounts made available under section
15 4003(b)(4) of the CARES Act (15
16 U.S.C. 9042(b)(4)), to make long-
17 term, low-cost loans to residential
18 rental property owners as to tempo-
19 rarily compensate such owners for
20 documented financial losses caused by
21 reductions in rent payments; and

22 (II) defer such owners’ required
23 payments on such loans until after six
24 months after the date of enactment of
25 this subtitle.

1 (ii) REQUIREMENTS.—A borrower
2 that receives a loan under this subsection
3 may not, for the duration of the loan—

4 (I) evict or initiate the eviction of
5 a tenant solely for nonpayment of rent
6 or other fees or charges;

7 (II) charge any late fees, pen-
8 alties, or other charges to a tenant for
9 late payment of rent; and

10 (III) with respect to a person or
11 entity described under clause (iv), dis-
12 criminate on the basis of source of in-
13 come.

14 (iii) REPORT ON RESIDENTIAL RENT-
15 AL PROPERTY OWNERS.—The Board of
16 Governors shall issue a report to the Con-
17 gress containing the following, with respect
18 to each property owner receiving a loan
19 under this subsection:

20 (I) The number of borrowers that
21 received assistance under this sub-
22 section.

23 (II) The average total loan
24 amount that each borrower received.

1 (III) The total number of rental
2 units that each borrower owned.

3 (IV) The average rent charged by
4 each borrower.

5 (iv) REPORT ON LARGE RESIDENTIAL
6 RENTAL PROPERTY OWNERS.—The Board
7 of Governors shall issue a report to Con-
8 gress that identifies any person or entity
9 that in aggregate owns or holds a control-
10 ling interest in any entity that, in aggre-
11 gate, owns—

12 (I) more than 100 rental units
13 that are located within a single Metro-
14 politan Statistical Area;

15 (II) more than 1,000 rental units
16 nationwide; or

17 (III) rental units in three or
18 more States.

19 (C) MORTGAGE PERFORMANCE DATA.—
20 Section 4003(c) of the CARES Act (Public Law
21 116–136) is amended by adding at the end the
22 following:

23 “(4) MORTGAGE PERFORMANCE DATA.—

24 “(A) MONTHLY REPORT.—

1 “(i) IN GENERAL.—A servicer of a
2 residential mortgage loan receiving a loan,
3 loan guarantee, or any other investment
4 under this section shall, beginning in the
5 first month in which the loan, loan guar-
6 antee, or investment was received, collect
7 and provide loan-level data to the Bureau
8 of Consumer Financial Protection on a
9 monthly basis with respect all residential
10 mortgage loans serviced by the servicer.

11 “(ii) CONTENTS.—Each monthly re-
12 port required under this subparagraph
13 shall contain identifying information and
14 loan performance data for the most recent
15 month as well as cumulative data since the
16 servicer began reporting under this para-
17 graph.

18 “(iii) TIME PERIOD FOR REPORTS.—
19 Reports under this paragraph shall be pro-
20 vided by a servicer every month in which
21 a loan, loan guarantee, or any other invest-
22 ment under this section has been received
23 and for 2 years following such receipt.

24 “(B) IDENTIFYING INFORMATION.—Each
25 monthly report required under subparagraph

1 (A) shall include the following loan-level identi-
2 fying information:

3 “(i) Demographic data, for each bor-
4 rower, including race, ethnicity, sex, and
5 age.

6 “(ii) The location of the property, in-
7 cluding by State, Metropolitan Statistical
8 Area, postal code, census tract, and Metro-
9 politan District, if applicable.

10 “(iii) Loan origination information,
11 including original unpaid principal balance,
12 original interest rate, first payment date,
13 original loan term, and lien status (first or
14 subordinate).

15 “(iv) Loan type and type of loan pur-
16 chaser, as described under section 304 of
17 the Home Mortgage Disclosure Act of
18 1975 (12 U.S.C. 2803) and the rules
19 issued to carry out such section.

20 “(C) LOAN PERFORMANCE DATA.—Each
21 monthly report required under subparagraph
22 (A) shall include the following loan-level loan
23 performance data:

24 “(i) Current loan information, includ-
25 ing current actual unpaid principal bal-

1 ance, current interest rate, current loan
2 delinquency status (based on the number
3 of days the borrower is delinquent in pay-
4 ments based on the due date of the last
5 paid loan payment), loan performance sta-
6 tus (including current, forbearance, repay-
7 ment plan, referred to foreclosure, trial
8 modification, permanent modification, or
9 foreclosed), and the date of the event lead-
10 ing to such status.

11 “(ii) Loss mitigation information, in-
12 cluding—

13 “(I) whether the loan is currently
14 being evaluated for loss mitigation,
15 and if so the date upon which the cur-
16 rent loss mitigation process was initi-
17 ated and the date of complete applica-
18 tion, if any;

19 “(II) the disposition of any pre-
20 vious loss mitigation evaluation re-
21 ported pursuant to subclause (I) and
22 the date of disposition, including—

23 “(aa) denied;

24 “(bb) temporary or short-
25 term agreement, such as a repay-

1 ment agreement or forbearance,
2 and the length of such agreement
3 (in months);
4 “(cc) trial loan modification;
5 “(dd) permanent loan modi-
6 fication; or
7 “(ee) other type of loss miti-
8 gation; and
9 “(III) for each permanent modi-
10 fication—
11 “(aa) whether the perma-
12 nent modification included one or
13 more of—
14 “(AA) additions of de-
15 linquent payments and fees
16 to loan balances;
17 “(BB) interest rate re-
18 ductions and freezes;
19 “(CC) term extensions;
20 “(DD) reductions of
21 principal; or
22 “(EE) deferrals of prin-
23 cipal; and
24 “(bb) whether the total
25 monthly principal and interest

1 payment, as a result of the per-
2 manent modification—

3 “(AA) increased;

4 “(BB) remained the
5 same;

6 “(CC) decreased less
7 than 10 percent;

8 “(DD) decreased be-
9 tween 10 and 20 percent; or

10 “(EE) decreased 20
11 percent or more.

12 “(D) FORBEARANCE DATA.—Each monthly
13 report required under subparagraph (A) shall
14 include, with respect to each loan for which a
15 forbearance has been reported under subpara-
16 graph (C)(i), forbearance-specific data, includ-
17 ing—

18 “(i) the total months of total forbear-
19 ance granted to date; and

20 “(ii) the number of renewals of for-
21 bearance to date.

22 “(E) PUBLIC AVAILABILITY OF AGGRE-
23 GATE DATA.—

24 “(i) IN GENERAL.—Using data sub-
25 mitted by servicers under this paragraph,

1 the Director of the Bureau of Consumer
2 Financial Protection shall make available
3 aggregate data by servicer for each State,
4 Metropolitan Statistical Area, and Metro-
5 politan Division, as defined by the Office
6 of Management and Budget. Such aggre-
7 gate data shall be provided monthly by the
8 Director to Congress and posted on the
9 Bureau of Consumer Financial Protec-
10 tion's website.

11 “(ii) EXCEPTION FOR CERTAIN PER-
12 SONALLY IDENTIFIABLE DATA.—If aggre-
13 gate data described under clause (i) is
14 nonetheless reasonably personally identifi-
15 able, the Director may report the aggre-
16 gate data by servicer on the next larger ge-
17 ographic unit (such that, for example, data
18 would not be reported by Municipal Divi-
19 sion but only by Metropolitan Statistical
20 Area and State).

21 “(F) IMPLEMENTATION.—The Director of
22 the Bureau of Consumer Financial Protection
23 shall, within 60 days of the date of enactment
24 of this paragraph, and in consultation with the
25 Director of the Federal Housing Finance Agen-

1 cy and the Comptroller of the Currency, pre-
2 scribe the format and method of submission of
3 the data required under this paragraph. The
4 Director of the Bureau may prescribe rules for
5 the collection of the data in order to ensure ac-
6 curacy, transparency, and complete data collec-
7 tion, including the collection and reporting of
8 additional data elements, but may not require
9 reporting of fewer data elements than pre-
10 scribed by this paragraph nor less frequent re-
11 porting than required by this paragraph.

12 “(G) DEFINITIONS.—In this paragraph:

13 “(i) COVID–19 EMERGENCY.—The
14 term ‘COVID–19 emergency’ means the
15 national emergency concerning the novel
16 coronavirus disease (COVID–19) outbreak
17 declared by the President on March 13,
18 2020, under the National Emergencies Act
19 (50 U.S.C. 1601 et seq.).

20 “(ii) RESIDENTIAL MORTGAGE
21 LOAN.—The term ‘residential mortgage
22 loan’ has the meaning given that term
23 under section 103(dd) of the Truth in
24 Lending Act (15 U.S.C. 1602(dd)).

1 “(iii) SERVICER.—The term ‘servicer’
2 has the meaning given in section 6(i) of
3 the Real Estate Settlement Procedures Act
4 of 1974 (12 U.S.C. 2605(i)).”.

5 **Subtitle T—Improving FHA Sup-**
6 **port for Small Dollar Mortgages**
7 **Act**

8 **SEC. 42001. SHORT TITLE.**

9 This subtitle may be cited as the “Improving FHA
10 Support for Small Dollar Mortgages Act of 2020”.

11 **SEC. 42002. REVIEW OF FHA SMALL-DOLLAR MORTGAGE**
12 **PRACTICES.**

13 (a) CONGRESSIONAL FINDINGS.—The Congress finds
14 that—

15 (1) affordable homeownership opportunities are
16 being hindered due to the lack of financing available
17 for home purchases under \$70,000;

18 (2) according to the Urban Institute, small-dol-
19 lar mortgage loan applications in 2017 were denied
20 by lenders at double the rate of denial for large
21 mortgage loans, and this difference in denial rates
22 cannot be fully explained by differences in the appli-
23 cants’ credit profiles;

24 (3) according to data compiled by Attom Data
25 solutions, small-dollar mortgage originations have

1 decreased 38 percent since 2009, while there has
2 been a 65 percent increase in origination of mort-
3 gages for more than \$150,000;

4 (4) the FHA's mission is to serve creditworthy
5 borrowers who are underserved and, according to the
6 Urban Institute, the FHA serves 24 percent of the
7 overall market, but only 19 percent of the small-dol-
8 lar mortgage market; and

9 (5) the causes behind these variations are not
10 fully understood, but merit study that could assist in
11 furthering the Department of Housing and Urban
12 Development's mission, including meeting the hous-
13 ing needs of borrowers the program is designed to
14 serve and reducing barriers to homeownership, while
15 protecting the solvency of the Mutual Mortgage In-
16 surance Fund.

17 (b) REVIEW.—The Secretary of Housing and Urban
18 Development shall conduct a review of its FHA single-
19 family mortgage insurance policies, practices, and prod-
20 ucts to identify any barriers or impediments to supporting,
21 facilitating, and making available mortgage insurance for
22 mortgages having an original principal obligation of
23 \$70,000 or less. Not later than the expiration of the 12-
24 month period beginning on the date of the enactment of
25 this subtitle, the Secretary shall submit a report to the

1 Congress describing the findings of such review and the
2 actions that the Secretary will take, without adversely af-
3 fecting the solvency of the Mutual Mortgage Insurance
4 Fund, to remove such barriers and impediments to pro-
5 viding mortgage insurance for such mortgages.

6 **Subtitle U—Rental Eviction**
7 **Moratorium**

8 **SEC. 42101. SHORT TITLE.**

9 This subtitle may be cited as the “Rental Eviction
10 Moratorium Act of 2020”.

11 **SEC. 42102. TEMPORARY MORATORIUM ON EVICTION FIL-**
12 **INGS.**

13 (a) CONGRESSIONAL FINDINGS.—The Congress finds
14 that—

15 (1) according to the 2018 American Community
16 Survey, 36 percent of households in the United
17 States—more than 43 million households—are rent-
18 ers;

19 (2) in 2019 alone, renters in the United States
20 paid \$512 billion in rent;

21 (3) according to the Joint Center for Housing
22 Studies of Harvard University, 20.8 million renters
23 in the United States spent more than 30 percent of
24 their incomes on housing in 2018 and 10.9 million

1 renters spent more than 50 percent of their incomes
2 on housing in the same year;

3 (4) Moody's Analytics estimates that 27 million
4 jobs in the United States economy are at high risk
5 because of COVID-19;

6 (5) the impacts of the spread of COVID-19,
7 which is now considered a global pandemic, are ex-
8 pected to negatively impact the incomes of poten-
9 tially millions of renter households, making it dif-
10 ficult for them to pay their rent on time; and

11 (6) evictions in the current environment would
12 increase homelessness and housing instability which
13 would be counterproductive towards the public
14 health goals of keeping individuals in their homes to
15 the greatest extent possible.

16 (b) MORATORIUM.—During the period beginning on
17 the date of the enactment of this subtitle and ending on
18 the date described in paragraph (1) of subsection (d), the
19 lessor of a covered dwelling may not make, or cause to
20 be made, any filing with the court of jurisdiction to initiate
21 a legal action to recover possession of the covered dwelling
22 from the tenant regardless of cause, except when a tenant
23 perpetrates a serious criminal act that threatens the
24 health, life, or safety of other tenants or staff of the prop-
25 erty in which the covered dwelling is located.

1 (c) DEFINITIONS.—For purposes of this section, the
2 following definitions shall apply:

3 (1) COVERED DWELLING.—The term “covered
4 dwelling” means a dwelling that is occupied by a
5 tenant—

6 (A) pursuant to a residential lease; or

7 (B) without a lease or with a lease ter-
8 minable at will under State law.

9 (2) DWELLING.—The term “dwelling” has the
10 meaning given such term in section 802 of the Fair
11 Housing Act (42 U.S.C. 3602) and includes houses
12 and dwellings described in section 803(b) of such
13 Act (42 U.S.C. 3603(b)).

14 (d) SUNSET.—

15 (1) SUNSET DATE.—The date described in this
16 paragraph is the date of the expiration of the 6-
17 month period that begins upon the termination by
18 the Federal Emergency Management Agency of the
19 emergency declared on March 13, 2020, by the
20 President under the Robert T. Stafford Disaster Re-
21 lief and Emergency Assistance Act (42 U.S.C. 4121
22 et seq.) relating to the Coronavirus Disease 2019
23 (COVID–19) pandemic.

24 (2) NOTICE TO VACATE AFTER SUNSET
25 DATE.—After the date described in paragraph (1),

1 the lessor of a covered dwelling may not require the
2 tenant to vacate the covered dwelling before the ex-
3 piration of the 30-day period that begins upon the
4 provision by the lessor to the tenant, after the date
5 described in paragraph (1), of a notice to vacate the
6 covered dwelling.

7 **TITLE V—EDUCATION**
8 **Subtitle A—Computer Science for**
9 **All**

10 **SEC. 50101. SHORT TITLE.**

11 This subtitle may be cited as the “Computer Science
12 for All Act of 2020”.

13 **SEC. 50102. FINDINGS.**

14 Congress finds that:

15 (1) Computer science is transforming industry,
16 creating new fields of commerce, driving innovation,
17 and bolstering productivity.

18 (2) There are more than 520,000 computing
19 jobs unfilled in the United States as of January
20 2017. It is projected that there will be 1,400,000
21 new jobs in the technology sector by 2020; however,
22 70 percent of those jobs will be unfulfilled at the
23 rate American universities are producing qualified
24 graduates.

1 (3) Knowledge of computer science and use of
2 technology is increasingly essential for all individ-
3 uals, not just those working or planning to work in
4 the technology sector.

5 (4) Providing students with computer science
6 education in elementary school and secondary school
7 is critical for student success, and strengthening the
8 workforce of a 21st century economy.

9 (5) While an estimated 90 percent of parents
10 want computer science taught in their children's
11 schools, just 25 percent of all elementary schools
12 and secondary schools offer high-quality computer
13 science instruction that includes programming and
14 coding.

15 (6) African-Americans, Latinos, Native Ameri-
16 cans, and Pacific Islanders are disproportionately
17 underrepresented in the technology sector. About 9
18 percent of graduates from the Nation's top computer
19 science programs are from underrepresented minor-
20 ity groups. However, only 5 percent of employees at
21 large tech firms belong to an underrepresented mi-
22 nority group

23 (7) While underrepresented minority students
24 overall face an opportunity gap in STEAM edu-
25 cation, women of color particularly face an achieve-

1 ment gap in science and engineering education. In
2 2012, while women received 48.8 percent of all bach-
3 elor's degrees in science and engineering majors,
4 women of color received only 15.7 percent (Black:
5 5.3 percent; Latino: 5.5 percent; Native American or
6 Alaska Native: 0.3 percent, and Asian or Pacific Is-
7 lander: 4.6 percent).

8 (8) Women overall face challenges in accessing
9 computer science education. Only 18 percent of all
10 bachelor's degrees awarded in computer science in
11 2012 went to women, and women of color received
12 only 6.6 percent (Black: 3.0 percent; Latino: 1.7
13 percent; Native American or Alaska Native: 0.1 per-
14 cent, and Asian or Pacific Islander: 1.8 percent).

15 (9) Disparities in enrollment and academic
16 achievement start early. In 2016, only 23 percent of
17 students taking the AP Computer Science exam
18 were women, and just 16 percent were African-
19 American or Latino.

20 (10) Nationwide, only 88 Native American stu-
21 dents took the AP Computer Science exam in 2016,
22 a decrease from 2015. This means that while Native
23 Americans make up about 1.1 percent of the U.S.
24 student population, they made up $\frac{1}{5}$ of a percent of

1 students who took AP Computer Science exams in
2 2016.

3 **SEC. 50103. DEFINITIONS.**

4 In this subtitle:

5 (1) COMPUTATIONAL THINKING.—The term
6 “computational thinking” aims to capture the wide
7 range of creative processes that go into formulating
8 problems and their solutions in such a way that the
9 solutions can be carried out by a computer, and may
10 involve some understanding of software and hard-
11 ware design, logic and the use of abstraction and
12 representation, algorithm design, algorithm expres-
13 sion, problem decomposition, modularity, program-
14 ming paradigms and languages, issues of informa-
15 tion security and privacy, the application of com-
16 putation across a wide range of disciplines, and the
17 societal impact of computing. Programming is a
18 hands-on, inquiry-based way in which computational
19 thinking may be learned.

20 (2) COMPUTER SCIENCE EDUCATION.—The
21 term “computer science education” includes any of
22 the following: computational thinking; software de-
23 sign; hardware architecture and organization; theo-
24 retical foundations; use of abstraction and represen-
25 tation in problem solving; logic; algorithm design

1 and implementation; the limits of computation; pro-
2 gramming paradigms and languages; parallel and
3 distributed computing; information security and pri-
4 vacy; computing systems and networks; graphics and
5 visualization; databases and information retrieval;
6 the relationship between computing and mathe-
7 matics; artificial intelligence; applications of com-
8 puting across a broad range of disciplines and prob-
9 lems; and the social impacts and professional prac-
10 tices of computing.

11 (3) ELIGIBLE TRIBAL SCHOOL.—The term “eli-
12 gible Tribal school” means—

13 (A) a school operated by the Bureau of In-
14 dian Education;

15 (B) a school operated pursuant to the In-
16 dian Self-Determination and Education Assist-
17 ance Act (25 U.S.C. 450 et seq.); or

18 (C) a tribally controlled school (as defined
19 in section 5212 of the Tribally Controlled
20 Schools Act of 1988 (25 U.S.C. 2511)).

21 (4) INSTITUTION OF HIGHER EDUCATION.—The
22 term “institution of higher education” has the
23 meaning given the term in section 102 of the Higher
24 Education Act of 1965 (20 U.S.C. 1002).

1 (5) LOCAL EDUCATIONAL AGENCY.—The term
2 “local educational agency” has the meaning given
3 the term in section 8101 of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 8101).

5 (6) POVERTY LINE.—The term “poverty line”
6 has the meaning given the term in section 8101 of
7 the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 8101).

9 (7) SECRETARY.—The term “Secretary” means
10 the Secretary of Education.

11 (8) STEAM.—The term “STEAM” means the
12 subjects of science, technology, engineering, arts,
13 and mathematics, including computer science.

14 **SEC. 50104. GRANTS TO STATES, LOCAL EDUCATIONAL**
15 **AGENCIES, AND ELIGIBLE TRIBAL SCHOOLS.**

16 (a) GRANTS TO STATES, LOCAL EDUCATIONAL
17 AGENCIES, AND ELIGIBLE TRIBAL SCHOOLS.—

18 (1) IN GENERAL.—The Secretary shall award
19 grants to States, local educational agencies, and eli-
20 gible Tribal schools—

21 (A) that demonstrate an ability to carry
22 out an ambitious computer science education
23 expansion effort for all students served by the
24 State, agency, or school, including traditionally
25 underrepresented students; and

1 (B) to serve as models for national replica-
2 tion of computer science education expansion
3 efforts.

4 (2) CONSORTIA AND PARTNERSHIPS.—A State,
5 local educational agency, or eligible Tribal school
6 may apply for a grant under this section as part of
7 a consortium or in partnership with a State edu-
8 cational agency or other partner.

9 (3) DURATION.—Grants awarded under this
10 section shall be for a period of not more than 5
11 years.

12 (b) APPLICATION REQUIREMENTS.—A State, local
13 educational agency, or eligible Tribal school that desires
14 a grant under this section shall submit an application to
15 the Secretary at such time, in such manner, and con-
16 taining such information as the Secretary may require, in-
17 cluding, at a minimum, plans for the following:

18 (1) Every high school student served by the
19 State, local educational agency, or eligible Tribal
20 school to have access to computer science education
21 not later than 5 years after receipt of grant funds.

22 (2) All students served by the State, local edu-
23 cational agency, or eligible Tribal school to have ac-
24 cess to a progression of computer science education
25 from prekindergarten through middle school that

1 prepares students for high school computer science
2 education.

3 (3) Expansion of overall access to rigorous
4 STEAM classes, utilizing computer science as a cat-
5 alyst for increased interest in STEAM more broadly,
6 and reducing the enrollment and academic achieve-
7 ment gap for underrepresented groups such as mi-
8 norities, girls, and youth from families living at, or
9 below, the poverty line.

10 (4) Continuous monitoring and evaluation of
11 project activities.

12 (5) Effectively sustaining project activities after
13 the grant period ends, and the length of time which
14 the applicant plans to sustain the project activities.

15 (c) USE OF GRANT FUNDS.—

16 (1) REQUIRED ACTIVITIES.—A State, local edu-
17 cational agency, or eligible Tribal school that re-
18 ceives a grant under this section shall use the grant
19 funds for the following activities:

20 (A) Training teachers to teach computer
21 science.

22 (B) Expanding access to high-quality
23 learning materials and online learning options.

24 (C) Creating plans for expanding overall
25 access to rigorous STEAM classes, utilizing

1 computer science as a catalyst for increased in-
2 terest in STEAM more broadly, and reducing
3 course equity gaps for all students, including
4 underrepresented groups such as minorities,
5 girls, and youth from low-income families.

6 (D) Ensuring additional support and re-
7 sources, which may include mentoring for stu-
8 dents traditionally underrepresented in STEAM
9 fields.

10 (2) PERMISSIBLE ACTIVITIES.—A State, local
11 educational agency, or eligible Tribal school that re-
12 ceives a grant under this section may use the grant
13 funds for the following activities:

14 (A) Building effective regional collabora-
15 tions with industry, nonprofit organizations, 2-
16 year and 4-year degree granting institutions of
17 higher education (including community colleges,
18 Historically Black Colleges and Universities,
19 Hispanic-serving institutions, Asian American
20 and Native American Pacific Islander-serving
21 institutions, American Indian Tribally con-
22 trolled colleges and universities, Alaska Native
23 and Native Hawaiian-serving institutions, Pre-
24 dominantly Black Institutions, Native Amer-
25 ican-serving, Non-Tribal institutions, and other

1 minority-serving institutions), and out-of-school
2 providers.

3 (B) Recruiting and hiring instructional
4 personnel as needed, including curriculum spe-
5 cialists.

6 (C) Preparations for effectively sustaining
7 project activities after the grant period ends.

8 (D) Disseminating information about effec-
9 tive practices.

10 (3) LIMITATION.—Not more than 15 percent of
11 a grant may be used to purchase equipment.

12 (d) NATIONAL ACTIVITIES.—The Secretary may re-
13 serve not more than 2.5 percent of funds available for
14 grants under this section for national activities, including
15 technical assistance, evaluation, and dissemination.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$250,000,000.

19 **SEC. 50105. REPORTING REQUIREMENTS.**

20 (a) GRANTEE REPORTS.—Each State, local edu-
21 cational agency, and eligible Tribal school that receives a
22 grant under this subtitle shall submit to the Secretary a
23 report, not less than twice a year during the grant period,
24 on the use of grant funds that shall include data on the
25 numbers of students served through activities funded

1 under this subtitle, disaggregated by race (for Asian and
2 Native Hawaiian or Pacific Islander students using the
3 same race response categories as the decennial census of
4 the population), ethnicity, gender, and eligibility to receive
5 a free or reduced price lunch under the Richard B. Russell
6 National School Lunch Act (42 U.S.C. 1751 et seq.).

7 (b) REPORT BY THE SECRETARY.—Not later than 5
8 years after the first grant is awarded under this subtitle,
9 the Secretary shall submit to Congress a report based on
10 the analysis of reports received under subsection (a) with
11 a recommendation on how to expand the program under
12 this subtitle.

13 **Subtitle B—Real Education for** 14 **Healthy Youth**

15 **SEC. 50201. SHORT TITLE.**

16 This subtitle may be cited as the “Real Education
17 for Healthy Youth Act of 2020”.

18 **SEC. 50202. PURPOSES; FINDING; SENSE OF CONGRESS.**

19 (a) PURPOSES.—The purposes of this subtitle are to
20 provide young people with comprehensive sex education
21 programs that—

22 (1) promote and uphold the rights of young
23 people to information in order to make healthy deci-
24 sions about their sexual health;

1 (2) provide the information and skills all young
2 people need to make informed, responsible, and
3 healthy decisions in order to become sexually healthy
4 adults and have healthy relationships;

5 (3) provide information about the prevention of
6 unintended pregnancy, sexually transmitted infec-
7 tions, including HIV, dating violence, sexual assault,
8 bullying, and harassment; and

9 (4) provide resources and information on topics
10 ranging from gender stereotyping and gender roles
11 and stigma and socio-cultural influences surrounding
12 sex and sexuality.

13 (b) FINDING ON REQUIRED RESOURCES.—In order
14 to provide the comprehensive sex education described in
15 subsection (a), Congress finds that increased resources are
16 required for sex education programs that—

17 (1) substantially incorporate elements of evi-
18 dence-based programs or characteristics of effective
19 programs;

20 (2) cover a broad range of topics, including
21 medically accurate and complete information that is
22 age and developmentally appropriate about all the
23 aspects of sex, sexual health, and sexuality;

24 (3) are gender and gender identity-sensitive,
25 emphasizing the importance of equality and the so-

1 cial environment for achieving sexual and reproduc-
2 tive health and overall well-being;

3 (4) promote educational achievement, critical
4 thinking, decision making, self-esteem, and self-effi-
5 cacy;

6 (5) help develop healthy attitudes and insights
7 necessary for understanding relationships between
8 oneself and others and society;

9 (6) foster leadership skills and community en-
10 gagement by—

11 (A) promoting principles of fairness,
12 human dignity, and respect; and

13 (B) engaging young people as partners in
14 their communities; and

15 (7) are culturally and linguistically appropriate,
16 reflecting the diverse circumstances and realities of
17 young people.

18 (c) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) federally funded sex education programs
21 should aim to—

22 (A) provide information about a range of
23 human sexuality topics, including—

24 (i) human development, healthy rela-
25 tionships, personal skills;

1 (ii) sexual behavior including absti-
2 nence;

3 (iii) sexual health including preventing
4 unintended pregnancy;

5 (iv) sexually transmitted infections in-
6 cluding HIV; and

7 (v) society and culture;

8 (B) promote safe and healthy relation-
9 ships;

10 (C) promote gender equity;

11 (D) use, and be informed by, the best sci-
12 entific information available;

13 (E) be culturally appropriate and inclusive
14 of youth with varying gender identities, gender
15 expressions, and sexual orientations;

16 (F) be built on characteristics of effective
17 programs;

18 (G) expand the existing body of research
19 on comprehensive sex education programs
20 through program evaluation;

21 (H) expand training programs for teachers
22 of comprehensive sex education;

23 (I) build on programs funded under section
24 513 of the Social Security Act (42 U.S.C. 713)
25 and the Office of Adolescent Health's Teen

1 Pregnancy Prevention Program, funded under
2 title II of the Consolidated Appropriations Act,
3 2010 (Public Law 111–117; 123 Stat. 3253),
4 and on programs supported through the Cen-
5 ters for Disease Control and Prevention (CDC);
6 and

7 (J) promote and uphold the rights of
8 young people to information in order to make
9 healthy and autonomous decisions about their
10 sexual health; and

11 (2) no Federal funds should be used for health
12 education programs that—

13 (A) withhold health-promoting or life-sav-
14 ing information about sexuality-related topics,
15 including HIV;

16 (B) are medically inaccurate or have been
17 scientifically shown to be ineffective;

18 (C) promote gender or racial stereotypes;

19 (D) are insensitive and unresponsive to the
20 needs of sexually active young people;

21 (E) are insensitive and unresponsive to the
22 needs of survivors of sexual violence;

23 (F) are insensitive and unresponsive to the
24 needs of youth of all physical, developmental,
25 and mental abilities;

1 (G) are insensitive and unresponsive to the
2 needs of youth with varying gender identities,
3 gender expressions, and sexual orientations; or
4 (H) are inconsistent with the ethical im-
5 peratives of medicine and public health.

6 **SEC. 50203. GRANTS FOR COMPREHENSIVE SEX EDUCATION**
7 **FOR ADOLESCENTS.**

8 (a) PROGRAM AUTHORIZED.—The Secretary, in co-
9 ordination with the Associate Commissioner of the Family
10 and Youth Services Bureau of the Administration on Chil-
11 dren, Youth, and Families of the Department of Health
12 and Human Services, the Director of the Office of Adoles-
13 cent Health, the Director of the Division of Adolescent
14 and School Health within the Centers for Disease Control
15 and Prevention and the Secretary of Education, shall
16 award grants, on a competitive basis, to eligible entities
17 to enable such eligible entities to carry out programs that
18 provide adolescents with comprehensive sex education, as
19 described in subsection (f).

20 (b) DURATION.—Grants awarded under this section
21 shall be for a period of 5 years.

22 (c) ELIGIBLE ENTITY.—In this section, the term “el-
23 igible entity” means a public or private entity that focuses
24 on adolescent health and education or has experience
25 working with adolescents.

1 (d) APPLICATIONS.—An eligible entity desiring a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and containing
4 such information as the Secretary may require, including
5 an assurance to participate in the evaluation described in
6 section 50206.

7 (e) PRIORITY.—In awarding grants under this sec-
8 tion, the Secretary shall give priority to eligible entities
9 that—

10 (1) are State or local public entities;

11 (2) are entities not currently receiving funds
12 under—

13 (A) section 513 of the Social Security Act
14 (42 U.S.C. 713);

15 (B) the Office of Adolescent Health’s Teen
16 Pregnancy Prevention Program, funded under
17 title II of the Consolidated Appropriations Act,
18 2010 (Public Law 111–117; 123 Stat. 3253),
19 or any substantially similar successive program;
20 or

21 (C) the Centers for Disease Control and
22 Prevention’s Division of Adolescent and School
23 Health; and

24 (3) address health inequities among young peo-
25 ple that face systemic barriers resulting in dis-

1 proportionate rates of not less than one of the fol-
2 lowing:

3 (A) Unintended pregnancies.

4 (B) Sexually transmitted infections, includ-
5 ing HIV.

6 (C) Dating violence and sexual violence.

7 (f) USE OF FUNDS.—

8 (1) IN GENERAL.—Each eligible entity that re-
9 ceives a grant under this section shall use the grant
10 funds to carry out an education program that pro-
11 vides adolescents with comprehensive sex education
12 that—

13 (A) is age and developmentally appro-
14 priate;

15 (B) is medically accurate and complete;

16 (C) substantially incorporates elements of
17 evidence-based sex education instruction; or

18 (D) creates a demonstration project based
19 on characteristics of effective programs.

20 (2) CONTENTS OF COMPREHENSIVE SEX EDU-
21 CATION PROGRAMS.—The comprehensive sex edu-
22 cation programs funded under this section shall in-
23 clude instruction and materials that address—

24 (A) the physical, social, and emotional
25 changes of human development, including

1 human anatomy, reproduction, and sexual de-
2 velopment;

3 (B) healthy relationships, including friend-
4 ships, within families, and society, that are
5 based on mutual respect, and the ability to dis-
6 tinguish between healthy and unhealthy rela-
7 tionships, including—

8 (i) effective communication, negotia-
9 tion, and refusal skills, including the skills
10 to recognize and report inappropriate or
11 abusive sexual advances;

12 (ii) bodily autonomy, setting and re-
13 specting personal boundaries, practicing
14 personal safety, and consent; and

15 (iii) the limitations and harm of gen-
16 der-role stereotypes, violence, coercion, bul-
17 lying, harassment, and intimidation in re-
18 lationships;

19 (C) healthy decision making skills about
20 sexuality and relationships that include—

21 (i) critical thinking, problem solving,
22 self-efficacy, stress-management, self-care,
23 and decision making;

24 (ii) individual values and attitudes;

1 (iii) the promotion of positive body
2 images;

3 (iv) developing an understanding that
4 there are a range of body types and en-
5 couraging positive feeling about students'
6 own body types;

7 (v) information on how to respect oth-
8 ers and ensure safety on the internet and
9 when using other forms of digital commu-
10 nication;

11 (vi) information on local services and
12 resources where students can obtain addi-
13 tional information related to bullying, har-
14 assment, dating violence and sexual as-
15 sault, suicide prevention, and other related
16 care;

17 (vii) encouragement for youth to com-
18 municate with their parents or guardians,
19 health and social service professionals, and
20 other trusted adults about sexuality and
21 intimate relationships;

22 (viii) information on how to create a
23 safe environment for all students and oth-
24 ers in society;

1 (ix) examples of varying types of rela-
2 tionships, couples, and family structures;
3 and

4 (x) affirmative representation of vary-
5 ing gender identities, gender expressions,
6 and sexual orientations, including individ-
7 uals and relationships between same sex
8 couples and their families;

9 (D) abstinence, delaying age of first sexual
10 activity, the use of condoms, preventive medica-
11 tion, vaccination, birth control, and other sexu-
12 ally transmitted infection prevention measures,
13 and the options for pregnancy, including par-
14 enting, adoption, and abortion, including—

15 (i) the importance of effectively using
16 condoms, preventive medication, and appli-
17 cable vaccinations to protect against sexu-
18 ally transmitted infections, including HIV;

19 (ii) the benefits of effective contracep-
20 tive and condom use in avoiding unin-
21 tended pregnancy;

22 (iii) the relationship between sub-
23 stance use and sexual health and behav-
24 iors; and

1 (iv) information about local health
2 services where students can obtain addi-
3 tional information and services related to
4 sexual and reproductive health and other
5 related care;

6 (E) through affirmative recognition, the
7 roles that traditions, values, religion, norms,
8 gender roles, acculturation, family structure,
9 health beliefs, and political power play in how
10 students make decisions that affect their sexual
11 health, using examples of various types of races,
12 ethnicities, cultures, and families, including sin-
13 gle-parent households and young families;

14 (F) information about gender identity,
15 gender expression, and sexual orientation for all
16 students, including—

17 (i) affirmative recognition that people
18 have different gender identities, gender ex-
19 pressions, and sexual orientations; and

20 (ii) community resources that can pro-
21 vide additional support for individuals with
22 varying gender identities, gender expres-
23 sions, and sexual orientations; and

24 (G) opportunities to explore the roles that
25 race, ethnicity, immigration status, disability

1 status, economic status, homelessness, foster
2 care status, and language within different com-
3 munities affect sexual attitudes in society and
4 culture and how this may impact student sexual
5 health.

6 **SEC. 50204. GRANTS FOR COMPREHENSIVE SEX EDUCATION**
7 **AT INSTITUTIONS OF HIGHER EDUCATION.**

8 (a) PROGRAM AUTHORIZED.—The Secretary, in co-
9 ordination with the Secretary of Education, shall award
10 grants, on a competitive basis, to institutions of higher
11 education or consortia of such institutions to enable such
12 institutions to provide young people with comprehensive
13 sex education, described in subsection (e)(2).

14 (b) DURATION.—Grants awarded under this section
15 shall be for a period of 5 years.

16 (c) APPLICATIONS.—An institution of higher edu-
17 cation or consortia of such institutions desiring a grant
18 under this section shall submit an application to the Sec-
19 retary at such time, in such manner, and containing such
20 information as the Secretary may require, including an as-
21 surance to participate in the evaluation described in sec-
22 tion 50206.

23 (d) PRIORITY.—In awarding grants under this sec-
24 tion, the Secretary shall give priority to an institution of
25 higher education that—

1 (1) has an enrollment of needy students as de-
2 fined in section 318(b) of the Higher Education Act
3 of 1965 (20 U.S.C. 1059e(b));

4 (2) is a Hispanic-serving institution, as defined
5 in section 502(a) of such Act (20 U.S.C. 1101a(a));

6 (3) is a Tribal College or University, as defined
7 in section 316(b) of such Act (20 U.S.C. 1059c(b));

8 (4) is an Alaska Native-serving institution, as
9 defined in section 317(b) of such Act (20 U.S.C.
10 1059d(b));

11 (5) is a Native Hawaiian-serving institution, as
12 defined in section 317(b) of such Act (20 U.S.C.
13 1059d(b));

14 (6) is a Predominately Black Institution, as de-
15 fined in section 318(b) of such Act (20 U.S.C.
16 1059e(b));

17 (7) is a Native American-serving, non-Tribal in-
18 stitution, as defined in section 319(b) of such Act
19 (20 U.S.C. 1059f(b));

20 (8) is an Asian American and Native American
21 Pacific Islander-serving institution, as defined in
22 section 320(b) of such Act (20 U.S.C. 1059g(b)); or

23 (9) is a minority institution, as defined in sec-
24 tion 365 of such Act (20 U.S.C. 1067k), with an en-

rollment of needy students, as defined in section 312 of such Act (20 U.S.C. 1058).

(e) USES OF FUNDS.—

(1) IN GENERAL.—An institution of higher education receiving a grant under this section shall use grant funds to integrate issues relating to comprehensive sex education into the institution of higher education in order to reach a large number of students, by carrying out one or more of the following activities:

(A) Developing or adopting educational content for issues relating to comprehensive sex education that will be incorporated into student orientation, general education, or core courses.

(B) Developing or adopting, and implementing schoolwide educational programming outside of class that delivers elements of comprehensive sex education programs to students, faculty, and staff.

(C) Developing or adopting innovative technology-based approaches to deliver sex education to students, faculty, and staff.

(D) Developing or adopting, and implementing peer-outreach and education programs to generate discussion, educate, and raise

1 awareness among students about issues relating
2 to comprehensive sex education.

3 (2) CONTENTS OF SEX EDUCATION PRO-
4 GRAMS.—Each institution of higher education’s pro-
5 gram of comprehensive sex education funded under
6 this section shall include instruction and materials
7 that address the topics described in section
8 50203(f)(2).

9 **SEC. 50205. GRANTS FOR PRE-SERVICE AND IN-SERVICE**
10 **TEACHER TRAINING.**

11 (a) PROGRAM AUTHORIZED.—The Secretary, in co-
12 ordination with the Director of the Centers for Disease
13 Control and Prevention and the Secretary of Education,
14 shall award grants, on a competitive basis, to eligible enti-
15 ties to enable such eligible entities to carry out the activi-
16 ties described in subsection (e).

17 (b) DURATION.—Grants awarded under this section
18 shall be for a period of 5 years.

19 (c) ELIGIBLE ENTITY.—In this section, the term “el-
20 igible entity” means—

21 (1) a State educational agency;

22 (2) a local educational agency;

23 (3) a Tribe or Tribal organization, as defined in
24 section 4 of the Indian Self-Determination and Edu-
25 cation Assistance Act (25 U.S.C. 5304);

- 1 (4) a State or local department of health;
- 2 (5) a State or local department of education;
- 3 (6) an educational service agency;
- 4 (7) a nonprofit institution of higher education;
- 5 (8) a national or statewide nonprofit organiza-
- 6 tion that has as its primary purpose the improve-
- 7 ment of provision of comprehensive sex education
- 8 through training and effective teaching of com-
- 9 prehensive sex education; or
- 10 (9) a consortium of nonprofit organizations that
- 11 has as its primary purpose the improvement of pro-
- 12 vision of comprehensive sex education through train-
- 13 ing and effective teaching of comprehensive sex edu-
- 14 cation.

15 (d) APPLICATION.—An eligible entity desiring a
16 grant under this section shall submit an application to the
17 Secretary at such time, in such manner, and containing
18 such information as the Secretary may require, including
19 an assurance to participate in the evaluation described in
20 section 50206.

21 (e) AUTHORIZED ACTIVITIES.—

22 (1) REQUIRED ACTIVITY.—Each eligible entity
23 receiving a grant under this section shall use grant
24 funds for professional development and training of
25 relevant faculty, school administrators, teachers, and

1 staff, in order to increase effective teaching of com-
2 prehensive sex education to students.

3 (2) PERMISSIBLE ACTIVITIES.—Each eligible
4 entity receiving a grant under this section may use
5 grant funds to—

6 (A) provide research-based training of
7 teachers for comprehensive sex education for
8 adolescents as a means of broadening student
9 knowledge about issues related to human devel-
10 opment, healthy relationships, personal skills,
11 and sexual behavior, including abstinence, sex-
12 ual health, and society and culture;

13 (B) support the dissemination of informa-
14 tion on effective practices and research findings
15 concerning the teaching of comprehensive sex
16 education;

17 (C) support research on—

18 (i) effective comprehensive sex edu-
19 cation teaching practices; and

20 (ii) the development of assessment in-
21 struments and strategies to document—

22 (I) student understanding of
23 comprehensive sex education; and

24 (II) the effects of comprehensive
25 sex education;

1 (D) convene national conferences on com-
2 prehensive sex education, in order to effectively
3 train teachers in the provision of comprehensive
4 sex education; and

5 (E) develop and disseminate appropriate
6 research-based materials to foster comprehen-
7 sive sex education.

8 (3) SUBGRANTS.—Each eligible entity receiving
9 a grant under this section may award subgrants to
10 nonprofit organizations that possess a demonstrated
11 record of providing training to faculty, school admin-
12 istrators, teachers, and staff on comprehensive sex
13 education to—

14 (A) train teachers in comprehensive sex
15 education;

16 (B) support internet or distance learning
17 related to comprehensive sex education;

18 (C) promote rigorous academic standards
19 and assessment techniques to guide and meas-
20 ure student performance in comprehensive sex
21 education;

22 (D) encourage replication of best practices
23 and model programs to promote comprehensive
24 sex education;

1 (E) develop and disseminate effective, re-
2 search-based comprehensive sex education
3 learning materials;

4 (F) develop academic courses on the peda-
5 gogy of sex education at institutions of higher
6 education; or

7 (G) convene State-based conferences to
8 train teachers in comprehensive sex education
9 and to identify strategies for improvement.

10 **SEC. 50206. IMPACT EVALUATION AND REPORTING.**

11 (a) MULTI-YEAR EVALUATION.—

12 (1) IN GENERAL.—Not later than 6 months
13 after the date of the enactment of this Act, the Sec-
14 retary shall enter into a contract with a nonprofit
15 organization with experience in conducting impact
16 evaluations to conduct a multi-year evaluation on the
17 impact of the grants under sections 50203, 50204,
18 and 50205, and to report to Congress and the Sec-
19 retary on the findings of such evaluation.

20 (2) EVALUATION.—The evaluation conducted
21 under this subsection shall—

22 (A) be conducted in a manner consistent
23 with relevant, nationally recognized professional
24 and technical evaluation standards;

1 (B) use sound statistical methods and
2 techniques relating to the behavioral sciences,
3 including quasi-experimental designs, inferential
4 statistics, and other methodologies and tech-
5 niques that allow for conclusions to be reached;

6 (C) be carried out by an independent orga-
7 nization that has not received a grant under
8 section 50203, 50204, or 50205; and

9 (D) be designed to provide information
10 on—

11 (i) output measures, such as the num-
12 ber of individuals served under the grant
13 and the number of hours of instruction;

14 (ii) outcome measures, including
15 measures relating to—

16 (I) the knowledge that individ-
17 uals participating in the grant pro-
18 gram have gained with respect to—

19 (aa) growth and develop-
20 ment;

21 (bb) relationship dynamics;

22 (cc) ways to prevent unin-
23 tended pregnancy and sexually
24 transmitted infections, including
25 HIV; and

1 (dd) sexual health;

2 (II) the age and developmentally
3 appropriate skills that individuals par-
4 ticipating in the grant program have
5 gained regarding—

6 (aa) negotiation and commu-
7 nication;

8 (bb) decision making and
9 goal-setting;

10 (cc) interpersonal skills and
11 healthy relationships; and

12 (dd) condom use; and

13 (III) the behaviors of adolescents
14 participating in the grant program,
15 including data about—

16 (aa) age of first intercourse;

17 (bb) condom and contracep-
18 tive use at first intercourse;

19 (cc) recent condom and con-
20 traceptive use;

21 (dd) substance use;

22 (ee) dating abuse and life-
23 time history of sexual assault,
24 dating violence, bullying, harass-
25 ment, stalking; and

1 (ff) academic performance;
2 and

3 (iii) other measures necessary to
4 evaluate the impact of the grant program.

5 (3) REPORT.—Not later than 6 years after the
6 date of enactment of this Act, the organization con-
7 ducting the evaluation under this subsection shall
8 prepare and submit to the appropriate committees of
9 Congress and the Secretary an evaluation report.
10 Such report shall be made publicly available, includ-
11 ing on the website of the Department of Health and
12 Human Services.

13 (b) SECRETARY’S REPORT TO CONGRESS.—Not later
14 than 1 year after the date of the enactment of this Act,
15 and annually thereafter for a period of 5 years, the Sec-
16 retary shall prepare and submit to the appropriate com-
17 mittees of Congress a report on the activities to provide
18 adolescents and young people with comprehensive sex edu-
19 cation and pre-service and in-service teacher training
20 funded under this subtitle. The Secretary’s report to Con-
21 gress shall include—

22 (1) a statement of how grants awarded by the
23 Secretary meet the purposes described in section
24 50202(a); and

25 (2) information about—

1 (A) the number of eligible entities and in-
2 stitutions of higher education that are receiving
3 grant funds under sections 50203, 50204, and
4 50205;

5 (B) the specific activities supported by
6 grant funds awarded under sections 50203,
7 50204, and 50205;

8 (C) the number of adolescents served by
9 grant programs funded under section 50203;

10 (D) the number of young people served by
11 grant programs funded under section 50204;

12 (E) the number of faculty, school adminis-
13 trators, teachers, and staff trained under sec-
14 tion 50205; and

15 (F) the status of the evaluation required
16 under subsection (a).

17 **SEC. 50207. NONDISCRIMINATION.**

18 Programs funded under this subtitle shall not dis-
19 criminate on the basis of actual or perceived sex, race,
20 color, ethnicity, national origin, disability, sexual orienta-
21 tion, gender identity, or religion. Nothing in this subtitle
22 shall be construed to invalidate or limit rights, remedies,
23 procedures, or legal standards available under any other
24 Federal law or any law of a State or a political subdivision
25 of a State, including the Civil Rights Act of 1964 (42

1 U.S.C. 2000a et seq.), title IX of the Education Amend-
2 ments of 1972 (20 U.S.C. 1681 et seq.), section 504 of
3 the Rehabilitation Act of 1973 (29 U.S.C. 794), the Amer-
4 icans with Disabilities Act of 1990 (42 U.S.C. 12101 et
5 seq.), and section 1557 of the Patient Protection and Af-
6 fordable Care Act (42 U.S.C. 18116).

7 **SEC. 50208. LIMITATION.**

8 No Federal funds provided under this subtitle may
9 be used for health education programs that—

10 (1) withhold health-promoting or life-saving in-
11 formation about sexuality-related topics, including
12 HIV;

13 (2) are medically inaccurate or have been sci-
14 entifically shown to be ineffective;

15 (3) promote gender or racial stereotypes;

16 (4) are insensitive and unresponsive to the
17 needs of sexually active young people;

18 (5) are insensitive and unresponsive to the
19 needs of pregnant or parenting young people;

20 (6) are insensitive and unresponsive to the
21 needs of survivors of sexual abuse or assault;

22 (7) are insensitive and unresponsive to the
23 needs of youth of all physical, developmental, or
24 mental abilities;

1 (8) are insensitive and unresponsive to individ-
2 uals with varying gender identities, gender expres-
3 sions, and sexual orientations; or

4 (9) are inconsistent with the ethical imperatives
5 of medicine and public health.

6 **SEC. 50209. AMENDMENTS TO OTHER LAWS.**

7 (a) AMENDMENT TO THE PUBLIC HEALTH SERVICE
8 ACT.—Section 2500 of the Public Health Service Act (42
9 U.S.C. 300ee) is amended by striking subsections (b)
10 through (d) and inserting the following:

11 “(b) CONTENTS OF PROGRAMS.—All programs of
12 education and information receiving funds under this sub-
13 chapter shall include information about the potential ef-
14 fects of intravenous substance abuse.”.

15 (b) AMENDMENTS TO THE ELEMENTARY AND SEC-
16 ONDARY EDUCATION ACT OF 1965.—Section 8526 of the
17 Elementary and Secondary Education Act of 1965 (20
18 U.S.C. 7906) is amended—

19 (1) by striking paragraph (3);

20 (2) by redesignating paragraphs (4) and (5) as
21 paragraphs (3) and (4), respectively;

22 (3) in paragraph (4), by inserting “or” after
23 the semicolon;

24 (4) in paragraph (5), by striking “; or” and in-
25 serting a period; and

1 (5) by striking paragraph (6).

2 **SEC. 50210. DEFINITIONS.**

3 In this subtitle:

4 (1) **ADOLESCENTS.**—The term “adolescents”
5 means individuals who are ages 10 through 19 at
6 the time of commencement of participation in a pro-
7 gram supported under this subtitle.

8 (2) **AGE AND DEVELOPMENTALLY APPRO-**
9 **PRIATE.**—The term “age and developmentally appro-
10 priate” means topics, messages, and teaching meth-
11 ods suitable to particular age, age group of children
12 and adolescents, or developmental levels, based on
13 cognitive, emotional, social, and behavioral capacity
14 of most students at that age level.

15 (3) **APPROPRIATE COMMITTEES OF CON-**
16 **GRESS.**—The term “appropriate committees of Con-
17 gress” means the Committee on Health, Education,
18 Labor, and Pensions of the Senate, the Committee
19 on Appropriations of the Senate, the Committee on
20 Energy and Commerce of the House of Representa-
21 tives, the Committee on Education and the Work-
22 force of the House of Representatives, and the Com-
23 mittee on Appropriations of the House of Represent-
24 atives.

1 (4) CHARACTERISTICS OF EFFECTIVE PRO-
2 GRAMS.—The term “characteristics of effective pro-
3 grams” means the aspects of evidence-based pro-
4 grams, including development, content, and imple-
5 mentation of such programs, that—

6 (A) have been shown to be effective in
7 terms of increasing knowledge, clarifying values
8 and attitudes, increasing skills, and impacting
9 upon behavior; and

10 (B) are widely recognized by leading med-
11 ical and public health agencies to be effective in
12 changing sexual behaviors that lead to sexually
13 transmitted infections, including HIV, unin-
14 tended pregnancy, and dating violence and sex-
15 ual assault among young people.

16 (5) COMPREHENSIVE SEX EDUCATION.—The
17 term “comprehensive sex education” means instruc-
18 tional part of a comprehensive school health edu-
19 cation approach which addresses the physical, men-
20 tal, emotional, and social dimensions of human sexu-
21 ality; designed to motivate and assist students to
22 maintain and improve their sexual health, prevent
23 disease and reduce sexual health-related risk behav-
24 iors; and enable and empower students to develop
25 and demonstrate age and developmentally appro-

1 puate sexuality and sexual health-related knowledge,
2 attitudes, skills, and practices.

3 (6) CONSENT.—The term “consent” means af-
4 firmative, conscious, and voluntary agreement to en-
5 gage in interpersonal, physical, or sexual activity.

6 (7) CULTURALLY APPROPRIATE.—The term
7 “culturally appropriate” means materials and in-
8 struction that respond to culturally diverse individ-
9 uals, families and communities in an inclusive, re-
10 respectful and effective manner; including materials
11 and instruction that are inclusive of race, ethnicity,
12 languages, cultural background, religion, sex, gender
13 identity, sexual orientation, and different abilities.

14 (8) EVIDENCE-BASED.—The term “evidence-
15 based”, when used with respect to sex education in-
16 struction means a sex education program that has
17 been proven through rigorous evaluation to be effec-
18 tive in changing sexual behavior or incorporates ele-
19 ments of other programs that have been proven to
20 be effective in changing sexual behavior.

21 (9) GENDER EXPRESSION.—The term “gender
22 expression”, when used with respect to a sex edu-
23 cation program, means the expression of one’s gen-
24 der, such as through behavior, clothing, haircut, or
25 voice, and which may or may not conform to socially

1 defined behaviors and characteristics typically asso-
2 ciated with being either masculine or feminine.

3 (10) GENDER IDENTITY.—Except with respect
4 to section 50207, the term “gender identity”, when
5 used with respect to a sex education program, means
6 the gender-related identity, appearance, mannerisms,
7 or other gender-related characteristics of an indi-
8 vidual, regardless of the individual’s designated sex
9 at birth including a person’s deeply held sense or
10 knowledge of their own gender; such as male, fe-
11 male, both or neither.

12 (11) INCLUSIVE.—The term “inclusive”, when
13 used with respect to a sex education program, means
14 curriculum that ensures that students from histori-
15 cally marginalized communities are reflected in
16 classroom materials and lessons.

17 (12) INSTITUTION OF HIGHER EDUCATION.—
18 The term “institution of higher education” has the
19 meaning given the term in section 101 of the Higher
20 Education Act of 1965 (20 U.S.C. 1001).

21 (13) MEDICALLY ACCURATE AND COMPLETE.—
22 The term “medically accurate and complete”, when
23 used with respect to a sex education program, means
24 that—

1 (A) the information provided through the
2 program is verified or supported by the weight
3 of research conducted in compliance with ac-
4 cepted scientific methods and is published in
5 peer-reviewed journals, where applicable; or

6 (B)(i) the program contains information
7 that leading professional organizations and
8 agencies with relevant expertise in the field rec-
9 ognize as accurate, objective, and complete; and

10 (ii) the program does not withhold infor-
11 mation about the effectiveness and benefits of
12 correct and consistent use of condoms and
13 other contraceptives.

14 (14) SECRETARY.—The term “Secretary”
15 means the Secretary of Health and Human Services.

16 (15) SEXUAL DEVELOPMENT.—The term “sex-
17 ual development” means the lifelong process of phys-
18 ical, behavioral, cognitive, and emotional growth and
19 change as it relates to an individual’s sexuality and
20 sexual maturation, including puberty, identity devel-
21 opment, socio-cultural influences, and sexual behav-
22 iors.

23 (16) SEXUAL ORIENTATION.—Except with re-
24 spect to section 50207, the term “sexual orienta-
25 tion”, when used with respect to a sex education

1 program, means an individual's attraction, including
2 physical or emotional, to the same or different gen-
3 der.

4 (17) YOUNG PEOPLE.—The term “young peo-
5 ple” means individuals who are ages 10 through 24
6 at the time of commencement of participation in a
7 program supported under this subtitle.

8 **SEC. 50211. FUNDING.**

9 (a) APPROPRIATION.—For the purpose of carrying
10 out this subtitle, there is appropriated \$75,000,000 for
11 each of fiscal years 2021 through 2026. Amounts appro-
12 priated under this subsection shall remain available until
13 expended.

14 (b) RESERVATIONS OF FUNDS.—

15 (1) The Secretary shall reserve 50 percent of
16 the amount appropriated under subsection (a) for
17 the purposes of awarding grants for comprehensive
18 sex education for adolescents under section 50203.

19 (2) The Secretary shall reserve 25 percent of
20 the amount appropriated under subsection (a) for
21 the purposes of awarding grants for comprehensive
22 sex education at institutes of higher education under
23 section 50204.

24 (3) The Secretary shall reserve 20 percent of
25 the amount appropriated under subsection (a) for

1 the purposes of awarding grants for pre-service and
2 in-service teacher training under section 50205.

3 (4) The Secretary shall reserve 2 percent of the
4 amount appropriated under subsection (a) for the
5 purpose of carrying out the impact evaluation and
6 reporting required under section 50206(a).

7 (c) SECRETARIAL RESPONSIBILITIES.—The Sec-
8 retary shall reserve 3 percent of the amount appropriated
9 under subsection (a) for each fiscal year for expenditures
10 by the Secretary to provide, directly or through a competi-
11 tive grant process, research, training, and technical assist-
12 ance, including dissemination of research and information
13 regarding effective and promising practices, providing con-
14 sultation and resources, and developing resources and ma-
15 terials to support the activities of recipients of grants. In
16 carrying out such functions, the Secretary shall collabo-
17 rate with a variety of entities that have expertise in adoles-
18 cent sexual health development, education, and promotion.

19 (d) REPROGRAMMING OF ABSTINENCE ONLY UNTIL
20 MARRIAGE PROGRAM FUNDING.—The unobligated bal-
21 ance of funds made available to carry out section 510 of
22 the Social Security Act (42 U.S.C. 710) (as in effect on
23 the day before the date of enactment of this Act) are here-
24 by transferred and shall be used by the Secretary to carry
25 out this subtitle. The amounts transferred and made avail-

1 able to carry out this subtitle shall remain available until
2 expended.

3 (e) REPEAL OF ABSTINENCE ONLY UNTIL MAR-
4 RIAGE PROGRAM.—Section 510 of the Social Security Act
5 (42 U.S.C. 710 et seq.) is repealed.

6 **Subtitle C—Ronald V. Dellums Me-**
7 **memorial Fellowship for Women of**
8 **Color in STEAM and National**
9 **Security**

10 **SEC. 50301. SHORT TITLE.**

11 This subtitle may be cited as the “Ronald V. Dellums
12 Memorial Fellowship for Women of Color in STEAM and
13 National Security Act”.

14 **SEC. 50302. FINDINGS.**

15 Congress finds the following:

16 (1) From 1993 to 1995, Ronald V. Dellums
17 served as the Chairman of the Armed Services Com-
18 mittee of the House of Representatives after 20
19 years of service on such Committee.

20 (2) As a stalwart champion of diversity and in-
21 clusion, Chairman Dellums was an early supporter
22 of integrating lesbian, gay, transgender, and bisex-
23 ual individuals into the military.

24 (3) Before Chairman Dellums was elected to
25 the House of Representatives in 1970, he was a psy-

1 chiatric social worker, community organizer, and lec-
2 turer.

3 (4) Chairman Dellums served in the United
4 States Marine Corps from 1954 to 1956.

5 (5) In section 4201 of the Fiscal Year 2018
6 National Defense Authorization Act, Congress reit-
7 erated the importance of prioritizing this relation-
8 ship by authorizing more than \$12,000,000 above
9 the President's requests, including 2,000,000 au-
10 thorized specifically for minority women in the fields
11 of science, technology, engineering, and mathe-
12 matics.

13 (6) While women of color have made significant
14 progress in graduating from college in the areas of
15 study related to STEAM, they continue to be under-
16 represented in the STEAM fields.

17 (7) While underrepresented minority students
18 overall face an opportunity gap in STEAM edu-
19 cation, women of color face a larger achievement gap
20 in science and engineering education.

21 (8) In 2016, of bachelor's degrees awarded in
22 STEAM majors—

23 (A) women received 36 percent;

24 (B) Black individuals received 13 percent;

1 (C) Hispanic individuals received 15 per-
2 cent;

3 (D) Native American or Alaska Native in-
4 dividuals received 14 percent; and

5 (E) Asian or Pacific Islander individuals
6 received 33 percent.

7 (9) A 2017 report published by the National
8 Science Foundation found that the percentage of all
9 bachelor's degrees in computer sciences, mathe-
10 matics, and statistics, and engineering received by
11 women of color has declined since 1996.

12 (10) Intentional and proactive strategies and
13 programs are necessary to ensure the underrepresen-
14 tation of women of color in the disciplines and pro-
15 fessions related to STEAM fields is appropriately
16 addressed to ensure broad and inclusive participa-
17 tion in areas of national importance.

18 **SEC. 50303. FELLOWSHIP PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary of Defense
20 shall establish a fellowship program, which shall be known
21 as the “Ronald V. Dellums Memorial Fellowship for
22 Women of Color in STEAM”, to provide scholarships and
23 internships for eligible students with high potential talent
24 in STEAM.

1 (b) OBJECTIVES.—In carrying out the program, the
2 Secretary shall—

3 (1) consult with institutions of higher education
4 and relevant professional associations, nonprofit or-
5 ganizations, and relevant defense industry represent-
6 atives on the design of the program; and

7 (2) design the program in a manner such that
8 the program—

9 (A) increases awareness of and interest in
10 employment at a Defense Agency among under-
11 represented students in the STEAM fields, par-
12 ticularly women of color, who are pursuing a
13 degree in a STEAM field;

14 (B) supports the academic careers of
15 underrepresented students, especially women of
16 color, in STEAM fields; and

17 (C) builds a pipeline of women of color
18 with exemplary academic achievements in a
19 STEAM field who can pursue careers in na-
20 tional security and in areas of national need.

21 (c) COMPONENTS.—The fellowship program shall
22 consist of—

23 (1) a scholarship program under subsection (d);
24 and

25 (2) an internship program under subsection (e).

1 (d) SELECTION.—

2 (1) IN GENERAL.—Each fiscal year, subject to
3 the availability of funds, the Secretary shall select at
4 least 30 eligible students to participate in the fellow-
5 ship program for a period of 2 years.

6 (2) STUDENTS FROM MINORITY-SERVING INSTI-
7 TUTIONS AND HISTORICALLY BLACK COLLEGES AND
8 UNIVERSITIES.—The Secretary may not award fewer
9 than 50 percent of the fellowships under this section
10 to eligible students who attend historically Black col-
11 leges and universities and other minority-serving in-
12 stitutions, including Hispanic-serving institutions,
13 Asian American and Native American Pacific Is-
14 lander-serving institutions, American Indian Tribally
15 controlled colleges and universities, Alaska Native
16 and Native Hawaiian-serving institutions, Tribal col-
17 leges and universities, Predominantly Black Institu-
18 tions, and Native American-serving, Non-Tribal in-
19 stitutions.

20 (3) SCHOLARSHIP.—Each fellow shall receive a
21 scholarship of up to \$50,000 each academic year of
22 the fellowship program. A fellow who receives a
23 scholarship may only use the scholarship funds to
24 pay for the cost of attendance at an institution of
25 higher education.

1 (4) CONSIDERATION OF UNDERREPRESENTED
2 STUDENTS IN STEAM FIELDS.—In awarding a fel-
3 lowship under this section, the Secretary shall con-
4 sider—

5 (A) the number and distribution of minor-
6 ity and female students nationally in science
7 and engineering majors;

8 (B) the projected need for highly trained
9 individuals in all fields of science and engineer-
10 ing;

11 (C) the present and projected need for
12 highly trained individuals in science and engi-
13 neering career fields in which minorities and
14 women are underrepresented; and

15 (D) the lack of minorities and women in
16 national security, especially in science and engi-
17 neering fields in which such individuals are tra-
18 ditionally underrepresented.

19 (5) STUDENT AGREEMENT.—As a condition of
20 the receipt of a scholarship under this section, a fel-
21 low shall agree—

22 (A) to maintain satisfactory academic
23 standing in accordance with standards deter-
24 mined by the institution of higher education at
25 which the student is enrolled;

1 (B) to complete an internship described in
2 subsection (e) in a manner that the Secretary
3 determines is satisfactory;

4 (C) upon completion of the degree that the
5 student pursues while in the fellowship pro-
6 gram, to work for the Federal Government or
7 in the field of education in the area of study for
8 which the scholarship or fellowship was award-
9 ed, for a period specified by the Secretary,
10 which shall not be longer than the period for
11 which scholarship assistance was provided to
12 such student; and

13 (D) to return the amount of the assistance
14 provided the recipient under the program with
15 interest at a rate no higher than the high yield
16 of the 10-year Treasury note auctioned at the
17 final auction held prior to such June 1 if the
18 student fails to comply with any of subsections
19 (A) through (E).

20 (6) ENFORCEMENT OF AGREEMENT.—The Sec-
21 retary may enforce the agreement under paragraph
22 (5) as the Secretary determines appropriate.

23 (e) INTERNSHIP.—

24 (1) IN GENERAL.—The Secretary shall establish
25 an internship program that provides each student

1 who is awarded a fellowship under this section with
2 an internship at a Defense Agency.

3 (2) REQUIREMENTS.—Each internship shall—

4 (A) to the extent practicable, last for a pe-
5 riod of at least 10 weeks;

6 (B) include a stipend for transportation
7 and living expenses incurred by the fellow dur-
8 ing the fellowship; and

9 (C) be completed during the initial 2-year
10 period of the fellowship.

11 (3) MENTORSHIP.—To the extent practicable,
12 each fellow shall be paired with a mid-level or a sen-
13 ior-level official of the Defense Agency who shall
14 serve as a mentor during the internship.

15 (f) EXTENSIONS.—

16 (1) IN GENERAL.—Subject to this section, a fel-
17 low may apply for, and the Secretary may grant, a
18 1-year extension of the fellowship.

19 (2) NUMBER OF EXTENSIONS.—There shall be
20 no limit on the number of extensions under para-
21 graph (1) that the Secretary may grant an eligible
22 student.

23 (3) LIMITATION ON DEGREES.—A fellow may
24 use an extension of a fellowship under this section

1 for the pursuit of not more than the following num-
2 ber of graduate degrees:

3 (A) Two master's degrees.

4 (B) One doctorate of philosophy.

5 (4) TREATMENT OF EXTENSIONS.—An exten-
6 sion granted under this subsection does not count
7 for the purposes of—

8 (A) the number of fellowships granted
9 under subsection (d)(1); or

10 (B) the percentage of fellowships granted
11 to eligible students.

12 (5) EXTENSION REQUIREMENTS.—A fellow may
13 receive an extension under this subsection only if—

14 (A) the fellow is in good academic standing
15 with the institution of higher education where
16 the fellow is enrolled;

17 (B) the fellow has satisfactorily completed
18 an internship under subsection (e); and

19 (C) the fellow is currently enrolled full-
20 time at an institution of higher education and
21 pursuing, in a STEAM field—

22 (i) a bachelor's degree;

23 (ii) a master's degree; or

24 (iii) a doctorate of philosophy.

1 (g) LIMITATION ON ADMINISTRATIVE COSTS.—For
2 each academic year, the Secretary may use not more than
3 5 percent of the funds made available to carry out this
4 section for administrative purposes, including for purposes
5 of—

6 (1) outreach to institutions of higher education
7 to encourage participation in the program; and

8 (2) promotion of the program to eligible stu-
9 dents.

10 (h) ADMINISTRATION OF PROGRAM.—The Secretary
11 may appoint a lead program officer to administer the pro-
12 gram and to market the program among students and in-
13 stitution of higher education.

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$5,000,000 for each of the next 5 fiscal years.

17 (j) REPORTS.—Not later than 2 years after the date
18 on which the first fellowship is awarded under this section,
19 and each academic year thereafter, the Secretary of De-
20 fense shall submit to the Congress a report containing—

21 (1) a description and analysis of the demo-
22 graphic information of students who receive fellow-
23 ships under this section, including information with
24 respect to such students regarding—

1 (A) race, in the aggregate and
2 disaggregated by the same major race groups
3 as the decennial census of the population;

4 (B) ethnicity;

5 (C) gender identity;

6 (D) eligibility to receive a Federal Pell
7 Grant under the Higher Education Act of 1965
8 (20 U.S.C. 1070a et seq.); and

9 (E) eligibility of the household in which the
10 student resides to receive benefits under the
11 Supplemental Nutrition Assistance Program
12 under section 5 of the Food and Nutrition Act
13 of 2008 (7 U.S.C. 2014), in the case of grad-
14 uate students;

15 (2) an analysis of the effects of the program;

16 (3) a description of—

17 (A) the total number of students who ob-
18 tain a degree with fellowship funds each year;
19 and

20 (B) the type and total number of degrees
21 obtained by fellows; and

22 (4) recommendations for changes to the pro-
23 gram and to this subtitle to ensure that women of
24 color are being effectively served by such program.

25 (k) DEFINITIONS.—In this subtitle:

1 (1) COST OF ATTENDANCE.—The term “cost of
2 attendance” has the meaning given the term in sec-
3 tion 132 of the Higher Education Act of 1965 (20
4 U.S.C. 1015a).

5 (2) DEFENSE AGENCY.—The term “Defense
6 Agency” has the meaning given the term in section
7 101(a) of title 10, United States Code.

8 (3) ELIGIBLE STUDENT.—The term “eligible
9 student” means an individual who—

10 (A) submits an application for a fellowship
11 under this section;

12 (B) is enrolled, or will be enrolled for the
13 first year for which the student applies for a
14 fellowship, in either the third or fourth year of
15 a four-year academic program; and

16 (C) is enrolled, or will be enrolled for the
17 first year for which the student applies for a
18 fellowship, in a university on at least a half-
19 time basis.

20 (4) FELLOW.—The term “fellow” means a stu-
21 dent that was selected for the fellowship program
22 under subsection (d).

23 (5) HISTORICALLY BLACK COLLEGE AND UNI-
24 VERSITY.—The term “historically Black college or
25 university” has the meaning given the term “part B

1 institution” in section 322 of the Higher Education
2 Act of 1965 (20 U.S.C. 1061).

3 (6) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given the term in section 101 of the Higher
6 Education Act of 1965 (20 U.S.C. 1001).

7 (7) MINORITY-SERVING INSTITUTION.—The
8 term “minority-serving institution” means an insti-
9 tution listed in section 371(a) of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1067q(a)).

11 (8) STEAM.—The term “STEAM” means
12 science, technology, engineering, arts, and mathe-
13 matics.

14 (9) UNDERREPRESENTED STUDENT IN A
15 STEAM FIELD.—The term “underrepresented stu-
16 dent in a STEAM field” means a student who is a
17 member of a minority group for which the number
18 of individuals in such group who receive bachelor’s
19 degrees in STEAM fields per 10,000 individuals in
20 such group is substantially fewer than the number
21 of White, non-Hispanic individuals of bachelor’s de-
22 grees in STEAM fields per 10,000 such individuals.

1 **Subtitle D—Student Support**

2 **SEC. 50401. SHORT TITLE.**

3 This subtitle may be cited as the “Student Support
4 Act”.

5 **SEC. 50402. SCHOOL-BASED MENTAL HEALTH AND STU-**
6 **DENT SERVICE PROVIDERS.**

7 (a) IN GENERAL.—Part A of title IV of the Elemen-
8 tary and Secondary Education Act of 1965 (20 U.S.C.
9 7101 et seq.) is amended by adding at the end the fol-
10 lowing:

11 “SUBPART 3—SCHOOL-BASED MENTAL HEALTH AND
12 STUDENT SERVICE PROVIDERS

13 **“SEC. 4131. FINDINGS.**

14 “The Congress finds the following:

15 “(1) The Surgeon General of the Public Health
16 Service has found that 1 in 5 children has a
17 diagnosable mental disorder and 1 in 10 children
18 and adolescents suffer from mental illness severe
19 enough to cause some level of impairment. However,
20 75 to 80 percent of children in need of mental
21 health services do not receive needed treatment. The
22 short- and long-term consequences of untreated
23 childhood mental disorders are costly, in both human
24 and fiscal terms.

1 “(2) Thirty-seven percent of students with a
2 mental health condition age 14 and older drop out
3 of school—the highest dropout rate of any disability
4 group.

5 “(3) Fifty percent of all lifetimes cases of men-
6 tal illness begin by the age of 14 and 75 percent by
7 age 24.

8 “(4) In June 2010, the American Academy of
9 Pediatrics called for all pediatricians to screen chil-
10 dren and adolescents for mental illness and sub-
11 stance use.

12 “(5) Just over half (50.6 percent) of children
13 with a mental health condition aged 8–15 received
14 mental health services in the previous year.

15 “(6) African Americans and Hispanic Ameri-
16 cans each use mental health services at about one-
17 half the rate of Caucasian Americans and Asian
18 Americans at about one-third the rate.

19 “(7) School counselors, school social workers,
20 school psychologists, other qualified psychologists,
21 and child and adolescent psychiatrists are critically
22 needed to help these children and to provide a vari-
23 ety of crucial support services as 70–80 percent of
24 children and adolescents who receive mental health
25 services access these services in school settings.

1 “(8) Across the United States, there are insuffi-
2 cient resources for school-based counseling profes-
3 sionals, and often students do not get the help they
4 need. The 2017 national average ratio of students to
5 school counselors in elementary and secondary
6 schools was 482 to 1.

7 “(9) United States public schools need more
8 mental health professionals because participation in
9 the use of school-based mental health centers
10 (SBHC) was positively associated with increases in
11 grade point average (GPA) and attendance.

12 “(10) According to the leading counseling, guid-
13 ance, and mental health organizations, including the
14 American School Counselor Association, the Na-
15 tional Association of Social Psychologists, the Na-
16 tional Association of Social Workers, and the School
17 Social Work Association of America, the maximum
18 recommended ratio of—

19 “(A) students to school counselors is 250
20 to 1;

21 “(B) students to school psychologists is
22 500 to 700 to 1; and

23 “(C) students to school social workers is
24 250 to 1.

1 “(11) A recent study revealed a national aver-
2 age ratio of 1,653 students per school psychologist,
3 despite the 1:500–700 recommendation from the
4 National Association of Social Psychologists. This
5 deficit is further compounded by studies predicting
6 a 2–4 percent shortage of school psychologists over
7 the next 10 years due to retirement. In some
8 schools, there are no school-based mental health and
9 student service providers available to assist students
10 in times of crisis, or at any other time.

11 “(12) Counselor-to-student ratios in 35 States
12 exceed 1:400 despite recommendations from the
13 American School Counselor Association for a 1:250
14 ratio. Only three States—Vermont, Wyoming & New
15 Hampshire—meet the recommended ratio. This
16 shortage occurs during a time when the National
17 Center on Education Statistics forecasts that the
18 Nation’s number of public school students (Pre-K to
19 12th) will grow by 7 percent between 2011 and
20 2022, particularly in States that already spend the
21 least money per student.

22 “(13) Model programs using school-based men-
23 tal health and student service providers have positive
24 effects on emotional, behavioral and academic out-
25 comes, such as reductions in aggressive and disrup-

1 tive behavior, referrals to the principal’s office, the
2 use of weapons, force, or threats, and increased stu-
3 dents’ feelings of safety. Studies also find that men-
4 tal health programs can have a range of positive out-
5 comes across all grade levels, including gains in
6 achievement test scores, grade point averages, course
7 credit completion, as well as decreases in absences
8 and substance use.

9 **“SEC. 4132. PURPOSES.**

10 “The purposes of this subpart are to assist States
11 and local educational agencies in hiring additional school-
12 based mental health providers, including additional school
13 counselors, school psychologists, other qualified psycholo-
14 gists, child and adolescent psychiatrists, and school social
15 workers to achieve each of the following:

16 “(1) To reduce the ratios of school-based men-
17 tal health and student service providers to students
18 in elementary and secondary schools in the United
19 States to the following minimum ratios rec-
20 ommended by the leading counseling, guidance, and
21 mental health organizations, including the American
22 School Counselor Association, the National Associa-
23 tion of Social Psychologists, the National Associa-
24 tion of Social Workers, and the School Social Work
25 Association of America:

1 “(A) One school counselor for every 250
2 students.

3 “(B) One school psychologist for every 500
4 to 700 students.

5 “(C) One school social worker for every
6 250 students.

7 “(2) To provide evidence-based school mental
8 health and student services through a whole school
9 and interdisciplinary approach.

10 “(3) To remove emotional, behavioral, and psy-
11 chosocial barriers to learning so as to enhance stu-
12 dents’ classroom preparedness, overall school per-
13 formance, decrease rates of absenteeism, and ability
14 to problem solve and set goals.

15 “(4) To support school staff and teachers in
16 improving classroom management, conducting be-
17 havioral interventions to improve school discipline,
18 and developing the awareness and skills to identify
19 the need for mental health services.

20 “(5) To support parental involvement in im-
21 proving the school behavior and academic success of
22 their children.

23 “(6) To improve the overall mental, behavioral,
24 social, and psychology assessment and trajectory of
25 each student who seeks mental health services.

1 “(7) To ensure each student feels comfortable
2 and has all the resources they need to continue short
3 and/or long-term mental health treatment.

4 **“SEC. 4133. DEFINITIONS.**

5 “‘In this subpart, the following definitions apply:

6 “(1) CHILD.—The term ‘child’ means an indi-
7 vidual who is not less than 5 years old and not more
8 than 17 years old.

9 “(2) CHILD AND ADOLESCENT PSYCHIA-
10 TRIST.—The term ‘child and adolescent psychiatrist’
11 has the meaning given such term in section 5421(e).

12 “(3) CHILD IN POVERTY.—The term ‘child in
13 poverty’ means a child from a family with an income
14 below the poverty line.

15 “(4) MENTAL HEALTH AND STUDENT SERVICE
16 PROVIDER.—The term ‘mental health and student
17 service provider’ means a qualified individual who
18 provides mental health and student services, includ-
19 ing any individual who is a qualified school coun-
20 selor, a qualified school psychologist or any other
21 qualified psychologist, a child or adolescent psychia-
22 trist, or a qualified school social worker.

23 “(5) MENTAL HEALTH AND STUDENT SERV-
24 ICES.—The term ‘mental health and student serv-
25 ices’ includes direct, individual, and group services

1 provided to students, parents, and school personnel
2 by mental health and student service providers, and
3 the coordination of prevention strategies in schools
4 or community-based programs.

5 “(6) OTHER QUALIFIED PSYCHOLOGIST.—The
6 term ‘other qualified psychologist’ has the meaning
7 given such term in section 5421(e).

8 “(7) POVERTY LINE.—The term ‘poverty line’
9 means the poverty line (as defined by the Office of
10 Management and Budget, and revised annually in
11 accordance with section 673(2) of the Community
12 Services Block Grant Act (42 U.S.C. 9902(2))) ap-
13 plicable to a family of the size involved.

14 “(8) SCHOOL COUNSELOR.—The term ‘school
15 counselor’ means an individual who has documented
16 competence in counseling children and adolescents in
17 a school setting and who—

18 “(A) possesses State licensure or certifi-
19 cation granted by an independent professional
20 regulatory authority;

21 “(B) possesses national certification in
22 school counseling or a specialty of counseling
23 granted by an independent professional organi-
24 zation; or

1 “(C) holds a minimum of a master’s de-
2 gree in school counseling from a program ac-
3 credited by the Council for Accreditation of
4 Counseling and Related Educational Programs
5 or the equivalent.

6 “(9) SCHOOL PSYCHOLOGIST.—The term
7 ‘school psychologist’ means an individual who—

8 “(A) possesses a minimum of 60 graduate
9 semester hours in school psychology from an in-
10 stitution of higher education and has completed
11 1,200 clock hours in a supervised school psy-
12 chology internship, of which 600 hours shall be
13 in a school setting;

14 “(B) possesses State licensure or certifi-
15 cation in school psychology in the State in
16 which the individual works; or

17 “(C) possesses national certification by the
18 National School Psychology Certification Board.

19 “(10) SCHOOL SOCIAL WORKER.—The term
20 ‘school social worker’ means an individual who—

21 “(A) holds a master’s degree in social work
22 from a program accredited by the Council on
23 Social Work Education;

24 “(B) is licensed or certified by the State in
25 which services are provided; or

1 “(C) possesses a national credential or na-
2 tional certification as a school social work spe-
3 cialist granted by an independent professional
4 organization.

5 “(11) STATE.—The term ‘State’ means each of
6 the several States, the District of Columbia, and the
7 Commonwealth of Puerto Rico.

8 **“SEC. 4134. SCHOOL-BASED MENTAL HEALTH AND STU-**
9 **DENT SERVICE PROVIDER GRANT PROGRAM.**

10 “(a) IN GENERAL.—In accordance with this subpart,
11 the Secretary shall make grants to eligible States to assist
12 local educational agencies in those States in hiring addi-
13 tional school-based mental health and student service pro-
14 viders.

15 “(b) ALLOCATION OF FUNDS.—From the total
16 amount appropriated for a fiscal year to carry out this
17 subpart, the Secretary shall—

18 “(1) make available 1 percent of such amount
19 to the Secretary of the Interior (on behalf of the Bu-
20 reau of Indian Affairs) and the outlying areas for
21 activities that carry out the purposes of this subpart;
22 and

23 “(2) make available in the form of grants to
24 each eligible State an amount equal to the sum of—

1 “(A) an amount that bears the same rela-
2 tionship to 50 percent of such total amount as
3 the number of children in poverty who reside in
4 the State bears to the number of such children
5 in all States; and

6 “(B) an amount that bears the same rela-
7 tionship to 50 percent of such total amount as
8 the number of children enrolled in public and
9 private nonprofit elementary schools and sec-
10 ondary schools in the State bears to the number
11 of children enrolled in all such schools in all
12 States.

13 “(c) MINIMUM GRANT.—Notwithstanding subsection
14 (b), no grant under this section shall be for an amount
15 less than \$1,000,000.

16 “(d) REALLOCATION.—The Secretary shall reallocate
17 to States that have received approval under subsection
18 (e)(2) any funds allocated under subsection (b) to a State
19 that fails to submit an application that is approved by the
20 Secretary.

21 “(e) APPLICATION BY STATE.—

22 “(1) IN GENERAL.—To be eligible to receive a
23 grant under this subpart, a State shall submit an
24 application to the Secretary at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require.

3 “(2) APPROVAL.—The Secretary may not ap-
4 prove an application under this subsection unless the
5 State submitting the application—

6 “(A) presents a plan, which the Secretary
7 considers to be reasonable, under which the
8 State will make grants, in accordance with the
9 purposes of this subpart, to local educational
10 agencies to fund the hiring of additional school
11 counselors, school psychologists, other qualified
12 psychologists, child and adolescent psychia-
13 trists, and school social workers; and

14 “(B) provides an assurance that the State
15 will provide the matching amount required
16 under subsection (g).

17 “(f) USE OF FUNDS BY STATE.—

18 “(1) IN GENERAL.—In accordance with this
19 subsection, the total of the amounts made available
20 to a State under this section and the amounts of the
21 non-Federal match required under subsection (g)
22 may only be used by a State to make grants to local
23 educational agencies to assist such agencies in hiring
24 additional school-based mental health and student
25 service providers.

1 “(2) ADMINISTRATIVE COSTS.—In each fiscal
2 year, a State may use not more than 5 percent of
3 the assistance made available to it under this sub-
4 part for the administrative costs of the State in car-
5 rying out the State’s responsibilities under this sub-
6 part.

7 “(3) ALLOCATION OF FUNDS.—In making
8 grants in accordance with this subsection, the State
9 shall allocate from the total described in paragraph
10 (1) to each local educational agency an amount
11 equal to the sum of—

12 “(A) an amount that bears the same rela-
13 tionship to 50 percent of such total as the num-
14 ber of children in poverty who reside in the
15 school district served by the local educational
16 agency bears to the number of such children
17 who reside in all the school districts in the
18 State; and

19 “(B) an amount that bears the same rela-
20 tionship to 50 percent of such total as the num-
21 ber of children enrolled in public and private
22 nonprofit elementary schools and secondary
23 schools in the school district served by the local
24 educational agency bears to the number of chil-
25 dren enrolled in all such schools in the State.

1 “(4) MINIMUM GRANT.—Notwithstanding para-
2 graph (3), no grant made by a State in accordance
3 with this subsection shall be for an amount less than
4 \$50,000.

5 “(5) SOURCE OF DATA.—For purposes of para-
6 graph (3), the State shall use data from the most
7 recent fiscal year for which satisfactory data are
8 available, except that the State may adjust such
9 data, or use alternative child poverty data, if the
10 State demonstrates to the Secretary’s satisfaction
11 that such adjusted or alternative data more accu-
12 rately reflect the relative incidence of children who
13 are living in poverty and who reside in the school
14 districts in the State.

15 “(6) APPLICATION BY LOCAL EDUCATIONAL
16 AGENCIES.—A State may require that, in order to
17 be eligible for a grant made by the State in accord-
18 ance with this subsection, a local educational agency
19 shall submit an application to the State at such
20 time, in such manner, and containing such informa-
21 tion as the State may require.

22 “(g) MATCHING FUNDS.—

23 “(1) IN GENERAL.—As a condition of receiving
24 a grant under this section, the Secretary shall re-

1 quire that a State provide from non-Federal sources
2 an amount equal to the amount of the grant.

3 “(2) LOCAL CONTRIBUTION.—In making grants
4 to local educational agencies in accordance with this
5 subsection, a State may require that a local edu-
6 cational agency match a portion of the amount of
7 the grant made to the agency.

8 “(3) FORM.—The non-Federal share required
9 by this subsection may be provided in cash or in
10 kind, fairly evaluated, and may include facilities,
11 equipment, or services.

12 “(h) FUNDS TO BE SUPPLEMENTARY.—Assistance
13 made available under this subpart shall be used to supple-
14 ment, and may not supplant, Federal, State, or local funds
15 used for employing school-based mental health and stu-
16 dent service providers.

17 “(i) DATA COLLECTION AND REPORT.—

18 “(1) IN GENERAL.—For each fiscal year for
19 which it receives assistance under this subpart, a
20 State shall collect data describing how the assistance
21 is used.

22 “(2) REPORT.—Not later than 1 year after as-
23 sistance is made available to a State under this sub-
24 part, the State shall transmit to the Secretary a re-
25 port on the data described in paragraph (1), includ-

1 ing information with respect to each local edu-
2 cational agency to which the State made a grant
3 with assistance made available under this subpart—

4 “(A) the number of school counselors,
5 school psychologists, other qualified psycholo-
6 gists, child and adolescent psychiatrists, and
7 school social workers employed by local edu-
8 cational agency; and

9 “(B) the ratio of students to school coun-
10 selors, the ratio of students to school psycholo-
11 gists or other qualified psychologists, the ratio
12 of students to child and adolescent psychia-
13 trists, and the ratio of students to school social
14 workers.

15 “(3) SOURCE OF FUNDS.—A State may use a
16 portion of the assistance permitted to be used for
17 administrative costs to carry out its responsibilities
18 under this subsection.

19 “(4) PUBLICATION.—The Secretary shall make
20 data received under this subsection publicly available
21 on an annual basis.

22 **“SEC. 4135. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to carry out
24 this subpart \$100,000,000 for each of fiscal years 2021
25 through 2025.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by inserting after the item relating to section 4121 the following:

“SUBPART 3—SCHOOL-BASED MENTAL HEALTH AND STUDENT SERVICE PROVIDERS

“Sec. 4131. Findings.

“Sec. 4132. Purposes.

“Sec. 4133. Definitions.

“Sec. 4134. School-based mental health and student service provider grant program.

“Sec. 4135. Authorization of appropriations.”.

Subtitle E—Expressing the Sense of the House of Representatives Regarding the Need for Increased Diversity and Inclusion in the Tech Sector, and Increased Access to Opportunity in Science, Technology, Engineering, Arts, and Mathematics (STEAM) Education

SEC. 50501. FINDINGS.

Congress finds the following:

(1) There will be 1,400,000 new tech jobs by 2020, however, 70 percent of those jobs will be unfulfilled at the rate United States universities are currently producing qualified graduates.

(2) Communities of color (African Americans, Latinos, Native Americans, Asian Americans, and

1 Pacific Islanders) are woefully underrepresented in
2 corporate leadership roles, including the technology
3 sector.

4 (3) African Americans, Latinos, Native Ameri-
5 cans, and Pacific Islanders are disproportionately
6 underrepresented in the technology sector.

7 (4) Black and Hispanic workers in the science
8 and engineering workforce continue to be underrep-
9 resented, Black employees represent 11 percent of
10 the United States workforce but only 9 percent of
11 the science and engineering workforce, and Hispanic
12 employees represent 16 percent of the United States
13 workforce but only 7 percent of the science and engi-
14 neering workforce.

15 (5) The share of women working in science and
16 engineering jobs has held steady around 50 percent
17 since 1990, but the share of women in specific fields
18 has varied from 47 percent in life sciences to only
19 25 percent in computer science.

20 (6) Women of color represent less than 10 per-
21 cent of all computer science professionals (African
22 American: 5.7 percent; Hispanic: 6.4 percent; Amer-
23 ican Indian or Alaska Native: 0.1 percent; and
24 Asian: 22.9 percent).

1 (7) 50 to 70 percent of employees in tech com-
2 panies work in non-tech positions, for which an ex-
3 isting pipeline of qualified African Americans and
4 Latinos currently exists.

5 (8) A pipeline of qualified technical candidates
6 is critical as the tech industry improves its recruit-
7 ing, hiring, and retaining of candidates and employ-
8 ees of color.

9 (9) Underrepresented minority students overall
10 face an opportunity gap in STEAM education.

11 (10) Women of color particularly face an
12 achievement gap in science and engineering edu-
13 cation.

14 (11) In 2015, women were conferred nearly a
15 third of all science and engineering degrees.

16 (12) In 2015, women of color received only 13
17 percent of all science and engineering degrees
18 (Black: 3.2 percent; Hispanic: 3.9 percent; Native
19 American or Alaskan Native: 0.2 percent; Asian or
20 Pacific Islander: 4.5 percent; and multi-racial: 1.2
21 percent).

22 (13) Women overall face a large opportunity
23 gap in computer science.

24 (14) Only 18 of all bachelor's degrees conferred
25 in computer science went to women in 2015.

1 (15) In 2015, women of color received only 9
2 percent of degrees conferred in computer science
3 (Black: 3 percent; Hispanic: 2 percent; Native
4 American or Alaska Native: 0.8 percent; and Asian
5 or Pacific Islander: 3 percent).

6 (16) The opportunity and achievement gap be-
7 tween boys and girls starts early.

8 (17) In 2017, 22 percent of high schools offered
9 the Advanced Placement (AP) Computer Science
10 course, and only 35 percent of high schools teach
11 computer science.

12 (18) In 2018, 28 percent of AP Computer
13 Science test takers were girls, and 21 percent were
14 African American or Latino.

15 (19) There is a dearth of disaggregated data to
16 show academic attainment across different Asian-
17 American and Pacific Islander communities.

18 **SEC. 50502. NECESSITY OF REDUCING AND ELIMINATING**

19 **BARRIERS FOR MINORITIES IN STEAM.**

20 That the House of Representatives supports efforts
21 to—

22 (1) increase diversity and inclusion in the tech-
23 nology sector, including robust plans to ensure re-
24 cruitment, training, and retention of underrep-
25 resented minorities at all levels, from the boardroom

1 to the senior executive level, to rank and file employ-
2 ees, as well as vendors;

3 (2) eliminate barriers faced by people of color,
4 and other underrepresented groups when breaking
5 into the technology sector;

6 (3) ensure all students have access to science,
7 technology, engineering, arts, and mathematics
8 (STEAM) education for a 21st century economy, in-
9 cluding computer science education in particular;

10 (4) strengthen investments in, and collabora-
11 tions with educational institutions including commu-
12 nity colleges, Historically Black Colleges and Univer-
13 sities, Hispanic-serving institutions, Asian-American,
14 Native American, and Pacific Islander-serving insti-
15 tutions, American Indian Tribally controlled colleges
16 and universities, Alaska Native and Native Hawai-
17 ian-serving institutions, predominantly Black institu-
18 tions, Native American-serving, non-Tribal institu-
19 tions, and other minority-serving institutions to sus-
20 tain a pipeline of diverse STEAM graduates ready
21 to enter the technology sector; and

22 (5) improve data collection, disaggregation, and
23 dissemination of information for greater under-
24 standing and transparency of diversity in STEAM
25 education and across the workforce.

1 **Subtitle F—Supporting the Goals**
2 **and Ideals of No Name-Calling**
3 **Week in Bringing Attention to**
4 **Name-calling of All Kinds and**
5 **Providing Schools With the**
6 **Tools and Inspiration to Launch**
7 **an Ongoing Dialogue About**
8 **Ways to Eliminate Name-calling**
9 **and Bullying in Their Commu-**
10 **nities**

11 **SEC. 50601. FINDINGS.**

12 Congress finds the following:

13 (1) No Name-Calling Week is an annual week
14 of educational activities aimed at ending name-call-
15 ing of all kinds and providing schools with the tools
16 and inspiration to launch an ongoing dialogue about
17 ways to eliminate name-calling and bullying in their
18 communities.

19 (2) Tens of thousands of elementary and middle
20 school students have participated in No Name-Call-
21 ing Week since its inception in 2004.

22 (3) Over 3,000 students help to lead No Name-
23 Calling Week each year.

1 (4) 26 percent of elementary students reported
2 hearing others say hurtful things based on another
3 student's race or ethnic background.

4 (5) 36 percent of elementary students reported
5 being bullied or called names at some point while in
6 school.

7 (6) Elementary students who are bullied are
8 four times as likely as other students to say they do
9 not want to go to school because they feel afraid or
10 unsafe.

11 (7) Over 87 percent of LGBTQ middle and
12 high school students have heard negative remarks
13 about transgender people.

14 (8) Over 70 percent of LGBTQ middle and
15 high school students were verbally harassed in the
16 past year because of their sexual orientation.

17 (9) 48 percent of LGBTQ middle and high
18 school students experienced harassment via elec-
19 tronic means in the past year.

20 (10) Students who faced anti-LGBTQ discrimi-
21 nation at school were more likely to receive school
22 discipline than their peers.

23 (11) Students feeling unsafe in their schools
24 has often resulted in missed school days and exposes

1 students to disciplinary actions because of truancy
2 policies.

3 (12) Nearly 70 percent of American Indian or
4 Alaska Native (or Two Spirit) LGBTQ middle and
5 high school students felt unsafe based on their sex-
6 ual orientation or gender identity in the past year.

7 (13) 60 percent of Latinx LGBTQ middle and
8 high school students experienced bullying based on
9 their gender identity in the past year.

10 (14) Nearly 60 percent of Black LGBTQ mid-
11 dle and high school students experienced bullying
12 based on their sexual orientation in the past year.

13 (15) Nearly 50 percent of multiracial LGBTQ
14 middle and high school students felt unsafe in school
15 based on the way they express their gender.

16 (16) Over 25 percent of LGBTQ students re-
17 ported being victimized at school based on their ac-
18 tual or perceived disability.

19 **SEC. 50602. NECESSITY OF ADDITIONAL PROTECTIONS FOR**
20 **LGBT YOUTH IN SCHOOLS.**

21 That Congress—

22 (1) supports the goals and ideals of No Name-
23 Calling Week;

1 (2) encourages the people of the United States
2 to observe No Name-Calling Week with appropriate
3 ceremonies, programs, and activities;

4 (3) encourages schools to consider a more com-
5 prehensive anti-bullying and harassment policy that
6 contains specific provisions addressing infractions
7 based on the sexual orientation or gender identity of
8 the victim; and

9 (4) calls for schools to have more inclusive cur-
10 ricula on LGBTQ people, history, and events.

11 **Subtitle G—Getting Youth Re-in-**
12 **vested in Environmental Edu-**
13 **cation Now**

14 **SEC. 50701. SHORT TITLE.**

15 This subtitle may be cited as—

16 (1) the “Getting Youth Re-invested in Environ-
17 mental Education Now Act”; or

18 (2) the “GREEN Act”.

19 **SEC. 50702. FINDINGS.**

20 The Congress makes the following findings:

21 (1) Environmental justice education is essential
22 for—

23 (A) producing students who are prepared
24 to address not only the imminent climate
25 change issues that effect them locally, but to be

1 the driving force behind global environmental
2 solutions that will be the stimulus of an emerg-
3 ing eco-efficient economy;

4 (B) addressing the global and local envi-
5 ronmental issues that are disproportionately af-
6 fecting people of color; and

7 (C) fostering a critical understanding of
8 the environment within the context of human
9 political and social actions.

10 (2) Environmental justice education lends itself
11 to the field of service learning with the call to move
12 beyond the classroom and experience the earth in an
13 experiential, embodied way which empowers students
14 to confront global environmental justice.

15 (3) States and local educational agencies should
16 create an integrated curriculum in which environ-
17 mental justice education is incorporated throughout
18 subject areas such as math, science, history, lan-
19 guage arts, and all other core subject areas.

20 (4) Environmental justice education uses mul-
21 tiple strategies including experiential learning, inte-
22 grated core subject study, analytical research, and
23 project based learning.

1 **SEC. 50703. GRANTS AUTHORIZED.**

2 (a) IN GENERAL.—The Secretary of Education shall,
3 subject to the availability of appropriations, make grants
4 on a competitive basis under this subtitle to States and
5 to local educational agencies that submit to the Secretary
6 an application at such time and in such manner as the
7 Secretary may require. The purpose of the grants is to
8 assist eligible recipients to develop an environmental jus-
9 tice curriculum, and a co-op program, for students attend-
10 ing middle and high schools that—

11 (1) receive funds under part A of title I of the
12 Elementary and Secondary Education Act of 1965
13 (29 U.S.C. 6311 et seq.); and

14 (2) are located in an urban community that
15 may be disproportionately affected by climate
16 change, pollution, and other environmental issues.

17 (b) CURRICULUM DEVELOPMENT.—An environ-
18 mental justice curriculum developed with funds received
19 under this subtitle shall satisfy the following objectives:

20 (1) Educating students, through experiential
21 learning and otherwise, about topics relating to envi-
22 ronmental justice, such as air pollution, lead paint
23 poisoning, access to organic foods, sustainable agri-
24 culture, proximity to landfills, toxic dumping, rel-
25 ative asthma rates, and the historical patterns of en-
26 vironmental impacts.

1 (2) Empowering students actively to address
2 environmental issues in their local neighborhoods
3 while also considering global environmental prob-
4 lems.

5 (3) Allowing students to explore careers that in-
6 volve solving environmental problems and cultivating
7 innovators to solve such problems.

8 (4) Enhancing life skills required for sound per-
9 sonal decision making, participation in civic and cul-
10 tural affairs, and economic productivity, such as
11 problem solving, critical thinking, and good steward-
12 ship.

13 (5) Establishing a nurturing environment that
14 fosters democratic and socially just relationships
15 among schools, families, and surrounding commu-
16 nities.

17 (c) CO-OP PROGRAM DEVELOPMENT.—A co-op pro-
18 gram developed with funds received under this subtitle
19 shall satisfy the following objectives:

20 (1) Linking students with career opportunities
21 in the environmental field by building partnerships
22 with the public and private sector.

23 (2) Providing students with an opportunity to
24 earn secondary school course credits or credits to-
25 wards the jurisdiction's service learning require-

1 ments during the summer through experiential
2 learning such as internships and other types of field
3 experience.

4 (3) Assisting students in building skills nec-
5 essary for workforce success, such as development of
6 a career path; resume, letter, and memoranda writ-
7 ing; and job interviewing.

8 (4) Providing students with mentors recruited
9 through the partnerships described in paragraph (1)
10 who are equipped to assist a mentee in the skill
11 building described in paragraph (3).

12 **Subtitle H—America’s College** 13 **Promise**

14 **SEC. 50801. SHORT TITLE.**

15 This subtitle may be cited as the “America’s College
16 Promise Act of 2020”.

17 **SEC. 50802. PURPOSE.**

18 The purpose of this subtitle is to help all individuals
19 of the United States earn the education and skills the indi-
20 viduals need—

21 (1) by making 2 years of community college
22 free, through a new partnership with States and In-
23 dian tribes to help the States and Indian tribes—

24 (A) waive resident community college tui-
25 tion and fees for eligible students;

1 (B) maintain State and Indian tribe sup-
2 port for higher education; and

3 (C) promote key reforms to improve stu-
4 dent outcomes; and

5 (2) through a new partnership with minority-
6 serving institutions to—

7 (A) encourage eligible students to enroll
8 and successfully complete a baccalaureate de-
9 gree at participating institutions; and

10 (B) promote key reforms to improve stu-
11 dent outcomes.

12 **PART 1—STATE AND INDIAN TRIBE GRANTS FOR**
13 **COMMUNITY COLLEGES**

14 **SEC. 50811. IN GENERAL.**

15 From amounts appropriated under section 50817(a)
16 for any fiscal year, the Secretary shall award grants to
17 eligible States and Indian tribes to pay the Federal share
18 of expenditures needed to carry out the activities and serv-
19 ices described in section 50815.

20 **SEC. 50812. FEDERAL SHARE; NON-FEDERAL SHARE.**

21 (a) FEDERAL SHARE.—

22 (1) FORMULA.—Subject to paragraph (2), the
23 Federal share of a grant under this part shall be
24 based on a formula, determined by the Secretary,
25 that—

1 (A) accounts for the State or Indian tribe's
2 share of eligible students; and

3 (B) provides, for each eligible student in
4 the State or Indian tribe, a per-student amount
5 that is—

6 (i) not less than 300 percent of the
7 per-student amount of the State or Indian
8 tribe share, determined under subsection
9 (b), subject to clause (ii); and

10 (ii) not greater than 75 percent of—

11 (I) for the 2021–2022 award
12 year, the average resident community
13 college tuition and fees per student in
14 all States for the most recent year for
15 which data are available; and

16 (II) for each subsequent award
17 year, the average resident community
18 college tuition and fees per student in
19 all States calculated under this sub-
20 clause for the preceding year, in-
21 creased by the lesser of—

22 (aa) the percentage by which
23 the average resident community
24 college tuition and fees per stu-
25 dent in all States for the most re-

cent year for which data are
available increased as compared
to such average for the preceding
year; or

(bb) 3 percent.

(2) EXCEPTION FOR CERTAIN INDIAN
TRIBES.—In any case in which not less than 75 per-
cent of the students at the community colleges oper-
ated or controlled by an Indian tribe are low-income
students, the amount of the Federal share for such
Indian tribe shall be not less than 95 percent of the
total amount needed to waive tuition and fees for all
eligible students enrolled in such community col-
leges.

(b) STATE OR TRIBAL SHARE.—

(1) FORMULA.—

(A) IN GENERAL.—The State or tribal
share of a grant under this part for each fiscal
year shall be the amount needed to pay 25 per-
cent of the average community college resident
tuition and fees per student in all States in the
2021–2022 award year for all eligible students
in the State or Indian tribe, respectively, for
such fiscal year, except as provided in subpara-
graph (B).

1 (B) EXCEPTION FOR CERTAIN INDIAN
2 TRIBES.—In a case in which not less than 5
3 percent of the students at the community col-
4 leges operated or controlled by an Indian tribe
5 are low-income students, the amount of such
6 Indian tribe’s tribal share shall not exceed 5
7 percent of the total amount needed to waive tui-
8 tion and fees for all eligible students enrolled in
9 such community colleges.

10 (2) NEED-BASED AID.—A State or Indian tribe
11 may include any need-based financial aid provided
12 through State or tribal funds to eligible students as
13 part of the State or tribal share.

14 (3) NO IN-KIND CONTRIBUTIONS.—A State or
15 Indian tribe shall not include in-kind contributions
16 for purposes of the State or tribal share described
17 in paragraph (1).

18 **SEC. 50813. ELIGIBILITY.**

19 To be eligible for a grant under this part, a State
20 or Indian tribe shall agree to waive community college
21 resident tuition and fees for all eligible students for each
22 year of the grant.

23 **SEC. 50814. APPLICATIONS.**

24 (a) SUBMISSION.—For each fiscal year for which a
25 State or Indian tribe desires a grant under this part, an

1 application shall be submitted to the Secretary at such
2 time, in such manner, and containing such information as
3 the Secretary may require. Such application shall be sub-
4 mitted by—

5 (1) in the case of a State, the Governor, the
6 State agency with jurisdiction over higher education,
7 or another agency designated by the Governor to ad-
8 minister the program under this part; or

9 (2) in the case of an Indian tribe, the governing
10 body of such tribe.

11 (b) CONTENTS.—Each State or Indian tribe applica-
12 tion shall include, at a minimum—

13 (1) an estimate of the number of eligible stu-
14 dents in the State or Indian tribe and the cost of
15 waiving community college resident tuition and fees
16 for all eligible students for each fiscal year covered
17 by the grant, with annual increases of an amount
18 that shall not exceed 3 percent of the prior year's
19 average resident community college tuition and fees;

20 (2) an assurance that all community colleges in
21 the State or under the jurisdiction of the Indian
22 tribe, respectively, will waive resident tuition and
23 fees for eligible students in programs that are—

24 (A) academic programs with credits that
25 can fully transfer via articulation agreement to—

ward a baccalaureate degree or postbaccalaureate degree at any public institution of higher education in the State; or

(B) occupational skills training programs that lead to a recognized postsecondary credential that is in an in-demand industry sector or occupation in the State;

(3) a description of the promising and evidence-based institutional reforms and innovative practices to improve student outcomes, including completion or transfer rates, that have been or will be adopted by the participating community colleges, such as—

(A) providing comprehensive academic and student support services, including mentoring and advising, especially for low-income, first-generation, adult, and other underrepresented students;

(B) providing accelerated learning opportunities, such as dual or concurrent enrollment programs, including early college high school programs;

(C) advancing competency-based education;

(D) strengthening remedial education, especially for low-income, first-generation, adult and other underrepresented students;

1 (E) implementing course redesigns of high-
2 enrollment courses to improve student outcomes
3 and reduce cost; or

4 (F) utilizing career pathways or degree
5 pathways;

6 (4) a description of how the State or Indian
7 tribe will promote alignment between its public sec-
8 ondary school and postsecondary education systems,
9 including between 2-year and 4-year public institu-
10 tions of higher education and with minority-serving
11 institutions described in section 371 of the Higher
12 Education Act of 1965 (20 U.S.C. 1067q), to ex-
13 pand awareness of and access to postsecondary edu-
14 cation, reduce the need for remediation and repeated
15 coursework, and improve student outcomes;

16 (5) a description of how the State or Indian
17 tribe will ensure that programs leading to a recog-
18 nized postsecondary credential meet the quality cri-
19 teria established by the State under section 123(a)
20 of the Workforce Innovation and Opportunity Act
21 (29 U.S.C. 3153(a)) or other quality criteria deter-
22 mined appropriate by the State or Indian tribe;

23 (6) an assurance that all participating commu-
24 nity colleges in the State or under the authority of
25 the Indian tribe have entered into program partici-

1 pation agreements under section 487 of the Higher
2 Education Act of 1965 (20 U.S.C. 1094); and

3 (7) an assurance that, for each year of the
4 grant, the State or Indian tribe will notify each eligi-
5 ble student of the student's remaining eligibility for
6 assistance under this part.

7 **SEC. 50815. ALLOWABLE USES OF FUNDS.**

8 (a) IN GENERAL.—A State or Indian tribe shall use
9 a grant under this part only to provide funds to partici-
10 pating community colleges to waive resident tuition and
11 fees for eligible students who are enrolled in—

12 (1) academic programs with credits that can
13 fully transfer via articulation agreement toward a
14 baccalaureate degree or postbaccalaureate degree at
15 any public institution of higher education in the
16 State; or

17 (2) occupational skills training programs that
18 lead to a recognized postsecondary credential that is
19 in an in-demand industry sector or occupation in the
20 State.

21 (b) ADDITIONAL USES.—If a State or Indian tribe
22 demonstrates to the Secretary that it has grant funds re-
23 maining after meeting the demand for activities described
24 in subsection (a), the State or Indian tribe may use those
25 funds to carry out one or more of the following:

1 (1) Expanding the waiver of resident tuition
2 and fees at community college to students who are
3 returning students or otherwise not enrolling in
4 postsecondary education for the first time, and who
5 meet the student eligibility requirements of clauses
6 (i) through (v) of section 50816(5)(A).

7 (2) Expanding the scope and capacity of high-
8 quality academic and occupational skills training
9 programs at community colleges.

10 (3) Improving postsecondary education readi-
11 ness in the State or Indian tribe, through outreach
12 and early intervention.

13 (4) Expanding access to dual or concurrent en-
14 rollment programs, including early college high
15 school programs.

16 (5) Improving affordability at 4-year public in-
17 stitutions of higher education.

18 (c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
19 POSES.—A State or Indian tribe that receives a grant
20 under this part may not use any funds provided under
21 this part for administrative purposes relating to the grant
22 under this part.

23 (d) MAINTENANCE OF EFFORT.—A State or Indian
24 tribe receiving a grant under this part is entitled to receive
25 its full allotment of funds under this part for a fiscal year

1 only if, for each year of the grant, the State or Indian
2 tribe provides financial support for public higher education
3 at a level equal to or exceeding the average amount pro-
4 vided per full-time equivalent student for public institu-
5 tions of higher education for the 3 consecutive preceding
6 State or Indian tribe fiscal years. In making the calcula-
7 tion under this subsection, the State or Indian tribe shall
8 exclude capital expenses and research and development
9 costs and include need-based financial aid for students
10 who attend public institutions of higher education.

11 (e) ANNUAL REPORT.—

12 (1) A State or Indian tribe receiving a grant
13 under this part shall submit an annual report to the
14 Secretary describing the uses of grant funds under
15 this part, the progress made in fulfilling the require-
16 ments of the grant, and rates of graduation, transfer
17 and attainment of recognized postsecondary creden-
18 tials at participating community colleges, and includ-
19 ing any other information as the Secretary may re-
20 quire.

21 (2) At the discretion of the Secretary, the infor-
22 mation required in the report under paragraph (1)
23 may be included in an annual report on higher edu-
24 cation required under the Higher Education Act of
25 1965 (20 U.S.C. 1001 et seq.).

1 (f) REPORTING BY SECRETARY.—The Secretary an-
2 nually shall—

3 (1) compile and analyze the information de-
4 scribed in subsection (e); and

5 (2) prepare and submit a report to the Com-
6 mittee on Health, Education, Labor, and Pensions
7 of the Senate and the Committee on Education and
8 the Workforce of the House of Representatives con-
9 taining the analysis described in paragraph (1) and
10 an identification of State and Indian tribe best prac-
11 tices for achieving the purpose of this part.

12 (g) TECHNICAL ASSISTANCE.—The Secretary shall
13 provide technical assistance to eligible States and Indian
14 tribes concerning best practices regarding the promising
15 and evidence-based institutional reforms and innovative
16 practices to improve student outcomes as described in sec-
17 tion 50814(b)(3) and shall disseminate such best practices
18 among the States and Indian tribes.

19 (h) CONTINUATION OF FUNDING.—

20 (1) IN GENERAL.—A State or Indian tribe re-
21 ceiving a grant under this part for a fiscal year may
22 continue to receive funding under this part for fu-
23 ture fiscal years conditioned on the availability of
24 budget authority and on meeting the requirements
25 of the grant, as determined by the Secretary.

1 (2) DISCONTINUATION.—The Secretary may
2 discontinue funding of the Federal share of a grant
3 under this part if the State or Indian tribe has vio-
4 lated the terms of the grant or is not making ade-
5 quate progress in implementing the reforms de-
6 scribed in the application submitted under section
7 50814.

8 **SEC. 50816. DEFINITIONS.**

9 In this part:

10 (1) CAREER PATHWAY.—The term “career
11 pathway” has the meaning given the term in section
12 3 of the Workforce Innovation and Opportunity Act
13 (29 U.S.C. 3102).

14 (2) COMMUNITY COLLEGE.—The term “commu-
15 nity college” means a public institution of higher
16 education at which the highest degree that is pre-
17 dominantly awarded to students is an associate’s de-
18 gree, including 2-year tribally controlled colleges
19 under section 316 of the Higher Education Act of
20 1965 (20 U.S.C. 1059c) and public 2-year State in-
21 stitutions of higher education.

22 (3) DUAL OR CONCURRENT ENROLLMENT PRO-
23 GRAM.—The term “dual or concurrent enrollment
24 program” has the meaning given the term in section

1 8101 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7801).

3 (4) EARLY COLLEGE HIGH SCHOOL.—The term
4 “early college high school” has the meaning given
5 the term in section 8101 of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 7801).

7 (5) ELIGIBLE STUDENT.—

8 (A) DEFINITION.—The term “eligible stu-
9 dent” means a student who—

10 (i)(I) enrolls in a community college
11 after the date of enactment of this Act; or

12 (II) is enrolled in a community college
13 as of the date of enactment of this Act;

14 (ii) attends the community college on
15 not less than a half-time basis;

16 (iii) is maintaining satisfactory
17 progress, as defined in section 484(c) of
18 the Higher Education Act of 1965 (20
19 U.S.C. 1091(c)), in the student’s course of
20 study;

21 (iv) qualifies for resident tuition, as
22 determined by the State or Indian tribe;
23 and

24 (v) is enrolled in an eligible program
25 described in section 50814(b)(2).

1 (B) SPECIAL RULE.—An otherwise eligible
2 student shall lose eligibility 3 calendar years
3 after first receiving benefits under this part.

4 (6) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
5 TION.—The term “in-demand industry sector or oc-
6 cupation” has the meaning given the term in section
7 3 of the Workforce Innovation and Opportunity Act
8 (29 U.S.C. 3102).

9 (7) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given the term in section 102 of the
11 Federally Recognized Indian Tribe List Act of 1994
12 (25 U.S.C. 479a).

13 (8) INSTITUTION OF HIGHER EDUCATION.—The
14 term “institution of higher education” has the
15 meaning given the term in section 101 of the Higher
16 Education Act of 1965 (20 U.S.C. 1001).

17 (9) RECOGNIZED POSTSECONDARY CREDEN-
18 TIAL.—The term “recognized postsecondary creden-
19 tial” has the meaning as described in section 3 of
20 the Workforce Innovation and Opportunity Act (29
21 U.S.C. 3102).

22 (10) SECRETARY.—The term “Secretary”
23 means the Secretary of Education.

1 (11) STATE.—The term “State” has the mean-
2 ing given the term in section 103 of the Higher
3 Education Act of 1965 (20 U.S.C. 1003).

4 **SEC. 50817. APPROPRIATIONS.**

5 (a) AUTHORIZATION AND APPROPRIATIONS.—For
6 the purpose of making grants under this part, there are
7 authorized to be appropriated, and there are appro-
8 priated—

- 9 (1) \$1,515,150,000 for fiscal year 2021;
10 (2) \$3,352,200,000 for fiscal year 2022;
11 (3) \$4,277,940,000 for fiscal year 2023;
12 (4) \$5,988,450,000 for fiscal year 2024;
13 (5) \$7,837,710,000 for fiscal year 2025;
14 (6) \$8,974,350,000 for fiscal year 2026;
15 (7) \$11,302,020,000 for fiscal year 2027;
16 (8) \$14,451,090,000 for fiscal year 2028;
17 (9) \$15,077,130,000 for fiscal year 2029; and
18 (10) \$15,729,810,000 for fiscal year 2030 and
19 each succeeding fiscal year.

20 (b) AVAILABILITY.—Funds appropriated under sub-
21 section (a) shall remain available to the Secretary until
22 expended.

23 (c) INSUFFICIENT FUNDS.—If the amount appro-
24 priated under subsection (a) for a fiscal year is not suffi-
25 cient to award each participating State and Indian tribe

1 a grant under this part that is equal to the minimum
2 amount of the Federal share described in section
3 50812(a), the Secretary may ratably reduce the amount
4 of each such grant or take other actions necessary to en-
5 sure an equitable distribution of such amount.

6 **PART 2—GRANTS TO HISTORICALLY BLACK COL-**
7 **LEGES AND UNIVERSITIES, HISPANIC-SERV-**
8 **ING INSTITUTIONS, ASIAN AMERICAN AND**
9 **NATIVE AMERICAN PACIFIC ISLANDER-SERV-**
10 **ING INSTITUTIONS, TRIBAL COLLEGES AND**
11 **UNIVERSITIES, ALASKA NATIVE-SERVING IN-**
12 **STITUTIONS, NATIVE HAWAIIAN-SERVING IN-**
13 **STITUTIONS, PREDOMINANTLY BLACK INSTI-**
14 **TUTIONS, AND NATIVE AMERICAN-SERVING**
15 **NONTRIBAL INSTITUTIONS**

16 **SEC. 50821. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
17 **TORICALLY BLACK COLLEGES AND UNIVER-**
18 **SITIES.**

19 (a) IN GENERAL.—From amounts appropriated
20 under section 50824(a) for any fiscal year, the Secretary
21 shall award grants to participating 4-year historically
22 black colleges or universities that meet the requirements
23 of subsection (b) to—

1 (1) encourage students to enroll and success-
2 fully complete a bachelor's degree at participating
3 institutions;

4 (2) provide incentives to community college stu-
5 dents to transfer to participating institutions
6 through strong transfer pathways to complete a
7 bachelor's degree program; and

8 (3) support participating institutions to better
9 serve new and existing students by engaging in re-
10 forms and innovations designed to improve comple-
11 tion rates and other student outcomes.

12 (b) ELIGIBILITY.—To be eligible to receive a grant
13 under the program under this section, an institution shall
14 be a historically black college or university that—

15 (1) has a student body of which not less than
16 35 percent are low-income students;

17 (2) commits to maintaining or adopting and im-
18 plementing promising and evidence-based institu-
19 tional reforms and innovative practices to improve
20 the completion rates and other student outcomes,
21 such as—

22 (A) providing comprehensive academic and
23 student support services, including mentoring
24 and advising;

1 (B) providing accelerated learning opportu-
2 nities and degree pathways, such as dual enroll-
3 ment and pathways to graduate and profes-
4 sional degree programs;

5 (C) advancing distance and competency-
6 based education;

7 (D) partnering with employers, industry,
8 not-for-profit associations, and other groups to
9 provide opportunities to advance learning out-
10 side the classroom, including work-based learn-
11 ing opportunities such as internships or appren-
12 ticeships or programs designed to improve
13 inter-cultural development and personal growth,
14 such as foreign exchange and study abroad pro-
15 grams;

16 (E) reforming remedial education, espe-
17 cially for low-income students, first generation
18 college students, adult students, and other
19 underrepresented students; or

20 (F) implementing course redesigns of high-
21 enrollment courses to improve student outcomes
22 and reduce cost;

23 (3) sets performance goals for improving stu-
24 dent outcomes for the duration of the grant; and

1 (4) if receiving a grant for transfer students,
2 has articulation agreements with community colleges
3 at the national, State, or local level to ensure that
4 community college credits can fully transfer to the
5 participating institution.

6 (c) GRANT AMOUNT.—

7 (1) INITIAL AMOUNT.—For the first year that
8 an eligible institution participates in the grant pro-
9 gram under this section and subject to paragraph
10 (3), such eligible institution shall receive a grant in
11 an amount based on the product of—

12 (A) the actual cost of tuition and fees at
13 the eligible institution in such year (referred to
14 in this section as the per-student rebate); multi-
15 plied by

16 (B) the number of eligible students en-
17 rolled in the eligible institution for the pre-
18 ceding year.

19 (2) SUBSEQUENT INCREASES.—For each suc-
20 ceeding year after the first year of the grant pro-
21 gram under this section, each participating eligible
22 institution shall receive a grant in the amount deter-
23 mined under paragraph (1) for such year, except
24 that in no case shall the amount of the per-student
25 rebate for an eligible institution increase by more

1 than 3 percent as compared to the amount of such
2 rebate for the preceding year.

3 (3) LIMITATIONS.—

4 (A) MAXIMUM PER-STUDENT REBATE.—

5 No eligible institution participating in the grant
6 program under this section shall receive a per-
7 student rebate amount for any year that is
8 greater than the national average of annual tui-
9 tion and fees at public 4-year institutions of
10 higher education for such year, as determined
11 by the Secretary.

12 (B) FIRST YEAR TUITION AND FEES.—

13 During the first year of participation in the
14 grant program under this section, no eligible in-
15 stitution may increase tuition and fees at a rate
16 greater than any annual increase at the eligible
17 institution in the previous 5 years.

18 (d) APPLICATION.—An eligible institution that de-
19 sires a grant under this section shall submit an application
20 to the Secretary at such time, in such manner, and con-
21 taining such information as the Secretary may require.

22 (e) USE OF FUNDS.—Funds awarded under this sec-
23 tion to a participating eligible institution shall be used to
24 waive or significantly reduce tuition and fees for eligible
25 students in an amount of not more than up to the annual

1 per-student rebate amount for each student, for not more
2 than the first 60 credits an eligible student enrolls in the
3 participating eligible institution.

4 **SEC. 50822. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
5 **PANIC-SERVING INSTITUTIONS, ASIAN AMER-**
6 **ICAN AND NATIVE AMERICAN PACIFIC IS-**
7 **LANDER-SERVING INSTITUTIONS, TRIBAL**
8 **COLLEGES AND UNIVERSITIES, ALASKA NA-**
9 **TIVE-SERVING INSTITUTIONS, NATIVE HAWAI-**
10 **IAN-SERVING INSTITUTIONS, PREDOMI-**
11 **NANTLY BLACK INSTITUTIONS, AND NATIVE**
12 **AMERICAN-SERVING NONTRIBAL INSTITU-**
13 **TIONS.**

14 (a) IN GENERAL.—From amounts appropriated
15 under section 50824(a) for any fiscal year, the Secretary
16 shall award grants to participating 4-year minority-serving
17 institutions to—

18 (1) encourage students to enroll and success-
19 fully complete a bachelor's degree at participating
20 institutions;

21 (2) provide incentives to community college stu-
22 dents to transfer to participating institutions
23 through strong transfer pathways to complete a
24 bachelor's degree program; and

1 (3) support participating institutions to better
2 serve new and existing students by engaging in re-
3 forms and innovations designed to improve comple-
4 tion rates and other student outcomes.

5 (b) INSTITUTIONAL ELIGIBILITY.—To be eligible to
6 participate and receive a grant under this section, an insti-
7 tution shall be a minority-serving institution that—

8 (1) has a student body of which not less than
9 35 percent are low-income students;

10 (2) commits to maintaining or adopting and im-
11 plementing promising and evidence-based institu-
12 tional reforms and innovative practices to improve
13 the completion rates and other student outcomes,
14 such as—

15 (A) providing comprehensive academic and
16 student support services, including mentoring
17 and advising;

18 (B) providing accelerated learning opportu-
19 nities and degree pathways, such as dual enroll-
20 ment and pathways to graduate and profes-
21 sional degree programs;

22 (C) advancing distance and competency-
23 based education;

24 (D) partnering with employers, industry,
25 not-for-profit associations, and other groups to

1 provide opportunities to advance learning out-
2 side the classroom, including work-based learn-
3 ing opportunities such as internships or appren-
4 ticeships or programs designed to improve
5 inter-cultural development and personal growth,
6 such as foreign exchange and study abroad pro-
7 grams;

8 (E) reforming remedial education, espe-
9 cially for low-income students, first generation
10 college students, adult students, and other
11 underrepresented students; and

12 (F) implementing course redesigns of high-
13 enrollment courses to improve student outcomes
14 and reduce cost;

15 (3) sets performance goals for improving stu-
16 dent outcomes for the duration of the grant; and

17 (4) if receiving a grant for transfer students,
18 has articulation agreements with community colleges
19 at the national, State, or local levels to ensure that
20 community college credits can fully transfer to the
21 participating institution.

22 (c) GRANT AMOUNT.—

23 (1) INITIAL AMOUNT.—For the first year that
24 an eligible institution participates in the grant pro-
25 gram under this section and subject to paragraph

1 (3), such participating eligible institution shall re-
2 ceive a grant in an amount based on the product
3 of—

4 (A) the actual cost of tuition and fees at
5 the eligible institution in such year (referred to
6 in this section as the per-student rebate); multi-
7 plied by

8 (B) the number of eligible students en-
9 rolled in the eligible institution for the pre-
10 ceding year.

11 (2) SUBSEQUENT INCREASES.—For each suc-
12 ceeding year after the first year of the grant pro-
13 gram under this section, each participating eligible
14 institution shall receive a grant in the amount deter-
15 mined under paragraph (1) for such year, except
16 that in no case shall the amount of the per-student
17 rebate increase by more than 3 percent as compared
18 to the amount of such rebate for the preceding year.

19 (3) LIMITATIONS.—

20 (A) MAXIMUM PER-STUDENT REBATE.—

21 No eligible institution participating in the grant
22 program under this section shall receive a per-
23 student rebate amount for a grant year greater
24 than the national average of public four-year in-

1 stitutional tuition and fees, as determined by
2 the Secretary.

3 (B) FIRST YEAR TUITION AND FEES.—

4 During the first year of participation in the
5 grant program under this section, no eligible in-
6 stitution may increase tuition and fees at a rate
7 greater than any annual increase made by the
8 institution in the previous 5 years.

9 (d) APPLICATION.—An eligible institution shall sub-
10 mit an application to the Secretary at such time, in such
11 a manner, and containing such information as determined
12 by the Secretary.

13 (e) USE OF FUNDS.—Funds awarded under this sec-
14 tion to a participating eligible institution shall be used to
15 waive or significantly reduce tuition and fees for eligible
16 students in an amount of not more than up to the annual
17 per-student rebate amount for each student, for not more
18 than the first 60 credits an eligible student enrolls in the
19 participating eligible institution.

20 **SEC. 50823. DEFINITIONS.**

21 In this part:

22 (1) ELIGIBLE STUDENT.—

23 (A) DEFINITION.—The term “eligible stu-
24 dent” means a student, regardless of age,
25 who—

1 (i)(I) enrolls in a historically black
2 college or university, or minority-serving
3 institution; or

4 (II) transfers from a community col-
5 lege into a historically black college or uni-
6 versity, or minority-serving institution;

7 (ii) attends the historically black col-
8 lege or university, or minority serving in-
9 stitution, on at least a half-time basis;

10 (iii) maintains satisfactory academic
11 progress; and

12 (iv) is a low-income student.

13 (B) SPECIAL RULES.—

14 (i) FIRST 3 YEARS.—An otherwise eli-
15 gible student shall lose eligibility 3 cal-
16 endar years after first receiving benefits
17 under this part.

18 (ii) SPECIAL RULE FOR CERTAIN STU-
19 DENTS.—Notwithstanding subparagraph
20 (A)(i), an otherwise eligible student whose
21 parent or guardian was denied a Federal
22 Direct PLUS loan under title IV of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1070 et seq.) after November 2011 and be-
25 fore March 29, 2015, and who subse-

1 frequently withdrew from a historically black
2 college or university, or minority-serving
3 institution, and has not yet completed a
4 program of study at such historically black
5 college or university or minority-serving in-
6 stitution, shall be eligible to participate
7 under section 50821 or 50822 in order to
8 complete such program of study, subject to
9 all other requirements of section 50821 or
10 50822 (as the case may be).

11 (2) HISTORICALLY BLACK COLLEGE OR UNI-
12 VERSITY.—The term “historically black college or
13 university” means a part B institution described in
14 section 322(2) of the Higher Education Act of 1965
15 (20 U.S.C. 1061(2)).

16 (3) LOW-INCOME STUDENT.—The term “low-in-
17 come student”—

18 (A) shall include any student eligible for a
19 Federal Pell Grant under section 401 of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1070a); and

22 (B) may include a student ineligible for a
23 Federal Pell Grant under section 401 of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1070a) who is determined by the institution to

1 be a low-income student based on an analysis of
 2 the student's ability to afford the cost of at-
 3 tendance at the institution.

4 (4) MINORITY-SERVING INSTITUTION.—The
 5 term “minority-serving institution” means any pub-
 6 lic or not-for-profit institution of higher education—

7 (A) described in paragraphs (2) through
 8 (7) of section 371(a) of the Higher Education
 9 Act of 1965 (20 U.S.C. 1067q); and

10 (B) designated as a minority-serving insti-
 11 tution by the Secretary.

12 **SEC. 50824. APPROPRIATIONS.**

13 (a) AUTHORIZATION AND APPROPRIATIONS FOR
 14 HBCU AND MSI GRANTS.—For the purpose of carrying
 15 out sections 50821 and 50822, there are authorized to be
 16 appropriated, and there are appropriated—

- 17 (1) \$61,050,000 for fiscal year 2021;
- 18 (2) \$199,800,000 for fiscal year 2022;
- 19 (3) \$1,189,920,000 for fiscal year 2023;
- 20 (4) \$1,237,650,000 for fiscal year 2024;
- 21 (5) \$1,287,600,000 for fiscal year 2025;
- 22 (6) \$1,338,660,000 for fiscal year 2026;
- 23 (7) \$1,359,750,000 for fiscal year 2027;
- 24 (8) \$1,449,660,000 for fiscal year 2028;
- 25 (9) \$1,508,490,000 for fiscal year 2029; and

1 (10) \$1,569,540,000 for fiscal year 2030 and
2 each succeeding fiscal year.

3 (b) AVAILABILITY.—Funds appropriated under sub-
4 section (a) are to remain available to the Secretary until
5 expended.

6 (c) INSUFFICIENT FUNDS.—If the amount appro-
7 priated under subsection (a) for a fiscal year is not suffi-
8 cient to award each participating institution in the grant
9 programs under sections 50821 and 50822 a grant under
10 this part equal to 100 percent of the grant amount deter-
11 mined under section 50821(c), the Secretary may ratably
12 reduce the amount of each such grant or take other ac-
13 tions necessary to ensure an equitable distribution of such
14 amount.

15 **Subtitle I—Go to High School, Go**
16 **to College**

17 **SEC. 50901. SHORT TITLE.**

18 This subtitle may be cited as the “Go to High School,
19 Go to College Act of 2020”.

20 **SEC. 50902. COLLEGE IN HIGH SCHOOL FEDERAL PELL**
21 **GRANT PILOT PROGRAM.**

22 Section 401 of the Higher Education Act of 1965 (20
23 U.S.C. 1070a) is amended by adding at the end the fol-
24 lowing:

1 “(k) COLLEGE IN HIGH SCHOOL FEDERAL PELL
2 GRANT PILOT PROGRAM.—

3 “(1) IN GENERAL.—For the award years begin-
4 ning on July 1, 2020, and ending on June 30, 2026,
5 the Secretary shall carry out a pilot program to
6 award College in High School Federal Pell Grants to
7 eligible students to support enrollment in, and com-
8 pletion of, postsecondary courses offered through a
9 dual or concurrent enrollment program or an early
10 college high school.

11 “(2) SIZE OF PROGRAM.—The Secretary is au-
12 thorized to enroll not more than 250 eligible institu-
13 tions into the College in High School Federal Pell
14 Grant Pilot Program under this subsection, with the
15 intent of serving approximately 50,000 students.

16 “(3) POSSIBILITY OF EXTENSION.—The Sec-
17 retary is authorized to extend the period of the pilot
18 program under this subsection at the discretion of
19 the Secretary.

20 “(4) APPLICATION.—An eligible institution that
21 desires to participate in the College in High School
22 Federal Pell Grant Pilot Program under this sub-
23 section shall submit an application to the Secretary
24 at such time, in such manner, and accompanied by
25 such information as the Secretary may require. As

1 part of the application, the eligible institution
2 shall—

3 “(A) provide an assurance that such insti-
4 tution will offer eligible students enrolled in the
5 pilot program the opportunity to earn not less
6 than 12 credits on a pathway towards a degree
7 or credential;

8 “(B) describe how the college course se-
9 quences offered to such eligible students are
10 part of a pathway towards a degree or creden-
11 tial;

12 “(C) provide an assurance that such insti-
13 tution will provide all students enrolled in dual
14 or concurrent enrollment programs and early
15 college high school programs, alongside stu-
16 dents receiving College in High School Federal
17 Pell Grants under this subsection, necessary
18 support services to such eligible students, such
19 as academic tutoring, high school to college
20 transition support, guidance counseling, or
21 other comparable services designed to increase
22 student participation for and success in postsec-
23 ondary education;

24 “(D) describe how such institution will—

1 “(i) ensure that all students enrolled
2 in dual or concurrent enrollment programs
3 and early college high school programs,
4 alongside students receiving College in
5 High School Federal Pell Grants under
6 this subsection, complete the Free Applica-
7 tion for Federal Student Financial Aid
8 (FAFSA);

9 “(ii) assist all such students with
10 completion of the FAFSA; and

11 “(iii) commit to advising students re-
12 ceiving College in High School Federal Pell
13 Grants under this subsection about how re-
14 ceipt of a College in High School Federal
15 Pell Grant will impact their future finan-
16 cial aid eligibility;

17 “(E) describe the criteria for admission to
18 the pilot program that are used;

19 “(F) describe the instructors that the pilot
20 program will be using to teach the courses, and
21 what procedures the institution has in place to
22 ensure that the pilot program is using qualified
23 instructors compliant with State laws and ac-
24 creditation standards;

1 “(G) describe how such institution will
2 conduct outreach to such eligible students, their
3 parents or caregivers, first-generation college
4 students, and historically underrepresented stu-
5 dents, to encourage enrollment in the pilot pro-
6 gram;

7 “(H) commit to being a participant in a
8 statewide articulation agreement, have an ar-
9 ticulation agreement with at least one public in-
10 stitution of higher education, or be able to doc-
11 ument in another way successful history of
12 credit transfer of dual or concurrent enrollment
13 program coursework to other public institutions
14 of higher education;

15 “(I) provide an assurance that such insti-
16 tution will inform such eligible students of their
17 transfer options before they enroll, including
18 which other institutions of higher education are
19 likely to accept credits accrued through partici-
20 pation in the pilot program and under what
21 conditions;

22 “(J) provide an assurance that such insti-
23 tution will provide such eligible students with fi-
24 nancial counseling regarding how to use any re-
25 fund checks they receive for Federal Pell Grant

1 funds in excess of the costs of tuition and fees
2 for students accumulating more than 2 semes-
3 ters of College in High School Federal Pell
4 Grants;

5 “(K) commit to supplement, not supplant,
6 the use of recurring public funding already re-
7 ceived from Federal or State sources; and

8 “(L) commit not to charge such eligible
9 students any additional costs above that covered
10 by the student’s College in High School Federal
11 Pell Grant.

12 “(5) COMPETITIVE PRIORITY.—The Secretary
13 shall award priority for participation in the College
14 in High School Federal Pell Grant Pilot Program
15 under this subsection to—

16 “(A) an eligible institution that is
17 partnered with a high-need local educational
18 agency that serves one or more high-need high
19 schools that serve a high concentration of high-
20 need students; and

21 “(B) with respect to eligible institutions
22 that offer a dual or concurrent enrollment pro-
23 gram for which certified high school instructors
24 will be used to teach the college classes, an eli-
25 gible institution that has received accreditation

1 by the National Alliance of Concurrent Enroll-
2 ment Partnerships.

3 “(6) DISTRIBUTION OF AWARDS.—The Sec-
4 retary shall ensure that eligible institutions awarded
5 participation in the College in High School Federal
6 Pell Grant Pilot Program reflect a diverse array of
7 eligible institutions, including by geography, pro-
8 gram focus, and institution type.

9 “(7) APPLICABILITY OF PROVISIONS.—

10 “(A) IN GENERAL.—Except as otherwise
11 provided under this subsection, the provisions of
12 this section shall apply to College in High
13 School Federal Pell Grants awarded under this
14 subsection.

15 “(B) WAIVERS FROM EXISTING STAT-
16 UTE.—For the purposes of carrying out the
17 College in High School Federal Pell Grant Pilot
18 Program under this subsection, for students en-
19 rolled at eligible institutions who have been ac-
20 cepted into the pilot program, the Secretary
21 shall—

22 “(i) waive the requirement under sec-
23 tion 484(a)(1) that a student not be en-
24 rolled in an elementary or secondary school

1 to be eligible to receive a Federal Pell
2 Grant; and

3 “(ii) waive the requirement under sec-
4 tion 484(d) that a student be a high school
5 graduate to be eligible for a Federal Pell
6 Grant.

7 “(C) TWO SEMESTER CAP WAIVER.—Not-
8 withstanding subsection (c)(5), an eligible stu-
9 dent may receive not more than 2 semesters, or
10 the equivalent of 2 semesters, of College in
11 High School Federal Pell Grants, prior to draw-
12 ing down from the student’s 12 semester eligi-
13 bility period for Federal Pell Grants.

14 “(D) LIMITATION ON AWARD AMOUNT.—
15 For College in High School Federal Pell Grants
16 that do not apply towards a student’s 12 semes-
17 ter eligibility period for Federal Pell Grants,
18 the size of the College in High School Federal
19 Pell Grant shall be not more than the smaller
20 of—

21 “(i) the amount determined under
22 subsection (b); and

23 “(ii) the costs of tuition, fees, trans-
24 portation, and instructional materials at

1 the eligible institution at which the student
2 is enrolled.

3 “(8) LIMITATION ON USE OF FUNDING.—

4 “(A) IN GENERAL.—An eligible student
5 who receives a College in High School Federal
6 Pell Grant under this subsection may use the
7 grant only for—

8 “(i) credit-bearing college coursework;
9 and

10 “(ii) co-requisite courses.

11 “(B) PROHIBITION.—The use of a College
12 in High School Federal Pell Grant for non-
13 credit bearing developmental coursework is pro-
14 hibited.

15 “(9) EVALUATION.—

16 “(A) IN GENERAL.—The Secretary shall
17 perform an evaluation, or contract with an ap-
18 propriate nonprofit entity to conduct an evalua-
19 tion, on the success of the College in High
20 School Federal Pell Grant Pilot Program under
21 this subsection. In addition, the Secretary shall
22 provide updates to Congress and the public not
23 less often than every 6 months on current par-
24 ticipation in the College in High School Federal
25 Pell Grant Pilot Program, and any barriers

1 that are potentially affecting its success. The
2 evaluation shall consider, to the extent prac-
3 ticable, for students receiving a College in High
4 School Federal Pell Grant, disaggregated by
5 student subgroup, the following:

6 “(i) Student participation in the pilot
7 program.

8 “(ii) College credit accumulation.

9 “(iii) High school graduation rates.

10 “(iv) Postsecondary enrollment after
11 high school graduation.

12 “(v) Postsecondary enrollment without
13 remediation.

14 “(vi) Postsecondary persistence.

15 “(vii) Postsecondary completion.

16 “(viii) Differences in outcomes under
17 clauses (i) through (vii) based upon type of
18 institution, program model, and method of
19 instruction.

20 “(B) REPORTING.—Each eligible institu-
21 tion that participates in the College in High
22 School Federal Pell Grant Pilot Program under
23 this subsection shall report data to the Depart-
24 ment for the purposes of completing the evalua-
25 tion under subparagraph (A).

1 “(10) DEFINITIONS.—In this subsection:

2 “(A) CO-REQUISITE COURSE.—The term
3 ‘co-requisite courses’ means courses designed
4 for college students in need or remediation that
5 combines credit-bearing college-level coursework
6 with supplemental instruction.

7 “(B) DUAL OR CONCURRENT ENROLLMENT
8 PROGRAM.—The term ‘dual or concurrent en-
9 rollment program’ has the meaning given the
10 term in section 8101 of the Elementary and
11 Secondary Education Act of 1965.

12 “(C) EARLY COLLEGE HIGH SCHOOL.—
13 The term ‘early college high school’ has the
14 meaning given the term in section 8101 of the
15 Elementary and Secondary Education Act of
16 1965.

17 “(D) FIRST-GENERATION COLLEGE STU-
18 DENT.—The term ‘first-generation college stu-
19 dent’ means—

20 “(i) an individual both of whose par-
21 ents did not complete a baccalaureate de-
22 gree; or

23 “(ii) in the case of any individual who
24 regularly resided with and received support
25 from only 1 parent, an individual whose

1 only such parent did not complete a bacca-
2 laureate degree.

3 “(E) HIGH-NEED HIGH SCHOOL.—The
4 term ‘high-need high school’ means a secondary
5 school that meets any of the following:

6 “(i) Serves students not less than 50
7 percent of whom are students who meet ei-
8 ther of the following:

9 “(I) Meet a measure of poverty
10 as described in section 1113(a)(5) of
11 the Elementary and Secondary Edu-
12 cation Act of 1965.

13 “(II) Are students described in
14 any of the following items:

15 “(aa) Racial or ethnic
16 groups that are historically un-
17 derserved.

18 “(bb) Children with disabil-
19 ities, as defined in section 602 of
20 the Individuals with Disabilities
21 Education Act.

22 “(cc) English learners, as
23 defined in section 8101 of the El-
24 ementary and Secondary Edu-
25 cation Act of 1965.

1 “(dd) Migratory children, as
2 defined in section 1309 of the El-
3 ementary and Secondary Edu-
4 cation Act of 1965.

5 “(ee) Homeless children and
6 youths.

7 “(ff) Students who are in
8 foster care or are aging out of
9 the foster care system.

10 “(gg) Students with a par-
11 ent who is a member of the
12 Armed Forces (as defined in sec-
13 tion 101(a)(4) of title 10, United
14 States Code) on active duty (as
15 defined in section 101(d) of such
16 title).

17 “(ii) Is identified for comprehensive
18 support and improvement under section
19 1111(c)(4)(D)(i) of the Elementary and
20 Secondary Education Act of 1965.

21 “(iii) Is implementing a targeted sup-
22 port and improvement plan as described in
23 section 1111(d)(2) of the Elementary and
24 Secondary Education Act of 1965.

1 “(F) HIGH-NEED LOCAL EDUCATIONAL
2 AGENCY.—The term ‘high-need local edu-
3 cational agency’ means a local educational
4 agency—

5 “(i) that serves not fewer than 10,000
6 children from families with incomes below
7 the poverty line;

8 “(ii) for which not less than 20 per-
9 cent of the children served by the agency
10 are from families with incomes below the
11 poverty line; or

12 “(iii) that is in the highest quartile of
13 local educational agencies in the State,
14 based on student poverty.

15 “(G) HISTORICALLY UNDERREPRESENTED
16 STUDENT.—The term ‘historically underrep-
17 resented student’ means—

18 “(i) a student, or prospective student,
19 at an institution of higher education who is
20 at risk of educational failure or otherwise
21 in need of special assistance and support;
22 and

23 “(ii) may include an adult learner,
24 working student, part-time student, stu-
25 dent from a low-income background, stu-

1 dent of color, Native youth, single parent
2 (including a single pregnant woman), stu-
3 dent who is a homeless child or youth,
4 youth who is in, or has aged out of, the
5 foster care system, first-generation college
6 student, and student with a disability.

7 “(H) STUDENT SUBGROUP.—The term
8 ‘student subgroup’ means—

9 “(i) economically disadvantaged stu-
10 dents;

11 “(ii) students from major racial and
12 ethnic groups;

13 “(iii) children with disabilities, as de-
14 fined in section 602 of the Individuals with
15 Disabilities Education Act; and

16 “(iv) English learners, as defined in
17 section 8101 of the Elementary and Sec-
18 ondary Education Act of 1965.”.

19 **Subtitle J—America RISING**

20 **SEC. 51101. SHORT TITLE.**

21 This subtitle may be cited as the “America Realizing
22 the Informational Skills and Initiative of New Graduates
23 Act of 2020” or “America RISING Act of 2020”.

24 **SEC. 51102. FINDINGS.**

25 Congress finds the following:

1 (1) According to the Bureau of Labor Statis-
2 tics, in 2012 the national unemployment rate for in-
3 dividuals ages 25 years and older with a bachelor's
4 degree was 4.5 percent and 6.2 percent for individ-
5 uals with an associate's degree. For college grad-
6 uates ages 18 to 25 the national unemployment rate
7 in 2012 was higher at 7.7 percent. Because the typ-
8 ical college graduates leaves college owing an aver-
9 age of \$29,400 in student loan debt, a rate that has
10 increased 6 percent every year since 2008, the cur-
11 rent job market offers exceedingly few opportunities
12 for such graduates to obtain employment at a salary
13 adequate to service their college loan debt.

14 (2) There are more than 26 million small busi-
15 nesses in the United States. In the current economic
16 climate, these small businesses are experiencing dif-
17 ficulty in finding the resources needed to increase
18 sales, modernize operations, and hire new employees.

19 (3) Recent college graduates need the experi-
20 ence that can be obtained only in the workplace to
21 refine their skills and develop the entrepreneurial
22 qualities that can lead to the creation of new busi-
23 nesses and jobs.

24 (4) Existing small businesses and companies
25 will benefit from the information and technology

1 skills possessed by many of the Nation's recent col-
2 lege graduates.

3 (5) Enabling recent college graduates to obtain
4 employment with small businesses benefits the na-
5 tional economy by providing such businesses the
6 human capital and technical expertise needed to
7 compete and win in the global economy of the 21st
8 century.

9 **SEC. 51103. ESTABLISHMENT OF AMERICA RISING PRO-**
10 **GRAM.**

11 (a) ESTABLISHMENT.—The Secretary of Labor and
12 the Secretary of Education shall, jointly, establish a pro-
13 gram under which—

14 (1) grants are paid to eligible employers to de-
15 fray the cost of compensation paid by such employ-
16 ers to recent college graduates; and

17 (2) grants are paid to recent college graduates
18 to enable such graduates to defray the cost of under-
19 taking further postsecondary courses at an institu-
20 tion of higher education for up to 24 months in sub-
21 jects relating to mathematics, science, engineering,
22 or technology.

23 (b) TERMS AND CONDITIONS.—

1 (1) IN GENERAL.—A grant under this section
2 may be made on such terms and conditions as the
3 Secretary may determine.

4 (2) DEFERRAL OF FEDERAL STUDENT LOAN
5 OBLIGATIONS.—Each recent college graduate partici-
6 pating in the program under this section (by benefit-
7 ting from a grant awarded under paragraph (1), or
8 receiving a grant under paragraph (2), of subsection
9 (a)) may defer payment on Federal student loans
10 made to the graduate under title IV of the Higher
11 Education Act of 1965 (20 U.S.C. 1070 et seq.) for
12 the period of the graduate’s participation in the pro-
13 gram.

14 (3) GRANTS TO ELIGIBLE EMPLOYERS.—With
15 respect to a grant awarded under subsection
16 (a)(1)—

17 (A) an eligible employer—

18 (i) may use the grant to defray the
19 cost of compensation for not more than 2
20 recent college graduates; and

21 (ii) shall provide a compensation
22 amount to each recent college graduate
23 participating in the program that is equal
24 to or greater than the grant amount re-

1 received by the employer for the graduate;

2 and

3 (B) the Secretary may not award an eligi-
4 ble employer more than \$25,000 per recent col-
5 lege graduate.

6 (4) GRANTS TO RECENT COLLEGE GRAD-
7 UATES.—With respect to a grant awarded under
8 subsection (a)(2) to a recent college graduate, the
9 graduate shall be eligible to receive Federal student
10 aid under title IV of the Higher Education Act of
11 1965 (20 U.S.C. 1070 et seq.) without regard to
12 whether the graduate has been or is delinquent on
13 any Federal student loans made to the graduate
14 under such title IV (20 U.S.C. 1070 et seq.).

15 (c) DEFINITIONS.—In this section:

16 (1) ELIGIBLE EMPLOYER.—The term “eligible
17 employer” means an employer that—

18 (A) is a small business concern; or

19 (B) is a major corporation that has an op-
20 eration located in—

21 (i) an enterprise zone; or

22 (ii) an area in which, according to the
23 most recent data available, the unemploy-
24 ment rate exceeds the national average un-

1 employment rate by more than two per-
2 centage points.

3 (2) ENTERPRISE ZONE.—The term “enterprise
4 zone” has the meaning given the term “HUBzone”
5 in section 3 of the Small Business Act (15 U.S.C.
6 632).

7 (3) INSTITUTION OF HIGHER EDUCATION.—Ex-
8 cept as provided in paragraph (3)(B), the term “in-
9 stitution of higher education” has the meaning given
10 the term in section 101 of the Higher Education Act
11 of 1965 (20 U.S.C. 1001).

12 (4) MAJOR CORPORATION.—The term “major
13 corporation” means an employer that earns an an-
14 nual revenue of not less than \$5,000,000 and em-
15 ploys not less than 50 employees.

16 (5) RECENT COLLEGE GRADUATE.—

17 (A) IN GENERAL.—The term “recent col-
18 lege graduate” means an individual—

19 (i) who has received a baccalaureate
20 or associate degree from an institution of
21 higher education on or after the date that
22 is 24 months before the grant benefitting
23 the graduate is awarded under this section;
24 and

1 (ii) who has not previously received
2 any such baccalaureate or associate degree.

3 (B) INSTITUTION OF HIGHER EDU-
4 CATION.—In subparagraph (A), the term “insti-
5 tution of higher education” has the meaning
6 given such term in section 102 of the Higher
7 Education Act of 1965 (20 U.S.C. 1002).

8 (6) SMALL BUSINESS CONCERN.—The term
9 “small business concern” has the meaning given
10 such term in section 3 of the Small Business Act
11 (15 U.S.C. 632).

12 (d) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
14 appropriated to carry out this subtitle \$100,000,000
15 for each of the fiscal years 2022, 2023, and 2024.

16 (2) AVAILABILITY.—Funds appropriated under
17 paragraph (1) shall remain available until expended.

18 **Subtitle K—Cyber Security Edu-**
19 **cation and Federal Workforce**
20 **Enhancement Act**

21 **SEC. 51201. SHORT TITLE.**

22 This subtitle may be cited as the “Cyber Security
23 Education and Federal Workforce Enhancement Act”.

24 **SEC. 51202. FINDINGS.**

25 Congress makes the following findings:

1 (1) The Department of Homeland Security's
2 Cybersecurity Education & Awareness (CE&A)
3 Branch was established under National Security
4 Presidential Directive–54/Homeland Security Presi-
5 dential Directive–23, which launched the 2008 Com-
6 prehensive National Cybersecurity Initiative. There
7 is no appropriations language that references CE&A;
8 it is funded through the Infrastructure Protection
9 and Information Security appropriation under the
10 National Protection and Programs Directorate.

11 (2) The Department of Homeland Security's
12 CE&A works with universities to attract top talent
13 through competitive scholarship, fellowship, and in-
14 ternship programs.

15 (3) The agency certifies more than 125 institu-
16 tions nationwide as National Centers for Academic
17 Excellence to teach students valuable technical skills
18 in various disciplines of Information Assurance.

19 (4) The CE&A prepares and makes available
20 computer and information security lesson plans. At
21 the K–12 level, the Department has partnered with
22 USA Today to provide lesson plans about the impor-
23 tance of prevention of computer and digital informa-
24 tion crimes at home and in the classroom.

1 (5) The agency initiated the IT Security Essen-
2 tial Body of Knowledge (EBK). The National
3 Cybersecurity Division developed the EBK to estab-
4 lish a national baseline of the essential knowledge
5 and skills that IT security practitioners in the public
6 and private sector should have to perform specific
7 roles and responsibilities.

8 (6) The challenge for computer and information
9 security coordination and development is no single
10 agreed upon voluntary taxonomy nor definitions to
11 rely upon when categorizing or classifying computer
12 or information security jobs.

13 (7) The fields of computer and information se-
14 curity study is within the field of information assur-
15 ance.

16 (8) The information assurance, cybersecurity
17 and computer security workforce encompasses a va-
18 riety of context, roles, and occupations and is too
19 broad and diverse to be treated as a single occupa-
20 tion or profession.

21 (9) Science, technology, engineering, and math-
22 ematics occupations, which include computer and in-
23 formation security experts and professionals, are ex-
24 pected to grow by 17 percent by the year 2018 com-
25 pared to 9.8 percent for other jobs.

1 (10) The Federal Government is experiencing a
2 shortage of qualified professionals with expertise in
3 computer and information security.

4 (11) Insufficiently trained, educated, or super-
5 vised Federal computer workers can reduce the Na-
6 tion's ability to secure computer networks from
7 cyber attacks or incidents.

8 (12) The computing and information security
9 workforce encompasses a variety of context, roles,
10 and occupations and is too broad an diverse to be
11 treated as a single occupation or profession.

12 (13) Computing and information security is not
13 solely a technical endeavor, and thus encompasses a
14 wide range of backgrounds and skills that will be
15 needed in an effective national computing and infor-
16 mation security workforce.

17 (14) The route toward professionalization of a
18 field of study can be slow and difficult, and not all
19 portions of a field can or should be professionalized
20 at the same time.

21 (15) It is essential, just as it is for other dis-
22 ciplines like medicine and the law, that academics,
23 employers, and government share a common lan-
24 guage to identify, train, educate, and employ com-
25 puter and information security professionals.

1 (16) The secure management of digital sensitive
2 information collected maintained or transmitted by
3 Federal Government agencies, including taxpayer
4 data, Social Security records, medical records, intel-
5 lectual property, proprietary business information,
6 and sensitive Government data vital to national se-
7 curity and national defense requires an educated and
8 well-trained, as well as supervised, Federal work-
9 force.

10 (17) It is in the Nation's interest to promote
11 opportunities for science and technology education
12 and employment as a means of addressing the need
13 to fill computer and information security jobs within
14 the Federal Government.

15 (18) The Department of Homeland Security's
16 role is to lead, champion, and sustain the develop-
17 ment of a national information assurance,
18 cybersecurity and computer security workforce, as
19 well as to educate the citizenry.

20 (19) Developing, implementing, and articulating
21 programs that protect against and respond to com-
22 puter and information security threats and hazards
23 to the Homeland's security.

24 (20) The Department of Homeland Security
25 must create an agile, diverse workforce and digital

1 citizenry that are capable of sustaining a safe, se-
 2 cure, resilient computer and information security
 3 space, driven by a dynamic Department organization
 4 at the forefront of cross-sector computer and infor-
 5 mation security workforce development.

6 **PART 1—DEPARTMENT OF HOMELAND SECURITY**
 7 **K-12 EXCELLENCE IN SCIENCE AND TECH-**
 8 **NOLOGY**

9 **SEC. 51211. OFFICE OF CYBERSECURITY EDUCATION AND**
 10 **AWARENESS.**

11 (a) IN GENERAL.—Subtitle C of title II of the Home-
 12 land Security Act of 2002 (6 U.S.C. 141 et seq.) is amend-
 13 ed by adding at the end the following new section:

14 **“SEC. 230A. OFFICE OF CYBERSECURITY EDUCATION AND**
 15 **AWARENESS.**

16 “(a) ESTABLISHMENT.—There shall be within the
 17 Department an Office of Cybersecurity Education and
 18 Awareness Branch (hereinafter in this section referred to
 19 as the ‘Office’).

20 “(b) RESPONSIBILITIES.—The Office shall be respon-
 21 sible for carrying out the duties of the Office as directed
 22 by the Secretary. The Office shall also report to the Sec-
 23 retary the ongoing work of the Office. Further, the Office
 24 shall report on the statutory authority, Executive orders
 25 or agency directives that guide the work of the Office. The

1 Office shall report to the Secretary what additional au-
2 thority is needed to fulfill the mission for the Office as
3 outlined by the section. The Office shall also conduct re-
4 search and make recommendations to the Secretary to the
5 extent that the agency can effectively engage in the fol-
6 lowing:

7 “(1) Recruiting, retaining, and sustaining the
8 skills and knowledge of information assurance,
9 cybersecurity and computer security professionals in
10 the Department of Homeland Security, hereinafter
11 known as the ‘Department’.

12 “(2) Supporting kindergarten through grade 12
13 science and technology and computer and informa-
14 tion safety education through grants, and training
15 programs.

16 “(3) Supporting postsecondary information as-
17 surance, cybersecurity and computer security pro-
18 grams that provide education that benefits the mis-
19 sion and objective of the Department regarding re-
20 cruitment and retention of highly trained computing
21 professionals who are work ready.

22 “(4) Promoting public knowledge of computer
23 and information security competitions to provide
24 computer and information security competition ad-
25 ministrators, participants, and sponsors with infor-

1 mation necessary to further broader public participa-
2 tion in these activities.

3 “(5) Developing a guest lecturer program or
4 part-time lecturer program comprised of information
5 assurance, cybersecurity and computer security ex-
6 perts in the Federal Government, academia and pri-
7 vate sector to support education of students at insti-
8 tutions of higher education who are pursuing de-
9 grees in computing science.

10 “(6) Managing a Computer and Information
11 Security Youth Training Pathway Program for sec-
12 ondary school and postsecondary school students to
13 work in part-time or summer positions along with
14 Federal agency computer and information security
15 professionals.

16 “(7) Developing programs that increase the ca-
17 pacity of institutions defined in section 371 of the
18 Higher Education Act of 1965—

19 “(A) Historically Black Colleges and Uni-
20 versities;

21 “(B) professional and academic areas in
22 which African-Americans are under represented;

23 “(C) Hispanic-serving institutions;

24 “(D) Native American colleges; and

25 “(E) rural colleges and universities.

1 “(8) Conduct research and make recommenda-
2 tions to the Secretary on what the agency can do to
3 increase participation of professional and academic
4 under represented areas at minority institutions.

5 “(9) Providing support to the institutions of
6 higher education described in subparagraphs (A)
7 through (E) of paragraph (7) to provide course work
8 and education in computer and information security
9 designed to raise the number and diversity of stu-
10 dents in the field. The Office may use the institu-
11 tions defined under section 371 of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1067q) minority-serv-
13 ing institutions are defined as follows:

14 “(A) A part B institution (as defined in
15 section 322 (20 U.S.C. 1061)).

16 “(B) A Hispanic-serving institution (as de-
17 fined in section 502 (20 U.S.C. 1101a)).

18 “(C) A Tribal College or University (as de-
19 fined in section 316 (20 U.S.C. 1059)).

20 “(D) An Alaska Native-serving institution
21 or a Native Hawaiian-serving institution (as de-
22 fined in section 317(b) (20 U.S.C. 1059d(b))).

23 “(E) A Predominantly Black Institution
24 (as defined in subsection (c)).

1 “(F) An Asian American and Native
2 American Pacific Islander-serving institution
3 (as defined in subsection (c)).

4 “(G) A Native American-serving nontribal
5 institution (as defined in subsection (c)).

6 “(c) DEFINITIONS.—In this section:

7 “(1) The term ‘information assurance,
8 cybersecurity and computer security program’ has
9 the meaning given by the Secretary in consultation
10 with the computing and information Security Post
11 Secondary Education Working Group under the bill.

12 “(2) The term ‘K–12’ may be defined by the
13 Secretary in consultation with the K–12 Science and
14 Technology Education Board of Advisors under sec-
15 tion 51215 of the Cyber Security Education and
16 Federal Workforce Enhancement Act.

17 “(3) The Secretary may define higher education
18 institutions under this title using definitions found
19 in section 371 of the Higher Education Act of 1965.

20 “(4) The term ‘professional and academic
21 under represented areas’ means areas in which Afri-
22 can-Americans, Hispanics, and women are under
23 represented has the meaning given such term by the
24 Secretary, who may consult with the Commissioner
25 for Education Statistics and the Commissioner of

1 the Bureau of Labor Statistics. The basis of the de-
 2 termining the means should be based on most recent
 3 available satisfactory data, as computing and infor-
 4 mation security professional and academic areas in
 5 which the percentage of African-Americans, His-
 6 panics, and females who have been educated,
 7 trained, and employed is less than the percentage of
 8 African-Americans, Hispanics, and women in the
 9 general population.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
 11 in section 1(b) of such Act is amended by inserting after
 12 the item relating to section 225 the following new item:

“Sec. 230A. Office of Cybersecurity Education and Awareness.”.

13 **SEC. 51212. SCIENCE AND TECHNOLOGY INITIATIVE**
 14 **GRANTS.**

15 (a) IN GENERAL.—The Secretary of Homeland Secu-
 16 rity shall consider existing authority to make grants to
 17 secondary schools under this section, which shall be known
 18 as “Science and Technology Educators Initiative Grants”.

19 (b) SELECTION OF SCHOOLS.—If the Secretary de-
 20 termines that they have the authority they may select sec-
 21 ondary schools to receive grants under this section, the
 22 Secretary may consider the following factors:

23 (1) Whether more than 40 percent of the stu-
 24 dents at the secondary school are eligible for free or
 25 reduced price school meal programs under the Rich-

1 ard B. Russell National School Lunch Act and the
2 Child Nutrition Act of 1966.

3 (2) The location of the secondary school is in
4 a rural area.

5 (3) The participation of representation of pro-
6 fessions and academic area among students which
7 will also include home schooled, individuals residing
8 in rural areas, and individuals attending underper-
9 forming secondary schools.

10 (4) The location of the school in an area where
11 the unemployment rate was not more than one per-
12 cent higher than the national average unemployment
13 rate during the 24-month period preceding the de-
14 termination of eligibility under this subsection.

15 (5) The location of the secondary school in an
16 area where the per capita income is of 80 percent
17 or less of the national per capita income.

18 **SEC. 51213. PROJECT-BASED LEARNING PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary shall direct the
20 Office to conduct research to investigate and make rec-
21 ommendations regarding the feasibility and existing au-
22 thority to establish a national project-based science and
23 technology learning program, to be known as the “K–12
24 Science and Technology Learning Program” and make a
25 report to both House and Senate Oversight Committees.

1 Under such research program, the Secretary shall deter-
2 mine existing authority to—

3 (1) create State and regional workshops to
4 train teachers in science and technology project-
5 based learning;

6 (2) establish between institutions of higher edu-
7 cation, businesses, and local public and private edu-
8 cational agencies that serve students comprised of
9 40 percent or more of professional and academic
10 under represented areas to provide materials and
11 teaching aids to teachers who successfully complete
12 the science and technology project-based learning
13 program under this section;

14 (3) identify no cost or low cost summer and
15 after school science and technology education pro-
16 grams and broadly disseminate that information to
17 the public; and

18 (4) make grants to local educational agencies to
19 support the participation of teachers of elementary
20 school and secondary school in science and tech-
21 nology training programs by providing travel and en-
22 rollment expenses, with a priority given to teachers
23 who work in schools serving neglected, delinquent,
24 migrant students, English learners, at-risk students,

1 and Native Americans, as determined by the Sec-
2 retary.

3 (b) AUTHORITY.—The Secretary shall have the au-
4 thority under this statute to conduct a limited pilot project
5 to test recommendations on possible programs that would
6 be low-cost but have the greatest impact on instilling the
7 importance of technology and science education.

8 (c) REPORT TO CONGRESS.—The Secretary shall
9 submit to Congress an annual report on the program es-
10 tablished under this section.

11 (d) PROJECT-BASED SCIENCE AND TECHNOLOGY
12 LEARNING DEFINED.—In this section, the term “project-
13 based science and technology learning” means a system-
14 atic teaching method that engages students in learning es-
15 sential science, technology, engineering and mathematics
16 through knowledge and life-enhancing skills through an
17 extended, student-influenced inquiry process structured
18 around complex, authentic questions and carefully de-
19 signed products and tasks developed specifically for edu-
20 cation.

21 **SEC. 51214. MATCHING FUNDS FOR STATE AND PRIVATELY**
22 **FINANCED SCIENCE AND TECHNOLOGY**
23 **AFTER-SCHOOL PROGRAMS.**

24 (a) IN GENERAL.—The Secretary of Homeland Secu-
25 rity shall provide matching funds to local educational

1 agencies for after-school programs dedicated to science,
2 technology, engineering, and math in an amount equal to
3 the amount provided to the program by a State, local, trib-
4 al, or territorial government or by a nonprofit or private
5 entity.

6 (b) CRITERIA.—In selecting programs for which to
7 provide funds under this section, the Secretary shall con-
8 sider—

9 (1) the number of students served by the pro-
10 grams; and

11 (2) the participation in the programs of stu-
12 dents from populations referred to in section 230A
13 of the Homeland Security Act of 2002, as added by
14 section 51211.

15 (c) LIMITATION ON AMOUNT OF FUNDING.—For any
16 fiscal year, no individual school’s after-school program
17 shall receive more than \$5,000 under this section.

18 **SEC. 51215. SCIENCE AND TECHNOLOGY BOARD OF ADVI-**
19 **SORS.**

20 (a) ESTABLISHMENT.—There is established in the
21 Department of Homeland Security the “Research K–12
22 Science and Technology Education Board of Advisors”
23 (hereinafter in this section referred to as the “Board”).

24 (b) MEMBERSHIP.—

1 (1) COMPOSITION.—The Board shall be com-
2 posed of 15 members appointed by the Secretary of
3 Homeland Security, all of whom shall have K–12
4 education expertise in programs. The Secretary shall
5 appoint members based on the following qualifica-
6 tions:

7 (A) Members of the Board shall have expe-
8 rience in K–12 science, technology, engineering,
9 and mathematics education programs.

10 (B) Members of the Board shall have expe-
11 rience in training K–12 educators on providing
12 science and technology instruction.

13 (C) Members of the Board shall have expe-
14 rience in the promotion of science and tech-
15 nology education among under represented pop-
16 ulations, as defined by section 230A of the
17 Homeland Security Act of 2002, as added by
18 section 51211.

19 (2) DEADLINE FOR APPOINTMENT.—All mem-
20 bers of the Board shall be appointed not later than
21 60 days after the date of the enactment of this sub-
22 title.

23 (3) VACANCIES.—Any vacancy in the member-
24 ship of the Board shall not affect its powers and

1 shall be filled in the same manner in which the origi-
2 nal appointment was made.

3 (4) COMPENSATION.—

4 (A) IN GENERAL.—Members of the Board
5 shall not receive any compensation for their
6 service.

7 (B) TRAVEL EXPENSES.—While away from
8 their homes or regular places of business in the
9 performance of services for the Board, members
10 of the Board shall be allowed travel expenses,
11 including per diem in lieu of subsistence, in the
12 same manner as persons employed intermit-
13 tently in the Government service are allowed ex-
14 penses under section 5703(b) of title 5, United
15 States Code.

16 (C) PROHIBITION OF CONSULTANT OR
17 CONTRACTING WORK.—No member of the
18 Board while serving in this capacity or for 1
19 year following departure from the Board may
20 work as a consultant or contract worker for the
21 Department of Homeland Security in a position
22 related to the work of the Board or member
23 agency that participates as a member of the
24 Board.

1 (c) RESPONSIBILITIES.—The responsibilities of the
2 Board are to research and make recommendations to the
3 Secretary on—

4 (1) the status of K–12 science and technology
5 education domestically and internationally;

6 (2) how to increase the quality and diversity of
7 science and technology curriculum;

8 (3) promoting K–12 science and technology
9 competitions;

10 (4) establishing a virtual network to support
11 teacher and student science and technology edu-
12 cation and development;

13 (5) ascertaining, evaluating, and reporting on
14 best practices for project-based science and tech-
15 nology learning (as such term is defined in section
16 51213(c)); and

17 (6) identifying K–12 science and technology
18 education efforts that are successful in engaging
19 youth, with proven competence in engaging females,
20 minorities, individuals residing in rural areas, indi-
21 viduals residing in majority minority districts, home
22 schooled students.

23 (d) CHAIR.—The Chair of the Board shall be des-
24 igned by the Secretary from among the members of the
25 Board.

1 (e) MEETINGS.—

2 (1) INITIAL MEETING.—The Board shall meet
3 and begin the operations of the Board by not later
4 than 90 days after the date of the enactment of this
5 Act.

6 (2) SUBSEQUENT MEETINGS.—After its initial
7 meeting, the Board shall set the time and place of
8 its next meeting. The Board can upon the call of the
9 chairman or a majority of its members meet.

10 (3) QUORUM.—A majority of the Board shall
11 constitute a quorum.

12 (4) VOTING.—Proxy voting shall be allowed on
13 behalf of a member of the Board.

14 (5) RULES OF PROCEDURE.—The Board may
15 establish rules for the conduct of the Board's busi-
16 ness, if such rules are not inconsistent with this sec-
17 tion or other applicable law.

18 (f) POWERS.—

19 (1) HEARINGS AND EVIDENCE.—The Board or,
20 on the authority of the Board, any subcommittee or
21 member thereof, may, for the purpose of carrying
22 out this part hold such hearings and sit and act at
23 such times and places, take such testimony, receive
24 such evidence, administer such oaths.

1 (2) FEDERAL AGENCY STAFF.—The Secretary
2 shall make decisions regarding Federal agency staff
3 to be detailed to support the work of the Board.

4 (3) CONTRACT AUTHORITY.—The Board may
5 enter into contracts with the approval of the Sec-
6 retary to such extent and in such amounts as nec-
7 essary for the Board to discharge its duties under
8 this section.

9 (4) INFORMATION FROM FEDERAL AGENCIES.—

10 (A) IN GENERAL.—After providing notice
11 to the Secretary who may provide staff from
12 the Department to meet the staffing needs of
13 the Board. After 10 working days following no-
14 tice to the Secretary the Board is authorized to
15 secure directly from any executive department,
16 bureau, agency, board, office, independent es-
17 tablishment, or instrumentality of the Govern-
18 ment, information, suggestions, estimates, and
19 statistics for the purposes of this part. Each de-
20 partment, bureau, agency, board, office, inde-
21 pendent establishment, or instrumentality shall,
22 to the extent authorized by law, furnish such
23 information, suggestions, estimates, and statis-
24 tics directly to the Board, upon request made
25 by the chairman, the chairman of any sub-

1 committee created by a majority of the Board,
2 or any member designated by a majority of the
3 Board.

4 (B) RECEIPT, HANDLING, STORAGE, AND
5 DISSEMINATION.—Information shall only be re-
6 ceived, handled, stored, and disseminated by
7 members of the Board and its staff consistent
8 with all applicable statutes, regulations, and
9 Executive orders.

10 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

11 (A) GENERAL SERVICES ADMINISTRA-
12 TION.—The Administrator of General Services
13 shall provide to the Board on a reimbursable
14 basis administrative support and other services
15 for the performance of the Board's functions.

16 (B) OTHER DEPARTMENTS AND AGEN-
17 CIES.—In addition to the assistance prescribed
18 in subparagraph (A), departments and agencies
19 of the United States may provide to the Board
20 such services, funds, facilities, staff, and other
21 support services as they may determine advis-
22 able and as may be authorized by law.

23 (C) POSTAL SERVICES.—The Board may
24 use the United States mails in the same man-

1 ner and under the same conditions as depart-
2 ments and agencies of the United States.

3 (g) STAFF.—

4 (1) IN GENERAL.—

5 (A) APPOINTMENT AND COMPENSATION.—

6 The Chair, in accordance with rules agreed
7 upon by the Board, may appoint and fix the
8 compensation of a staff director and such other
9 personnel as may be necessary to enable the
10 Board to carry out its functions, without regard
11 to the provisions of title 5, United States Code,
12 governing appointments in the competitive serv-
13 ice, and without regard to the provisions of
14 chapter 51 and subchapter III of chapter 53 of
15 such title relating to classification and General
16 Schedule pay rates, except that no rate of pay
17 fixed under this subsection may exceed the
18 equivalent of that payable for a position at level
19 V of the Executive Schedule under section 5316
20 of title 5, United States Code.

21 (B) PERSONNEL AS FEDERAL EMPLOY-
22 EES.—

23 (i) IN GENERAL.—The executive di-
24 rector and any personnel of the Board who
25 are employees shall be employees under

1 section 2105 of title 5, United States
2 Code, for purposes of chapters 63, 81, 83,
3 84, 85, 87, 89, and 90 of that title.

4 (ii) MEMBERS OF THE BOARD.—
5 Clause (i) shall not be construed to apply
6 to members of the Board.

7 (2) DETAILEES.—Any Federal Government em-
8 ployee may be detailed to the Board without reim-
9 bursement from the Board, and such detailee shall
10 retain the rights, status, and privileges of his or her
11 regular employment without interruption.

12 (3) ADMINISTRATIVE SUPPORT FROM THE DE-
13 PARTMENT.—At the request of the Board, the Sec-
14 retary of Homeland Security shall provide the Board
15 with Administrative support necessary for the Board
16 to carry out its duties under this part.

17 (h) REPORTS.—

18 (1) QUARTERLY REPORTS.—The Board shall
19 submit to the Secretary of Homeland Security quar-
20 terly reports on the activities of the Board.

21 (2) FINAL REPORT.—Not later than two years
22 after the date of the enactment of this Act, the
23 Board shall submit to the Secretary a final report
24 containing such findings conclusions, and rec-

1 ommendations as have been agreed to by a majority
2 of Board members.

3 (i) APPLICABILITY OF FACCA.—

4 (1) IN GENERAL.—Nothing in the Federal Ad-
5 visory Committee Act (5 U.S.C. App.) shall apply to
6 the Board.

7 (2) PUBLIC MEETINGS AND RELEASE OF PUB-
8 LIC VERSIONS OF REPORTS.—The Board shall—

9 (A) hold public hearings and meetings to
10 the extent appropriate; and

11 (B) release public versions of the reports
12 required under subsection (h).

13 (3) PUBLIC HEARINGS.—Any public hearings of
14 the Board shall be conducted in a manner consistent
15 with the protection of information provided to or de-
16 veloped for or by the Board as required by any ap-
17 plicable statute, regulation, or Executive order.

18 (j) TERMINATION.—The Board, and all the authori-
19 ties of this part, shall terminate two years after the date
20 of the Board's first meeting, which shall take place 90
21 days following its appointment.

22 (1) IN GENERAL.—The Board and all the au-
23 thorities of this section shall terminate 60 days after
24 the date on which the final report is submitted
25 under subsection (h)(2).

1 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
2 MINATION.—The Board may use the 60-day period
3 referred to in paragraph (1) for the purpose of con-
4 cluding its activities, including providing testimony
5 to committees of Congress concerning its reports
6 and disseminating the final report.

7 (k) FUNDING.—There is authorized to be appro-
8 priated such sums as may be necessary to carry out this
9 section. Amounts made available pursuant to this sub-
10 section shall remain available until the termination of the
11 Board.

12 **SEC. 51216. LABORATORIES FOR SCIENCE AND TECH-**
13 **NOLOGY EXCELLENCE.**

14 The Secretary of Homeland Security shall determine
15 if existing authority allows the agency to make grants to
16 local education agencies for the purpose of supplying lab-
17 oratory facilities at secondary schools to promote the
18 teaching of science, technology, engineering, and mathe-
19 matics. If the Secretary determines that the authority does
20 not exist shall make a report to congressional oversight
21 committees detailing the limitation in agency authority to
22 conduct activity under this section and make recommenda-
23 tions on the benefits if any should the agency have the
24 authority to engage in the activity outlined in this section.

1 **PART 2—POST-SECONDARY COMPUTER AND**
2 **INFORMATION SECURITY EDUCATION**
3 **SEC. 51221. COMPUTING AND INFORMATION RESEARCH**
4 **WORKING GROUP.**

5 (a) ESTABLISHMENT.—There is hereby established in
6 the Department of Homeland Security the Computing and
7 Information Security Post-Secondary Education Working
8 Group, hereafter in this section referred to as the “Work-
9 ing Group”.

10 (b) RESPONSIBILITIES.—The Working Group shall
11 conduct research and—

12 (1) assist the Secretary in developing voluntary
13 guidelines that could serve as guidance to Federal
14 civil agency training programs, computer and infor-
15 mation security certification authorities, and accredi-
16 tation bodies seeking guidance on developing, en-
17 hancing, or sustaining competitive information secu-
18 rity; and

19 (2) make recommendations to the Secretary re-
20 garding—

21 (A) the state of the computing and infor-
22 mation security workforce development;

23 (B) evaluations and reports on the advan-
24 tages, disadvantages, and approaches to profes-
25 sionalizing the Nation’s computing and infor-
26 mation security workforce;

1 (C) criteria that can be used to identify
2 which, if any, specialty areas may require
3 professionalization;

4 (D) criteria for evaluating different ap-
5 proaches and tools for professionalization;

6 (E) techniques that enhance the efficiency
7 and effectiveness of computing and information
8 security workers;

9 (F) better tools and approaches for risk
10 identification and assessment;

11 (G) improved system design and develop-
12 ment;

13 (H) creation of better incentives for de-
14 ployment of better computing and information
15 security technologies;

16 (I) improvements in end user behaviors
17 through training and better coordination among
18 network managers;

19 (J) core curriculum requirements for com-
20 puting and information security training;

21 (K) efficacy and efficiencies of taxonomy
22 and definitions for computer and information
23 security;

1 (L) guidelines for accreditations and cer-
2 tification of computing and information security
3 college and university programs;

4 (M) identifying the role of mentors in the
5 retention of students enrolled in computing and
6 technology programs at institutions of higher
7 education who complete degree programs;

8 (N) remote access to computing and infor-
9 mation security education and training through
10 the Internet; and

11 (O) institution of higher education funding
12 and research needs.

13 (c) DEADLINE FOR SUBMITTAL OF RESEARCH
14 FUNDING AND RECOMMENDATIONS.—

15 (1) INITIAL RESEARCH.—The Working Group
16 shall submit to the Secretary an initial research plan
17 that will guide the work of the Working Group.

18 (2) OTHER RESEARCH RECOMMENDATIONS.—
19 The Working Group shall provide the Secretary a
20 list of other areas that require research to accom-
21 plish the purpose of the agency's goal of providing
22 cyber security protection for the agency. The Work-
23 ing Group shall provide a description of the pro-
24 posed research and the purpose of the research as
25 it relates to the goals of cybersecurity of the agency.

1 (3) INITIAL RECOMMENDATIONS.—The Work-
2 ing Group shall submit to the Secretary initial rec-
3 ommendations under this section by not later than
4 nine months after the date on which all of the mem-
5 bers of the Working Group are appointed.

6 (4) OTHER RECOMMENDATIONS.—Not later
7 than six months after all members of the Working
8 Group are appointed, the Working Group shall sub-
9 mit to the Secretary research and recommendations
10 on the effectiveness of Federal civil agency computer
11 and information security training programs, includ-
12 ing an evaluation of certification authorities and
13 their role in providing work ready staff to fill posi-
14 tions with the agency.

15 (5) SUBSEQUENT RESEARCH AND REC-
16 OMMENDATIONS.—Not later than one year after the
17 date of the submittal of the initial research and rec-
18 ommendations under paragraph (1), and annually
19 thereafter, the Working Group shall submit to the
20 Secretary subsequent research and recommendations
21 under this section and an update on the progress
22 made toward a well trained and sustainable Depart-
23 ment computer and information workforce.

24 (d) MEMBERSHIP.—

1 (1) CHAIR.—The Chair of the Working Group
2 shall be the Director of the National Institute of
3 Standards and Technology or the Director’s des-
4 ignee.

5 (2) OTHER MEMBERS.—The Working Group
6 shall be composed of 21 members, who are ap-
7 pointed by the Secretary of Homeland Security in
8 consultation with the Director of NIST and the head
9 of the entity represented by the member.

10 (3) APPOINTMENT.—All appointments are for a
11 term of 2 years with one reappointment for an addi-
12 tional 2 years.

13 (4) QUORUM.—A majority of the members of
14 the Working Group shall constitute a quorum.

15 (e) NO COMPENSATION FOR SERVICE.—While away
16 from their homes or regular places of business in the per-
17 formance of services for the Commission, members of the
18 Commission shall be allowed travel expenses, including per
19 diem in lieu of subsistence, in the same manner as persons
20 employed intermittently in the Government service are al-
21 lowed expenses under section 5703(b) of title 5, United
22 States Code.

23 (f) TECHNICAL SUPPORT FROM THE DEPARTMENT
24 OF HOMELAND SECURITY.—At the request of the Work-
25 ing Group, the Secretary of Homeland Security shall pro-

1 vide the Working Group with technical support necessary
2 for the Working Group to carry out its duties under this
3 section.

4 (g) INTELLECTUAL PROPERTY RIGHTS.—No private-
5 sector individual or entity shall obtain any intellectual
6 property rights to any guidelines or recommendations nor
7 the contents of any guideline (or any modification to any
8 guideline) adopted by the Secretary under this section.

9 (h) REPORT.—Not later than one year after the date
10 of the enactment of this Act, the Working Group shall sub-
11 mit to the Secretary a report containing researching find-
12 ings, an outline for other areas requiring research and why
13 as well as recommendations of the Working Group.

14 (i) SUBMITTAL OF RECOMMENDATIONS TO CON-
15 GRESS.—Not later than 18 months after the date of the
16 enactment of this Act, the Secretary shall submit to the
17 Committee on Homeland Security of the House of Rep-
18 resentatives and the Committee on Homeland Security
19 and Governmental Affairs of the Senate a report on the
20 research findings, an outline of other areas requiring re-
21 search and why and recommendations for furthering the
22 cybersecurity of the agency.

23 (j) TREATMENT OF RECOMMENDATIONS.—The Sec-
24 retary has the benefit of the Working Group's work which
25 the Secretary may accept, reject, or modify. The Secretary

1 shall not be bound by the recommendations of the Work-
2 ing Group.

3 (k) PUBLICATION OF RECOMMENDATIONS IN FED-
4 ERAL REGISTER.—The Secretary shall approve the publi-
5 cation of grant application guidelines in the Federal Reg-
6 ister by not later than 90 days after receiving the report
7 submitted under subsection (h).

8 (l) APPLICABILITY OF FACA.—Nothing in the Fed-
9 eral Advisory Committee Act (5 U.S.C. App.; relating to
10 the termination of advisory committees) shall apply to the
11 Working Group.

12 **SEC. 51222. PROCESS FOR ADOPTION RESEARCH AND A**
13 **BEST PRACTICES VOLUNTARY GUIDELINES**
14 **FOR LABORATORY FACILITIES.**

15 (a) ESTABLISHMENT OF THE POST-SECONDARY
16 LABORATORY DEVELOPMENT TASK FORCE.—The Sec-
17 retary of Homeland Security shall establish a “Post-Sec-
18 ondary Laboratory Research Development Task Force”
19 (hereinafter in this section referred to as the “Develop-
20 ment Task Force”).

21 (b) RESPONSIBILITIES.—The Development Task
22 Force shall conduct research for and make recommenda-
23 tions to the Secretary regarding best practices voluntary
24 guidelines for college and university laboratory facilities
25 for education and research purposes related to information

1 assurance, cybersecurity and computing security. Such re-
2 search on what baseline equipment, capacity, skilled in-
3 struction, and certification may be needed for a set of best
4 practices voluntary guidelines for colleague or university
5 laboratories and make recommendations on the best meth-
6 ods of assuring that the greatest number of institutions
7 have access to facilities that meet the baseline best prac-
8 tices regarding—

9 (1) qualifications for laboratories for the pur-
10 pose of providing education or instruction in com-
11 puting security, computer networks, enterprises,
12 informatics, and other systems designated by the
13 Secretary;

14 (2) types of software;

15 (3) types of hardware;

16 (4) types of firmware;

17 (5) security applications, including firewalls,
18 whole hat hackers, red teams, and blue teams;

19 (6) security protocols needed to protect the
20 physical and computer resources of the laboratory;

21 (7) accreditation and certification of college and
22 university computer and information security labora-
23 tories;

24 (8) best practices for—

1 (A) public-private collaborations to support
2 secondary and post-secondary laboratory facili-
3 ties for computer or information security;

4 (B) visiting guest lecture programs for
5 business and Government information tech-
6 nology security experts; and

7 (C) developing real world laboratory exer-
8 cise and proficiency measures; and

9 (9) how best to recruit and retain instructors
10 with requisite degrees to teach computer and infor-
11 mation security courses to undergraduate and grad-
12 uate students.

13 (c) MEMBERSHIP.—

14 (1) MEMBERS.—The Development Task Force
15 shall be composed of 19 members, including the
16 Chair. The Secretary of Homeland Security, in con-
17 sultation with the head of the entity represented by
18 the member agencies, shall appoint members. The
19 Secretary shall appoint a chair from among the
20 members of the Development Task Force. Such
21 members shall consist of one representative of each
22 of the following agencies:

23 (A) The White House Office of Science
24 and Technology Policy.

1 (B) The Office of the Director of National
2 Intelligence.

3 (C) The Department of Energy.

4 (D) The Defense Advanced Research
5 Projects Agency.

6 (E) The Department of Commerce.

7 (F) The National Institutes of Health.

8 (G) The National Institute of Science and
9 Technology.

10 (H) The National Science Foundation.

11 (I) The Director of the Office of Personnel
12 Management.

13 (2) OTHER MEMBERS.—The Secretary shall
14 consider for the other members of the Development
15 Task Force representatives from organizations that
16 advocate and promote professional development of
17 professional and academic under represented areas
18 and organizations with the mission of promoting
19 professional development and academic excellence in
20 information assurance, cybersecurity and computing
21 security:

22 (A) Organizations with the mission of ad-
23 vancing computing as a science and profession.

24 (B) Organizations that promote informa-
25 tion system security education.

1 (C) Professional associations that are well
2 established and broadly recognized for the ad-
3 vancement of technology.

4 (D) Professional associations that rep-
5 resent professionals and academics referred to
6 in section 230A of the Homeland Security Act
7 of 2002, as added by section 51211.

8 (E) K–12 science and technology programs
9 that conduct successful after school and sum-
10 mer programs for under represented popu-
11 lations, rural communities and serve commu-
12 nities where unemployment is at least two per-
13 cent higher than the national average.

14 (F) Organizations that promote education
15 of Native Americans or other indigenous peo-
16 ples of the United States or its territories.

17 (G) Regional diversity of public and pri-
18 vate school districts that excel at science and
19 technology education.

20 (3) QUORUM.—A majority of the members of
21 the Development Task Force shall constitute a
22 quorum.

23 (4) VOTING.—Proxy voting shall be allowed on
24 behalf of a member of the Development Task Force.

1 (5) RULES OF PROCEDURE.—The Development
2 Task Force may establish rules for the conduct of
3 the Development Task Force’s business, if such
4 rules are not inconsistent with this section or other
5 applicable law.

6 (d) POWERS.—

7 (1) HEARINGS AND EVIDENCE.—The Develop-
8 ment Task Force or, on the authority of the Devel-
9 opment Task Force, or any subcommittee or mem-
10 ber thereof, may, for the purpose of carrying out
11 this section hold such hearings and sit and act at
12 such times and places, take such testimony, receive
13 such evidence, and administer such oaths.

14 (2) CONTRACT AUTHORITY.—After giving no-
15 tice to the Secretary who may substitute agency
16 staff with the requisite skills to fill a position needed
17 by the Board at no additional cost to the Board.
18 After 10 working days following notice to the Sec-
19 retary the Development Task Force may enter into
20 contracts to such extent and in such amounts as
21 necessary for the Development Task Force to dis-
22 charge its duties under this section.

23 (3) INFORMATION FROM FEDERAL AGENCIES.—

24 (A) IN GENERAL.—The Development Task
25 Force is authorized to secure directly from any

1 executive department, bureau, agency, board,
2 office, independent establishment, or instrumen-
3 tality of the Government information, sugges-
4 tions, estimates, and statistics for the purposes
5 of this section. Each department, bureau, agen-
6 cy, board, office, independent establishment, or
7 instrumentality shall, to the extent authorized
8 by law, furnish such information, suggestions,
9 estimates, and statistics directly to the Board,
10 upon request made by the chairman, the chair-
11 man of any subcommittee created by a majority
12 of the Board, or any member designated by a
13 majority of the Board.

14 (B) RECEIPT, HANDLING, STORAGE, AND
15 DISSEMINATION.—Information shall only be re-
16 ceived, handled, stored, and disseminated by
17 members of the Board and its staff consistent
18 with all applicable statutes, regulations, and
19 Executive orders.

20 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

21 (A) GENERAL SERVICES ADMINISTRA-
22 TION.—The Administrator of General Services
23 shall provide to the Development Task Force on
24 a reimbursable basis administrative support and

1 other services for the performance of the
2 Board's functions.

3 (B) OTHER DEPARTMENTS AND AGEN-
4 CIES.—In addition to the assistance prescribed
5 in subparagraph (A), departments and agencies
6 of the United States may provide to the Board
7 such services, funds, facilities, staff, and other
8 support services as they may determine advis-
9 able and as may be authorized by law.

10 (C) POSTAL SERVICES.—The Development
11 Task Force may use the United States mails in
12 the same manner and under the same condi-
13 tions as departments and agencies of the
14 United States.

15 (e) STAFF.—

16 (1) IN GENERAL.—While away from their
17 homes or regular places of business in the perform-
18 ance of services for the Commission, members of the
19 Commission shall be allowed travel expenses, includ-
20 ing per diem in lieu of subsistence, in the same man-
21 ner as persons employed intermittently in the Gov-
22 ernment service are allowed expenses under section
23 5703(b) of title 5, United States Code.

24 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

1 (A) IN GENERAL.—The executive director
2 and any personnel of the Development Task
3 Force who are employees shall be employees
4 under section 2105 of title 5, United States
5 Code, for purposes of chapters 63, 81, 83, 84,
6 85, 87, 89, and 90 of that title.

7 (B) MEMBERS OF THE DEVELOPMENT
8 TASK FORCE.—Subparagraph (A) shall not be
9 construed to apply to members of the Develop-
10 ment Task Force.

11 (3) DETAILEES.—Any Federal Government em-
12 ployee may be detailed to the Board without reim-
13 bursement from the Development Task Force, and
14 such detailee shall retain the rights, status, and
15 privileges of his or her regular employment without
16 interruption.

17 (f) NO COMPENSATION FOR SERVICE.—Members of
18 the Development Task Force shall not receive any com-
19 pensation for their service, but shall be paid travel ex-
20 penses, including per diem in lieu of subsistence, at rates
21 authorized for employees of agencies under subchapter I
22 of chapter 57 of title 5, United States Code, while away
23 from their homes or regular places of business in the per-
24 formance of services for the Development Task Force.

1 (g) PROHIBITION OF CONSULTANT OR CONTRACTING
2 WORK.—No member of the Development Task Force
3 while serving in this capacity or for 1 year following depar-
4 ture from the Development Task Force may work as a
5 consultant or contract worker for the Department of
6 Homeland Security in a position related to the work of
7 the Development Task Force or member agency that par-
8 ticipates as a member of the Development Task Force.

9 (h) REPORT.—The Development Task Force shall
10 submit a report to the Secretary of Homeland Security;
11 a report on research findings, best practices voluntary
12 guidelines and recommendations to the Secretary. The re-
13 port shall be in unclassified form but may include a classi-
14 fied annex.

15 (i) SECRETARY OF HOMELAND SECURITY REPORT.—
16 The Secretary shall submit to Congress a report on the
17 work of the Development Task Force's, research into best
18 practices voluntary guidelines, areas that require addi-
19 tional study and a set of recommendations. The Secretary
20 shall indicate to the Congress which Development Task
21 Force recommendations have been implemented, which
22 will be implemented, or which will be rejected and why.

23 (j) TECHNICAL SUPPORT FROM THE DEPART-
24 MENT.—At the request of Development Task Force the
25 Secretary of Homeland Security shall provide the Develop-

1 ment Task Force with technical support necessary for the
 2 Development Task Force to carry out its duties under this
 3 section.

4 (k) INTELLECTUAL PROPERTY.—No private-sector
 5 individual or entity serving on the Development Task
 6 Force shall obtain any intellectual property rights to any
 7 guidelines or recommendations that derive from the work
 8 of the Development Task Force or any guidelines (or any
 9 modification to any guidelines) based on the work of the
 10 Development Task Force.

11 (l) PROHIBITION OF CONSULTANT OR CONTRACTING
 12 WORK.—No member of the Development Task Force
 13 while serving in this capacity or for 1 year following depar-
 14 ture from the Development Task Force may work as a
 15 consultant or contract worker in a position related to the
 16 direct work of the Development Task Force to the Depart-
 17 ment of Homeland Security or member agency that par-
 18 ticipates as a member of the Development Task Force.

19 **SEC. 51223. COMPUTING AND INFORMATION SECURITY**
 20 **MENTORING PROGRAMS FOR COLLEGE STU-**
 21 **DENTS.**

22 (a) OFFICE OF CYBERSECURITY AND INFORMATION
 23 SECURITY PROFESSIONAL’S MENTORING PROGRAM.—

24 (1) IN GENERAL.—Subtitle C of title II of the
 25 Homeland Security Act of 2002 (6 U.S.C. 141 et

1 seq.) is further amended by adding at the end the
2 following new section:

3 **“SEC. 230B. OFFICE OF COMPUTING AND INFORMATION SE-**
4 **CURITY PROFESSIONAL’S MENTORING PRO-**
5 **GRAM.**

6 “(a) ESTABLISHMENT.—There is in the Department
7 an Office of Computing and Information Security Profes-
8 sional’s Mentoring Program. The head of the office is the
9 Mentoring Coordinator, who shall be appointed by the Sec-
10 retary.

11 “(b) RESPONSIBILITIES.—The Mentoring Coordi-
12 nator shall be responsible for working with outreach to
13 institution of higher education, critical infrastructure own-
14 ers, and the heads of Federal departments and agencies
15 to develop and promote the participation of professionals
16 as volunteer mentors to—

17 “(1) undergraduate students at institutions of
18 higher education who are enrolled in the third or
19 fourth year of a program of education leading to a
20 degree in computing or information security;

21 “(2) students enrolled in a program of edu-
22 cation leading to a doctoral degree in computing or
23 information security; and

1 “(3) new employees of Federal departments and
2 agencies whose primary responsibilities relate to
3 computing or information security.”.

4 (2) CLERICAL AMENDMENT.—The table of con-
5 tents in section 1(b) of such Act is further amended
6 by inserting after the item relating to section 230A
7 the following new item:

“Sec. 230B. Office of Computing and Information Security Professional’s Men-
toring Program.”.

8 (b) GRANT PROGRAM.—

9 (1) IN GENERAL.—The Secretary of Homeland
10 Security shall determine existing authority to make
11 grants to covered institutions of higher learning for
12 the establishment of mentoring programs for under-
13 graduates enrolled in programs or courses of edu-
14 cation in information assurance, cybersecurity or
15 computing security programs.

16 (2) COVERED INSTITUTIONS OF HIGHER
17 LEARNING.—For purposes of this subsection, the
18 term “covered institution of higher learning” means
19 those institutions as defined in section 371 of the
20 Higher Education Act of 1965 and listed in section
21 51211 of this bill.

22 **SEC. 51224. GRANTS FOR COMPUTER EQUIPMENT.**

23 (a) GRANTS.—The Secretary of Homeland Security
24 may make grants to post-secondary institutions that offer

1 courses or degrees in computing or information security
2 to be used to establish or equip a computer laboratory to
3 be made available to students and faculty for both teach-
4 ing and research purposes.

5 (b) TECHNICAL SUPPORT.—The Secretary shall en-
6 sure that each recipient of a grant under this section also
7 receives technical support on the use and proper function
8 of equipment and software.

9 (c) PUBLICATION IN FEDERAL REGISTER.—The Sec-
10 retary shall publish the name of each institution of higher
11 education that receives a grant under this section and the
12 amount of such grant.

13 (d) QUALIFICATION.—In making grants under this
14 section, the Secretary—

15 (1) shall take into consideration whether more
16 than 50 percent of the students at an institution are
17 taking online or distance learning computer science
18 and information security courses; and

19 (2) may establish guidance to institutions for
20 entering into laboratory facilities sharing agreements
21 to allow institutions to qualify for grants under this
22 section.

1 **SEC. 51225. CENTERS OF ACADEMIC COMPUTING AND IN-**
2 **FORMATION ASSURANCE.**

3 (a) PROGRAM ESTABLISHED.—The Secretary of
4 Homeland Security shall establish a program for Centers
5 of Academic Computer and Information Assurance Dis-
6 tinction.

7 (b) DESIGNATION OF CENTERS.—

8 (1) IN GENERAL.—The Secretary may des-
9 ignate five colleges or universities as Centers of Dis-
10 tinction for Academic Computing and Information
11 Security Assurance each year with no limit to the
12 total number of such Centers that may be estab-
13 lished. The Secretary may make public the Centers
14 for Distinction in Academic Computing and Infor-
15 mation Security Assurance.

16 (2) REVOCATION OF DESIGNATIONS.—The Sec-
17 retary may revoke the designation of a Center of
18 Distinction for Academic Computing and Informa-
19 tion Security Assurance.

20 (3) CRITERIA.—The Secretary shall make avail-
21 able information regarding the criteria for desig-
22 nating an institution as a Center of Distinction for
23 Academic Computing and Information Security As-
24 surance under this section.

25 (4) DISTANCE LEARNING.—In designating Cen-
26 ters under this section, the Secretary shall consider

1 the number of students who are enrolled in distance
2 learning computer or information security courses
3 and whether collaborations for in laboratory instruc-
4 tion through shared arrangements with established
5 information assurance, cybersecurity computing se-
6 curity programs at secondary education programs
7 that laboratory facilities that meet best practices as
8 outlined by the Secretary would be sufficient to meet
9 the requirements established under this section.

10 (c) OUTREACH.—The Secretary shall identify and re-
11 port on the success of efforts to reach under represented
12 populations in the field of computing and information se-
13 curity through work with institutions as defined under sec-
14 tion 371 of the Higher Education Act of 1965 listed in
15 section 51211 of this subtitle.

16 (d) REPORT.—Not later than 220 days after the date
17 of the enactment of this Act, the Secretary shall submit
18 to Congress recommendations regarding distance learning
19 computer and information security programs for meeting
20 the cybersecurity professional requirements of the agency.

21 (e) CONSIDERATION OF PROGRAMS.—The Secretary
22 may consider the following when making grants to post-
23 secondary education institutions and private sector enti-
24 ties who are contracted, provided grants or funds to con-
25 duct research on information assurance, cybersecurity and

1 computing security to advance the agency's cybersecurity
2 capacity:

3 (1) Institutions designated as a Center of Dis-
4 tinction for Academic Computing and Information
5 Security Assurance.

6 (2) Institutions who have established academic
7 mentoring and program development partnerships
8 related to information assurance, cybersecurity, and
9 computing security academic programs with institu-
10 tions defined under section 371 of the Higher Edu-
11 cation Act of 1965 listed in section 51211 of this
12 subtitle.

13 **PART 3—FEDERAL WORKFORCE COMPUTER AND**
14 **INFORMATION SECURITY PROFESSIONAL**
15 **DEVELOPMENT**

16 **SEC. 51231. LIFELONG LEARNING IN COMPUTER AND IN-**
17 **FORMATION SECURITY STUDY.**

18 (a) ESTABLISHMENT.—The Secretary of Homeland
19 Security shall establish a program to be known as the
20 “Lifelong Computer and Information Security Study”.
21 Such program shall be designed to promote computer and
22 information security professionals among Federal civilian
23 agencies, critical infrastructure, and the general public by
24 supporting post-employment education and training.

1 (b) DISCRETION OF SECRETARY.—The Secretary
2 shall have the discretion to determine the best methods
3 for accomplishing the objective of this section.

4 (c) REPORTS.—The Secretary shall periodically sub-
5 mit to Congress a report on the implementation of this
6 section.

7 **SEC. 51232. COMPUTER AND INFORMATION SECURITY JOB**
8 **OPPORTUNITIES PROGRAM.**

9 (a) IN GENERAL.—The Secretary of Homeland Secu-
10 rity, acting through the Deputy Assistant Secretary for
11 Cybersecurity Education and Awareness, shall establish,
12 in conjunction with the National Science Foundation, a
13 program to award grants to institutions of higher edu-
14 cation (and consortia thereof) for—

15 (1) the establishment or expansion of computer
16 and information security professional development
17 programs;

18 (2) the establishment or expansion (or both) of
19 associate degree programs in computer and informa-
20 tion security; and

21 (3) the purchase of equipment to provide train-
22 ing in computer and information security for either
23 professional development programs or degree pro-
24 grams.

1 (b) GOALS AND CRITERIA.—The Secretary, acting
2 through the Deputy Assistant Secretary and in consulta-
3 tion with the Working Group established under section
4 51221, shall establish the goals for the program under this
5 section and the criteria for awarding grants.

6 (c) AWARDS.—

7 (1) PEER REVIEW.—All awards under this sec-
8 tion shall be provided on a competitive, merit-re-
9 viewed basis. The peer review process shall be pub-
10 lished in the Federal Register. Those serving in a
11 peer review role shall do so for 2 years with an op-
12 tion for 1 additional term. Applicants in the event
13 of a denial of an award shall be provided with a de-
14 tailed explanation for the denial.

15 (2) FOCUS.—In making awards under this sec-
16 tion, the Deputy Assistant Secretary shall, to the ex-
17 tent practicable, ensure geographic diversity and the
18 participation of women and under represented mi-
19 norities.

20 (3) PREFERENCE.—In making awards under
21 this section, the Deputy Assistant Secretary shall—

22 (A) give preference to applications sub-
23 mitted by consortia of institutions, to encourage
24 as many students and professionals as possible

1 to benefit from the program established under
2 this section;

3 (B) give preference to any application sub-
4 mitted by a consortium of institutions that in-
5 cludes at least one institution that is eligible to
6 receive funds under title III or V of the Higher
7 Education Act of 1965; and

8 (C) consider the enrollment of students in
9 online and distance learning courses.

10 (d) INSTITUTION OF HIGHER EDUCATION DE-
11 FINED.—In this section the term “institution of higher
12 education” has the meaning given that term in section
13 101(a) of the Higher Education Act of 1965 (20 U.S.C.
14 1001(a)).

15 **SEC. 51233. DEPARTMENT OF HOMELAND SECURITY**
16 **CYBERSECURITY TRAINING PROGRAMS AND**
17 **EQUIPMENT.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity, acting through the Assistant Secretary of
20 Cybersecurity, shall establish, in conjunction with the Na-
21 tional Science Foundation, a program to award grants to
22 institutions of higher education (and consortia thereof)
23 for—

24 (1) the establishment or expansion of
25 cybersecurity professional development programs;

1 (2) the establishment or expansion (or both) of
2 associate degree programs in cybersecurity; and

3 (3) the purchase of equipment to provide train-
4 ing in cybersecurity for either professional develop-
5 ment programs or degree programs.

6 (b) ROLES.—

7 (1) DEPARTMENT OF HOMELAND SECURITY.—

8 The Secretary, acting through the Assistant Sec-
9 retary and in consultation with the Director of the
10 National Science Foundation, shall establish the
11 goals for the program established under this section
12 and the criteria for awarding grants.

13 (2) NATIONAL SCIENCE FOUNDATION.—The Di-
14 rector of the National Science Foundation shall op-
15 erate the program established under this section
16 consistent with the goals and criteria established
17 under paragraph (1), including soliciting applicants,
18 reviewing applications, and making and admin-
19 istering awards. The Director may consult with the
20 Assistant Secretary in selecting awardees.

21 (3) FUNDING.—The Secretary shall transfer to
22 the National Science Foundation the funds nec-
23 essary to carry out this section.

24 (c) AWARDS.—

1 (1) PEER REVIEW.—All awards under this sec-
2 tion shall be provided on a competitive, merit-re-
3 viewed basis.

4 (2) FOCUS.—In making awards under this sec-
5 tion, the Director shall, to the extent practicable, en-
6 sure geographic diversity and the participation of
7 women and under represented minorities.

8 (3) PREFERENCE.—In making awards under
9 this section, the Director—

10 (A) shall give preference to applications
11 submitted by consortia of institutions, to en-
12 courage as many students and professionals as
13 possible to benefit from the program established
14 under this section; and

15 (B) shall give preference to any application
16 submitted by a consortium of institutions that
17 includes at least one institution that is eligible
18 to receive funds under title III or V of the
19 Higher Education Act of 1965.

20 (d) INSTITUTION OF HIGHER EDUCATION DE-
21 FINED.—In this section the term “institution of higher
22 education” has the meaning given that term in section
23 101(a) of the Higher Education Act of 1965 (20 U.S.C.
24 1001(a)).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary for car-
3 rying out this section \$3,700,000 for each of fiscal years
4 2022 and 2023.

5 **SEC. 51234. E-SECURITY FELLOWS PROGRAM.**

6 (a) ESTABLISHMENT OF PROGRAM.—Subtitle C of
7 title II of the Homeland Security Act of 2002 (6 U.S.C.
8 121 et seq.) is further amended by adding at the end the
9 following:

10 **“SEC. 230C. E-SECURITY FELLOWS PROGRAM.**

11 “(a) ESTABLISHMENT.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish a fellowship program in accordance with this
14 section for the purpose of bringing State, local, trib-
15 al, and private sector officials to participate in the
16 work of the National Cybersecurity Division in order
17 to become familiar with the Department’s stated
18 cybersecurity missions and capabilities, including but
19 not limited to—

20 “(A) enhancing Federal, State, local, and
21 tribal government cybersecurity;

22 “(B) developing partnerships with other
23 Federal agencies, State, local, and tribal gov-
24 ernments, and the private sector;

1 “(C) improving and enhancing public/pri-
2 vate information sharing involving cyber at-
3 tacks, threats, and vulnerabilities;

4 “(D) providing and coordinating incident
5 response and recovery planning efforts; and

6 “(E) fostering training and certification.

7 “(2) PROGRAM NAME.—The program under
8 this section shall be known as the E-Security Fel-
9 lows Program.

10 “(b) ELIGIBILITY.—In order to be eligible for selec-
11 tion as a fellow under the program, an individual must—

12 “(1) have cybersecurity-related responsibilities;
13 and

14 “(2) be eligible to possess an appropriate na-
15 tional security clearance.

16 “(c) LIMITATIONS.—The Secretary—

17 “(1) may conduct up to 2 iterations of the pro-
18 gram each year, each of which shall be 180 days in
19 duration; and

20 “(2) shall ensure that the number of fellows se-
21 lected for each iteration does not impede the activi-
22 ties of the Division.

23 “(d) CONDITION.—As a condition of selecting an in-
24 dividual as a fellow under the program, the Secretary shall
25 require that the individual’s employer agree to continue

1 to pay the individual's salary and benefits during the pe-
 2 riod of the fellowship.

3 “(e) STIPEND.—During the period of the fellowship
 4 of an individual under the program, the Secretary shall,
 5 subject to the availability of appropriations, provide to the
 6 individual a stipend to cover the individual's reasonable
 7 living expenses during the period of the fellowship.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
 9 in section 1(b) of such Act is amended by adding at the
 10 end of the items relating to such subtitle the following:
 “Sec. 230C. E-Security Fellows Program.”.

11 **PART 4—RESEARCH**

12 **SEC. 51241. NATIONAL SCIENCE FOUNDATION STUDY ON** 13 **SCIENCE AND TECHNOLOGY STUDENT RE-** 14 **TENTION.**

15 (a) STUDY.—The National Science Foundation shall
 16 conduct a study on the causes of the high dropout rates
 17 of women and minority students enrolled in programs of
 18 education leading to degrees in science, technology, engi-
 19 neering, and mathematics and the effects of such dropout
 20 rates on the cost of education for such students and the
 21 shortage of workers qualified for jobs in science and tech-
 22 nology.

23 (b) REPORT.—Not later than 180 days after the date
 24 of the enactment of this Act, the National Science Foun-
 25 dation shall submit to Congress a report on the study con-

1 ducted under subsection (a) together with any rec-
2 ommendations of the National Science Foundation.

3 **SEC. 51242. CHALLENGE GRANTS.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity shall make grants to the Center of Distinction for
6 Academic Computing and Information Security Assur-
7 ance, which shall be known as “Challenge Grants”. The
8 recipient of a grant under this section shall use the grant
9 to form a partnership with section 230A of the Homeland
10 Security Act of 2002, as added by section 51211 to assist
11 in improving the computing programs of such colleges and
12 universities and meeting the requirements to become a
13 Center of Distinction for Academic Computing and Infor-
14 mation Security. The Secretary shall ensure that the insti-
15 tutions that receive assistance under this subsection are
16 the institutions as defined under section 371 of the Higher
17 Education Act of 1965 (20 U.S.C. 1067q).

18 (b) REPORT.—The Secretary shall submit to Con-
19 gress a report on the outcomes of the partnerships funded
20 by grants under this section and shall include in such re-
21 port the recommendations of the Secretary regarding im-
22 proving the access of the population served by the institu-
23 tions of higher education described in subsection (a).

1 **SEC. 51243. E-SECURITY FELLOWS PROGRAM.**

2 (a) ESTABLISHMENT OF PROGRAM.—Subtitle C of
3 title II of the Homeland Security Act of 2002 (6 U.S.C.
4 121 et seq.) is further amended by adding at the end the
5 following:

6 **“SEC. 230D. E-SECURITY FELLOWS PROGRAM.**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish a fellowship program in accordance with this
10 section for the purpose of bringing State, local, trib-
11 al, and private sector officials to participate in the
12 work of the National Cybersecurity Division in order
13 to become familiar with the Department’s stated
14 cybersecurity missions and capabilities, including but
15 not limited to—

16 “(A) developing partnerships with other
17 Federal agencies, State, local, and tribal gov-
18 ernments, and the private sector; and

19 “(B) fostering training and certification.

20 “(2) PROGRAM NAME.—The program under
21 this section shall be known as the ‘E-Security Fel-
22 lows Program’.

23 “(b) ELIGIBILITY.—In order to be eligible for selec-
24 tion as a fellow under the program, an individual must—

25 “(1) have computer and information security-
26 related responsibilities; and

1 “(2) be eligible to possess an appropriate na-
2 tional security clearance.

3 “(c) LIMITATIONS.—The Secretary—

4 “(1) may conduct up to 2 iterations of the pro-
5 gram each year, each of which shall be 180 days in
6 duration; and

7 “(2) shall ensure that the number of fellows se-
8 lected for each iteration does not impede the activi-
9 ties of the Division.

10 “(d) CONDITION.—As a condition of selecting an in-
11 dividual as a fellow under the program, the Secretary shall
12 require that the individual’s employer agree to continue
13 to pay the individual’s salary and benefits during the pe-
14 riod of the fellowship.

15 “(e) STIPEND.—During the period of the fellowship
16 of an individual under the program, the Secretary shall,
17 subject to the availability of appropriations, provide to the
18 individual a stipend to cover the individual’s reasonable
19 living expenses during the period of the fellowship.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of such Act is further amended by adding
22 at the end of the items relating to such subtitle the fol-
23 lowing:

“Sec. 230D. E-Security Fellows Program.”.

1 **Subtitle L—College Student**
2 **Hunger**

3 **SEC. 51301. SHORT TITLE.**

4 This subtitle may be cited as the “College Student
5 Hunger Act of 2020”.

6 **SEC. 51302. ELIGIBILITY OF STUDENTS TO PARTICIPATE IN**
7 **THE SUPPLEMENTAL NUTRITION ASSIST-**
8 **ANCE PROGRAM.**

9 (a) DEFINITION OF HOUSEHOLD.—Section 3(m) of
10 the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m))
11 is amended—

12 (1) in paragraph (4), by inserting “, except
13 with respect to the individuals described in para-
14 graph (5)(F),” before “constitute”; and

15 (2) in paragraph (5), by adding at the end the
16 following:

17 “(F) Students that are enrolled in and are
18 residents of an institution of higher education
19 (as defined in section 102 of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1002)) and are
21 eligible to participate in the supplemental nutri-
22 tion assistance program under paragraphs (1)
23 through (11) of section 6(e).”.

1 (b) ELIGIBILITY OF STUDENTS.—Section 6(e) of the
2 Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)) is
3 amended—

4 (1) in paragraph (4), by striking “20” and in-
5 serting “10”;

6 (2) in paragraph (7), by striking “or” at the
7 end;

8 (3) in paragraph (8), by striking the period at
9 the end and inserting a semicolon; and

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

11 “(9) is eligible for a Federal Pell Grant under
12 section 401 of the Higher Education Act of 1965
13 (20 U.S.C. 1070a);

14 “(10) has an expected family contribution equal
15 to zero, as determined by the procedures established
16 in part F of title IV of the Higher Education Act
17 of 1965 (20 U.S.C. 1087kk et seq.); or

18 “(11) is independent (as the term is defined
19 under subparagraph (B), (C), (D), (G), or (H) of
20 section 480(d)(1) of the Higher Education Act (20
21 U.S.C. 1087vv(d)(1))).”.

22 **SEC. 51303. ELIGIBILITY NOTIFICATION FOR STUDENTS.**

23 Not later than 1 year after the effective date under
24 section 51307, the Secretary of Education, in consultation
25 with the Secretary of Agriculture, shall—

(1) notify each student who completes the Free Application for Federal Student Aid and is eligible for a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) or has an expected family contribution equal to zero, as determined by the procedures established in part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.), that the student may be eligible for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and

(2) direct each student notified under paragraph (1) to the appropriate State resource to apply for benefits under that program.

SEC. 51304. COMMUNICATION OF INFORMATION ON STUDENT ELIGIBILITY FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COLLEGE STUDENT.—The term “college student” means a student enrolled in an institution of higher education.

(2) INSPECTOR GENERAL.—The term “Inspector General” means the Inspector General of the Department of Agriculture.

1 (3) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 102 of the Higher
4 Education Act of 1965 (20 U.S.C. 1002).

5 (4) PROGRAM.—The term “program” means
6 the supplemental nutrition assistance program es-
7 tablished under the Food and Nutrition Act of 2008
8 (7 U.S.C. 2011 et seq.).

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

11 (b) AUDIT.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the effective date under section 51307, the Inspector
14 General shall conduct an audit of the operations of
15 the Food and Nutrition Service to examine the pro-
16 cedures and outreach practices used by the Food
17 and Nutrition Service to provide to State agencies
18 information about the eligibility of students at insti-
19 tutions of higher education for participation in the
20 program.

21 (2) REPORT TO CONGRESS.—Not later than 90
22 days after completing the audit under paragraph
23 (1), the Inspector General shall submit to Congress
24 a report describing the results of the audit.

1 (c) STRATEGIES REPORT.—Not later than 90 days
2 after the Inspector General submits to Congress a report
3 under subsection (b)(2), the Secretary shall submit to
4 Congress a report that describes the strategy to be used
5 by the Food and Nutrition Service—

6 (1) to increase the awareness of State agencies
7 and institutions of higher education about—

8 (A) college student hunger;

9 (B) the eligibility of college students for
10 the program; and

11 (C) the procedures and resources available
12 to college students who are participating in the
13 program to access benefits under the program;

14 (2) to identify existing or potential barriers and
15 mitigation strategies with respect to those barriers;
16 and

17 (3) to update the strategic communications plan
18 under subsection (d).

19 (d) UPDATED STATE OUTREACH PLAN GUIDANCE.—
20 Not later than 90 days after the Inspector General sub-
21 mits to Congress a report under subsection (b)(2), the
22 Secretary shall publish an updated State Outreach Plan
23 Guidance that—

24 (1) describes existing data on college student
25 hunger;

1 (2) describes the manner in which college stu-
2 dents can access the supplemental nutrition assist-
3 ance program;

4 (3) recommends outreach activities to address
5 college student hunger and encourages States to
6 conduct those and other outreach activities;

7 (4) provides a template for a State to submit
8 information to the Secretary describing the outreach
9 activities being carried out by the State to address
10 college student hunger; and

11 (5) contains updated guidance based on the re-
12 sults of the audit conducted under subsection (b)(1)
13 and the contents of the report submitted under sub-
14 section (c).

15 **SEC. 51305. DEMONSTRATION PILOT PROGRAM.**

16 The Food and Nutrition Act of 2008 (7 U.S.C. 2011
17 et seq.) is amended by adding at the end the following:

18 **“SEC. 31. COLLEGE STUDENT HUNGER PILOT PROGRAM.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) COLLEGE STUDENT.—The term ‘college
21 student’ means a student enrolled in an institution
22 of higher education.

23 “(2) INSTITUTION OF HIGHER EDUCATION.—
24 The term ‘institution of higher education’ has the

1 meaning given the term in section 102 of the Higher
2 Education Act of 1965 (20 U.S.C. 1002).

3 “(3) PILOT PROGRAM.—The term ‘pilot pro-
4 gram’ means the pilot program established under
5 subsection (b).

6 “(b) PILOT PROGRAM.—The Secretary, in collabora-
7 tion with the Secretary of Education, shall establish a pilot
8 program under which the Secretary shall carry out dem-
9 onstration projects in accordance with subsection (c)—

10 “(1) to decrease student hunger at institutions
11 of higher education; and

12 “(2) to reduce barriers to college students fully
13 utilizing supplemental nutrition assistance program
14 benefits at institutions of higher education.

15 “(c) DEMONSTRATION PROJECTS.—To carry out the
16 pilot program, the Secretary shall carry out demonstration
17 projects that test the following new supplemental nutrition
18 assistance program delivery methods:

19 “(1) Allowing a college student receiving sup-
20 plemental nutrition assistance program benefits to
21 use those benefits or the cash value of those bene-
22 fits—

23 “(A) to purchase prepared foods from a
24 campus dining hall, on-campus store, or other
25 on-campus merchant or provider that typically

1 sells prepared meals and is affiliated with the
2 institution of higher education at which the stu-
3 dent is enrolled; and

4 “(B) to pay the institution of higher edu-
5 cation the cost of an on-campus college meal
6 plan, in whole or in part.

7 “(2) Allowing a college student to use an EBT
8 card or a campus-specific card at any of the loca-
9 tions described in paragraph (1)(A).

10 “(d) PROJECT LIMIT.—

11 “(1) IN GENERAL.—The Secretary shall carry
12 out not more than 10 demonstration projects under
13 the pilot program simultaneously.

14 “(2) INSTITUTIONS.—The Secretary shall carry
15 out not more than 1 demonstration project under
16 the pilot program at any single institution of higher
17 education.

18 “(e) PROJECT ADMINISTRATION.—The Secretary
19 shall establish criteria and parameters for selecting, oper-
20 ating, monitoring, and terminating each demonstration
21 project under the pilot program.

22 “(f) PROJECT TERMINATION.—To the maximum ex-
23 tent practicable, the Secretary shall ensure that the termi-
24 nation of a demonstration project under the pilot program
25 shall not cause sudden adverse changes or the elimination

1 of benefits under the supplemental nutrition assistance
2 program for students participating in the demonstration
3 project.

4 “(g) PROGRAM TERMINATION.—The pilot program
5 shall terminate on the date that is 10 years after the date
6 on which the pilot program is established.

7 “(h) EVALUATION.—For the duration of the pilot
8 program, the Secretary shall, in collaboration with the
9 Under Secretary for Research, Education, and Economics
10 and the Director of the Institute of Education Sciences,
11 conduct an annual evaluation of each demonstration
12 project carried out under the pilot program during the
13 year covered by the evaluation, including an analysis of
14 the extent to which the project is meeting the desired out-
15 comes.

16 “(i) REPORT.—For the duration of the pilot program,
17 the Secretary shall submit to the Committees on Agri-
18 culture, Nutrition, and Forestry and Health, Education,
19 Labor, and Pensions of the Senate and the Committees
20 on Agriculture and Education and Labor of the House of
21 Representatives an annual report that includes—

22 “(1) a description of each demonstration project
23 carried out under the pilot program during the year
24 covered by the report;

1 “(2) the evaluation conducted under subsection
2 (h); and

3 “(3) recommendations for legislation to improve
4 the supplemental nutrition assistance program to
5 better serve college students.

6 “(j) WAIVER AND MODIFICATION AUTHORITY.—

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary may, as may be necessary solely to
9 carry out the pilot program—

10 “(A) waive any provision under this Act,
11 including—

12 “(i) the requirement relating to local
13 sales tax under section 4(a);

14 “(ii) requirements relating to the
15 issuance and use of supplemental nutrition
16 assistance program benefits under section
17 7; and

18 “(iii) requirements for approval of re-
19 tail food stores under section 9; and

20 “(B) modify the definitions under this Act
21 for the purposes of the pilot program, including
22 the definition of—

23 “(i) the term ‘food’ under section
24 3(k);

1 “(ii) the term ‘household’ under sec-
 2 tion 3(m); and

3 “(iii) the term ‘retail food store’ under
 4 section 3(o).

5 “(2) LIMITATION.—The Secretary may not
 6 waive a provision or modify a definition under para-
 7 graph (1) if the waiver or modification will—

8 “(A) cause increased difficulty for any
 9 household to apply for or access supplemental
 10 nutrition assistance program benefits; or

11 “(B) reduce the value of those benefits for
 12 any household.

13 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to the Secretary such
 15 sums as are necessary to carry out this section.”.

16 **SEC. 51306. EFFECTIVE DATE.**

17 This subtitle and the amendments made by this sub-
 18 title shall take effect on the first day of the fiscal year
 19 that begins after the date of enactment of this Act.

20 **Subtitle M—CAMPUS HATE**
 21 **Crimes**

22 **SEC. 51401. SHORT TITLE.**

23 This subtitle may be cited as the “Creating Account-
 24 ability Measures Protecting University Students Histori-

1 cally Abused, Threatened, and Exposed to Crimes Act”
2 or the “CAMPUS HATE Crimes Act”.

3 **SEC. 51402. FINDINGS.**

4 Congress finds the following:

5 (1) The incidence of violence motivated by the
6 actual or perceived race, color, religion, national ori-
7 gin, gender, sexual orientation, gender identity, or
8 disability of the victim, known as hate crimes or
9 crimes motivated by bias, poses a serious national
10 problem.

11 (2) Such violence motivated by hatred and big-
12 otry endangers our citizens and disrupts the commu-
13 nities they live in, by tearing at the fabric of our
14 Nation and our constitutional aspiration to create a
15 stronger, more perfect union.

16 (3) According to data obtained by the Southern
17 Poverty Law Center, schools were a particularly
18 common location for hate crimes to occur—including
19 150 incidents on college campuses in 33 States since
20 November.

21 (4) This level of violence demonstrates an un-
22 precedented escalation in race and hate-based crime
23 being committed on college campuses compared to
24 recent years.

1 (5) Hate groups have openly declared their ef-
2 forts to establish a physical presence on college cam-
3 puses and have specifically targeted young individ-
4 uals and students for their messaging. Such efforts
5 include placing fliers around campus, online orga-
6 nizing, and bringing national leaders to speak.

7 (6) College campuses have become the ideal lo-
8 cation for hate group activity because they tradition-
9 ally embrace diversity, tolerance, and social justice
10 and strive for equality and have created safe spaces
11 for students of every gender and identity.

12 (7) These are soft targets for such groups, be-
13 cause students are more curious and receptive to
14 new, even radical, ideas than older individuals.

15 (8) The Higher Education Act of 1965 and the
16 Jeanne Clery Disclosure of Campus Security Policy
17 and Campus Crime Statistics Act have enabled Fed-
18 eral authorities to understand, report, and where ap-
19 propriate, investigate and prosecute hate crimes
20 committed within the jurisdiction of an institution of
21 higher education.

22 (9) However, an enduring effort cannot be
23 made to address the national problem posed by hate
24 crimes if many of our institutions of higher edu-
25 cation fail to properly evaluate, prepare, and imple-

1 ment an effective strategy to prevent and respond to
2 such crimes.

3 (10) The annual dissemination of relevant in-
4 formation to students and faculty regarding the in-
5 stitution's campus safety apparatus will provide for
6 a more transparent and informed campus commu-
7 nity on the infrastructure and process in place, and
8 the assistance services available.

9 (11) Federal financial assistance with regard to
10 providing training, technical assistance, evaluation,
11 and other associated services will allow school secu-
12 rity and administration to understand the unique
13 needs for the campus and the assistance to imple-
14 ment the proper safety plan to address those needs.

15 (12) Amending the Program Participation
16 Agreement between an institution of higher edu-
17 cation and the Department of Education to include
18 hate crime programs provides substantial assurance
19 that campus climate and safety will become an in-
20 creasing priority and focal point to the higher edu-
21 cation community.

22 (13) Modifying the Jeanne Clery Disclosure of
23 Campus Security Policy and Campus Crime Statis-
24 tics Act will enable campus security and local law
25 enforcement to more efficiently collaborate in detail-

1 ing and recording information on crimes, including
2 violence motivated by the actual or perceived race,
3 color, religion, national origin, gender, sexual ori-
4 entation, gender identity, or disability of the victim.

5 (14) The problem of crimes motivated by bias
6 is sufficiently serious, widespread, and interstate in
7 nature as to warrant Federal financial assistance to
8 States and local jurisdictions.

9 **SEC. 51403. HATE CRIME PREVENTION AND RESPONSE.**

10 Part B of title I of the Higher Education Act of 1965
11 is amended by adding at the end the following:

12 **“SEC. 124. HATE CRIME PREVENTION AND RESPONSE.**

13 “(a) RESTRICTION ON ELIGIBILITY.—Notwithstand-
14 ing any other provision of law, no institution of higher
15 education shall be eligible to receive funds or any other
16 form of financial assistance under any program under title
17 IV, unless the institution certifies to the Secretary that
18 the institution has adopted and has implemented a pro-
19 gram to prevent and adequately respond to hate crimes
20 within the jurisdiction of the institution or by students
21 and employees that, at a minimum, includes—

22 “(1) the annual distribution to each student
23 and employee of—

24 “(A) standards of conduct and the applica-
25 ble sanctions that clearly prohibit, at a min-

1 imum, the acts or threats of violence, property
2 damage, harassment, intimidation, or other
3 crimes that specifically target an individual
4 based on their race, religion, ethnicity, handi-
5 cap, sexual orientation, gender, or gender iden-
6 tification by students and employees on the in-
7 stitution's property or as a part of any of the
8 institution's activities;

9 “(B) a clear definition of what constitutes
10 a hate crime or hate incident under Federal
11 and State law or other applicable authority;

12 “(C) a description of the applicable legal
13 sanctions under local, State, or Federal law for
14 perpetrating a hate crime;

15 “(D) a description of any counseling, med-
16 ical treatment, or rehabilitation programs that
17 are available to students or employees that are
18 victims of hate crimes or other hate-based
19 incidences;

20 “(E) a description of applicable services
21 for students to be able to switch dorms, classes,
22 or make other arrangements should they feel
23 unsafe in those spaces due to a hate crime
24 which affects such space; and

1 “(F) a distinct statement that the institu-
2 tion will impose sanctions on students and em-
3 ployees (consistent with local, State, and Fed-
4 eral law), and a description of those sanctions,
5 up to and including expulsion or termination of
6 employment and referral for prosecution, for
7 violations of the standards of conduct required
8 by subparagraph (A); and

9 “(2) a quadrennial review by the institution of
10 the institution’s program to—

11 “(A) determine the program’s effectiveness
12 and implement changes to the program if the
13 changes are needed;

14 “(B) determine the number of hate crimes
15 and fatalities that—

16 “(i) occur on the institution’s campus
17 (as defined in section 485(f)(6)), or as
18 part of any of the institution’s activities;
19 and

20 “(ii) are reported to campus officials
21 or nonaffiliated local law enforcement
22 agencies with jurisdiction over the incident;

23 “(C) determine the number, type, and se-
24 verity of sanctions described in paragraph
25 (1)(F) that are imposed by the institution as a

1 result of hate crimes and fatalities on the insti-
2 tution's campus or as part of any of the institu-
3 tion's activities; and

4 “(D) ensure that sanctions required by
5 paragraph (1)(F) are consistently enforced.

6 “(b) INFORMATION AVAILABILITY.—Each institution
7 of higher education that provides the certification required
8 by subsection (a) shall, upon request, make available to
9 the Secretary and to the public a copy of each item re-
10 quired by subsection (a)(1) as well as the results of the
11 biennial review required by subsection (a)(2).

12 “(1) REGULATIONS.—

13 “(A) IN GENERAL.—The Secretary shall
14 publish regulations to implement and enforce
15 the provisions of this section, including regula-
16 tions that provide for—

17 “(i) the periodic review of a represent-
18 ative sample of programs required by sub-
19 section (a); and

20 “(ii) a range of responses and sanc-
21 tions for institutions of higher education
22 that fail to implement their programs or to
23 consistently enforce their sanctions, includ-
24 ing information and technical assistance,
25 the development of a compliance agree-

1 ment, and the termination of any form of
2 Federal financial assistance.

3 “(B) INCLUSIVITY PROGRAM.—The sanc-
4 tions required by subsection (a)(1)(F) that are
5 imposed by the institution of higher education,
6 may include an inclusivity program as an ex-
7 plicit condition of remaining enrolled at the in-
8 stitution of higher education, that the defend-
9 ant successfully undertake educational classes
10 or community service directly related to the
11 community harmed by the respondent’s offense.

12 “(2) APPEALS.—Upon determination by the
13 Secretary to terminate financial assistance to any in-
14 stitution of higher education under this section, the
15 institution may file an appeal with an administrative
16 law judge before the expiration of the 30-day period
17 beginning on the date such institution is notified of
18 the decision to terminate financial assistance under
19 this section. Such judge shall hold a hearing with re-
20 spect to such termination of assistance before the
21 expiration of the 45-day period beginning on the
22 date that such appeal is filed. Such judge may ex-
23 tend such 45-day period upon a motion by the insti-
24 tution concerned. The decision of the judge with re-

1 spect to such termination shall be considered to be
2 a final agency action.

3 “(3) HATE CRIME PREVENTION AND RESPONSE
4 GRANTS.—

5 “(A) PROGRAM AUTHORITY.—The Sec-
6 retary may make grants to institutions of high-
7 er education or consortia of such institutions,
8 and enter into contracts with such institutions,
9 consortia, and other organizations, to develop,
10 implement, operate, improve, and disseminate
11 programs of prevention, and education to re-
12 duce and eliminate hate crimes. Such grants or
13 contracts may also be used for the support of
14 a higher education center for hate crime pre-
15 vention and response that will provide training,
16 technical assistance, evaluation, dissemination,
17 and associated services and assistance to the
18 higher education community as determined by
19 the Secretary and institutions of higher edu-
20 cation.

21 “(B) AWARDS.—Grants and contracts
22 shall be awarded under subparagraph (A) on a
23 by needs basis.

24 “(C) APPLICATIONS.—An institution of
25 higher education or a consortium of such insti-

1 tutions that desires to receive a grant or con-
2 tract under paragraph (A) shall submit an ap-
3 plication to the Secretary at such time, in such
4 manner, and containing or accompanied by
5 such information as the Secretary may reason-
6 ably require by regulation.

7 “(D) ADDITIONAL REQUIREMENTS.—

8 “(i) PARTICIPATION.—In awarding
9 grants and contracts under this subsection
10 the Secretary shall make every effort to
11 ensure—

12 “(I) the equitable participation of
13 private and public institutions of high-
14 er education (including community
15 and junior colleges); and

16 “(II) the equitable geographic
17 participation of such institutions.

18 “(ii) CONSIDERATION.—In awarding
19 grants and contracts under this subsection
20 the Secretary shall give appropriate consid-
21 eration to institutions of higher education
22 with limited enrollment.

23 “(E) AUTHORIZATION OF APPROPRIA-
24 TIONS.—There are authorized to be appro-
25 priated to carry out this subsection such sums

1 as may be necessary for fiscal year 2020 and
2 each of the 5 succeeding fiscal years.

3 “(4) DEFINITION.—The term ‘hate crime’
4 means any criminal offense perpetrated against a
5 person or property that was motivated in whole or
6 in part by an offender’s bias against a race, religion,
7 disability, sexual orientation, ethnicity, gender, or
8 gender identity.”.

9 **SEC. 51404. CLERY ACT AMENDMENTS.**

10 Section 485(f) of the Higher Education Act of 1965
11 (20 U.S.C. 1092(f)) is amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (C)—

14 (i) by striking “and” at the end of
15 clause (ii);

16 (ii) in clause (iii)—

17 (I) by striking “encourage” and
18 inserting “require”;

19 (II) by inserting “, including hate
20 crimes,” after “all crimes”; and

21 (III) by striking the period at the
22 end and inserting “; and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(i) policies encourage officer develop-
2 ment training to specifically recognize, pre-
3 vent, and respond to hate crimes.”; and

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

5 “(K) A statement of policy regarding hate-
6 based crimes and the enforcement of Federal and
7 State hate crime laws and a description of any hate
8 crime prevention and response programs required
9 under section 124.”; and

10 (2) in paragraph (6)(A), by adding at the end
11 the following:

12 “(vi) The term ‘hate crime’ has the
13 meaning given the term in section
14 124(b)(4).”.

15 **SEC. 51405. PROGRAM PARTICIPATION AGREEMENTS.**

16 Section 487(a) of the Higher Education Act of 1965
17 (20 U.S.C. 1094(a)) is amended by adding at the end the
18 following:

19 “(30) The institution will have hate
20 crime prevention and response programs
21 that the institution has determined to be
22 accessible to any officer, employee, or stu-
23 dent at the institution and which meets the
24 requirements of section 124.”.

1 **SEC. 51406. ACCREDITING AGENCY RECOGNITION.**

2 Section 496(a)(5) of the Higher Education Act of
3 1965 (20 U.S.C. 1099b(a)(5)) is amended—

4 (1) in subparagraph (I), by striking “and” at
5 the end;

6 (2) in subparagraph (J), by inserting “and”
7 after the semicolon; and

8 (3) by inserting after subparagraph (J) and be-
9 fore the flush text, the following:

10 “(K) safety objectives with respect to hate
11 crimes (defined in section 124(b)(4)) and the
12 established measures and policies to combat
13 such crimes;”.

14 **Subtitle N—HBCU Capital**
15 **Financing Improvement**

16 **SEC. 51501. SHORT TITLE.**

17 This subtitle may be cited as the “HBCU Capital Fi-
18 nancing Improvement Act”.

19 **SEC. 51502. BOND INSURANCE.**

20 Section 343 of the Higher Education Act of 1965 (20
21 U.S.C. 1066b) is amended—

22 (1) by striking “escrow account” each place it
23 appears and inserting “bond insurance fund”; and

24 (2) in subsection (b)—

25 (A) in paragraph (1), by striking “an” and
26 inserting “a”; and

1 (B) in paragraph (8), in the matter pre-
2 ceding subparagraph (A), by striking “an” and
3 inserting “a”.

4 **SEC. 51503. STRENGTHENING TECHNICAL ASSISTANCE.**

5 Paragraph (9) of section 345 of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1066d) is amended to read
7 as follows:

8 “(9) may, directly or by grant or contract, pro-
9 vide financial counseling and technical assistance to
10 eligible institutions to prepare the institutions to
11 qualify, apply for, and maintain a capital improve-
12 ment loan, including a loan under this part; and”.

13 **SEC. 51504. HBCU CAPITAL FINANCING ADVISORY BOARD.**

14 Paragraph (2) of section 347(c) of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1066f(c)) is amended to
16 read as follows:

17 “(2) REPORT.—On an annual basis, the Advi-
18 sory Board shall prepare and submit to the author-
19 izing committees a report on the status of the his-
20 torically Black colleges and universities described in
21 paragraph (1)(A). That report shall also include—

22 “(A) an overview of all loans in the capital
23 financing program, including the most recent
24 loans awarded in the fiscal year in which the re-
25 port is submitted; and

1 “(B) administrative and legislative rec-
2 ommendations, as needed, for addressing the
3 issues related to construction financing facing
4 historically Black colleges and universities.”.

5 **Subtitle O—Transition-to-Success**
6 **Mentoring**

7 **SEC. 51601. SHORT TITLE.**

8 This subtitle may be cited as the “Transition-to-Suc-
9 cess Mentoring Act”.

10 **SEC. 51602. TRANSITION-TO-SUCCESS MENTORING PRO-**
11 **GRAM.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
13 1002(d) of the Elementary and Secondary Education Act
14 of 1965 (20 U.S.C. 6553) is amended to read as follows:

15 “(d) PREVENTION AND INTERVENTION PROGRAMS
16 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-
17 LINQUENT, OR AT-RISK.—There are authorized to be ap-
18 propriated to carry out the activities described in part D,
19 \$50,000,000 for fiscal year 2021 and such sums as may
20 be necessary for each succeeding fiscal year.”.

21 (b) TRANSITION-TO-SUCCESS MENTORING PRO-
22 GRAM.—Part D of title I of such Act (20 U.S.C. 6421
23 et seq.) is amended by adding at the end the following:

1 **“Subpart 4—Transition-to-Success Mentoring**
2 **Program**

3 **“SEC. 1441. TRANSITION-TO-SUCCESS MENTORING PRO-**
4 **GRAM.**

5 “(a) IN GENERAL.—From the amounts appropriated
6 to carry out this section, the Secretary shall award grants
7 to eligible entities to establish, expand, or support school-
8 based mentoring programs to assist eligible students with
9 the transition from middle school to high school.

10 “(b) APPLICATION.—To receive a grant under this
11 section, an eligible entity shall submit an application to
12 the Secretary at such time, in such manner, and con-
13 taining such information as the Secretary may require.

14 “(c) USES OF FUNDS.—

15 “(1) REQUIRED USES OF FUNDS.—An eligible
16 entity that receives a grant under this section shall
17 use the grant funds to establish a mentoring pro-
18 gram, or to expand or provide technical support to
19 an existing mentoring program, in all middle schools
20 served by the entity, under which each eligible stu-
21 dent is assigned to a success coach who—

22 “(A) creates a plan for success for the stu-
23 dent that—

24 “(i) is created with the student, teach-
25 ers, mentor, and parents of the student;

1 “(ii) includes, for each academic year,
2 the student’s academic, personal, college,
3 and career exploration goals, and a strat-
4 egy on how to accomplish such goals;

5 “(iii) identifies the student’s
6 strengths, weaknesses, and academic
7 progress; and

8 “(iv) includes a plan to educate and
9 support the student’s college or career ex-
10 ploration goals;

11 “(B) enters into a signed, written agree-
12 ment with the parents of the student that de-
13 scribes how the parents should assist the stu-
14 dent in carrying out the plan for success;

15 “(C) meets with the student at least once
16 per month to—

17 “(i) assist the student in achieving the
18 goals under the plan for success;

19 “(ii) identify the student’s academic
20 areas of weaknesses;

21 “(iii) provide the student with the
22 tools necessary to improve the student’s
23 potential for academic excellence, and en-
24 sure the student’s successful transition
25 from middle school to high school by iden-

1 tifying improved attitude, behavior,
2 coursework, and social involvement; and

3 “(iv) in the case of a student with be-
4 havioral issues, assist the student in behav-
5 ior management techniques;

6 “(D) at least monthly, meets with the stu-
7 dent and the parents, teachers, or counselors of
8 the student to—

9 “(i) evaluate the student’s progress in
10 achieving the goals under the plan for the
11 current academic year; and

12 “(ii) revise or establish new goals for
13 the next academic year;

14 “(E) serves as the student’s advocate be-
15 tween the teachers and parents of the student
16 to ensure that the teachers and parents under-
17 stand the student’s plan; and

18 “(F) serves as the student’s advocate in
19 exploring higher education and career opportu-
20 nities.

21 “(2) AUTHORIZED USES OF FUNDS.—An eligi-
22 ble entity that receives a grant under this section
23 may use such funds to—

24 “(A) develop and carry out a training pro-
25 gram for success coaches, including providing

1 support to match success coaches with eligible
2 students;

3 “(B) cover the cost of any materials used
4 by success coaches under the mentoring pro-
5 gram; and

6 “(C) hire staff to perform or support the
7 program objectives.

8 “(d) GRANT DURATION.—A grant under this section
9 shall be awarded for a period of not more than 5 years.

10 “(e) REPORTING REQUIREMENTS.—

11 “(1) ELIGIBLE ENTITIES.—An eligible entity
12 receiving a grant under this section shall submit to
13 the Secretary, at the end of each academic year dur-
14 ing the grant period, a report that includes—

15 “(A) the number of students who partici-
16 pated in the school-based mentoring program
17 that was funded in whole or in part with the
18 grant funds under this section;

19 “(B) data on the academic achievement of
20 such students;

21 “(C) the number of contact hours between
22 such students and their success coaches; and

23 “(D) any other information that the Sec-
24 retary may require to evaluate the success of
25 the school-based mentoring program.

1 “(2) SECRETARY.—

2 “(A) INTERIM REPORT.—At the end of the
3 third fiscal year for which funds are made
4 available to carry out this section, the Secretary
5 shall submit to Congress an interim report on
6 the success of the school-based mentoring pro-
7 grams funded under this section that includes
8 the information received under paragraph (1).

9 “(B) FINAL REPORT.—At the end of the
10 fifth fiscal year for which funds are made avail-
11 able to carry out this section, the Secretary
12 shall submit to Congress a final report on the
13 success of the school-based mentoring programs
14 funded under this section that includes the in-
15 formation received under paragraph (1).

16 “(f) DEFINITIONS.—In this section:

17 “(1) AT-RISK STUDENT.—The term ‘at-risk stu-
18 dent’ means a student who has been identified as a
19 student who has below a 2.0 grade point average or
20 the equivalent or who has been determined by par-
21 ents, teachers, or other school officials to—

22 “(A) be at-risk of academic failure;

23 “(B) have expressed interest in dropping
24 out of school;

1 “(C) show signs of a drug or alcohol prob-
2 lem;

3 “(D) be pregnant or a parent;

4 “(E) have come into contact with the juve-
5 nile justice system in the past;

6 “(F) have limited English proficiency;

7 “(G) be a gang member; or

8 “(H) have a high absenteeism rate at
9 school.

10 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a local educational agency that—

13 “(i) receives, or is eligible to receive,
14 funds under part A of this title; or

15 “(ii) is a high-need local educational
16 agency; or

17 “(B) a partnership between a local edu-
18 cational agency described in subparagraph (A)
19 and a nonprofit, community-based organization.

20 “(3) ELIGIBLE STUDENT.—The term ‘eligible
21 student’ means a student who—

22 “(A) is enrolled in a middle school served
23 by an eligible entity; and

24 “(B) is an at-risk student.

1 “(4) HIGH-NEED LOCAL EDUCATIONAL AGEN-
2 CY.—The term ‘high-need local educational agency’
3 means a local educational agency that serves at least
4 one high-need school.

5 “(5) HIGH-NEED SCHOOL.—The term ‘high-
6 need school’ has the meaning given the term in sec-
7 tion 2211(b)(2).

8 “(6) MIDDLE SCHOOL.—The term ‘middle
9 school’ means a nonprofit institutional day or resi-
10 dential school, including a public charter school, that
11 provides middle school education, as determined
12 under State law, except that the term does not in-
13 clude any education below grade 6 or beyond grade
14 9.

15 “(7) SCHOOL-BASED MENTORING.—The term
16 ‘school-based mentoring’ refers to mentoring activi-
17 ties that—

18 “(A) are closely coordinated with a school
19 by involving teachers, counselors, and other
20 school staff who may identify and refer stu-
21 dents for mentoring services; and

22 “(B) assist at-risk students in improving
23 academic achievement, reducing disciplinary re-
24 ferrals, and increasing positive regard for
25 school.

1 “(8) SUCCESS COACH.—The term ‘success
2 coach’ means an individual who—

3 “(A) is—

4 “(i) an employee or volunteer of a
5 local educational agency in which a men-
6 toring program receiving support under
7 this section is being carried out; or

8 “(ii) a volunteer or employee from a
9 nonprofit, community-based organization
10 that provides volunteers for mentoring pro-
11 grams in secondary schools; and

12 “(B) prior to becoming a success coach—

13 “(i) received training and support in
14 mentoring from an eligible entity, which, at
15 a minimum, was 2 hours in length and
16 covered the roles and responsibilities of a
17 success coach; and

18 “(ii) underwent a screening by an eli-
19 gible entity that included—

20 “(I) appropriate job reference
21 checks;

22 “(II) child and domestic abuse
23 record checks; and

24 “(III) criminal background
25 checks.”.

1 **SEC. 51603. TABLE OF CONTENTS.**

2 The table of contents in section 2 of the Elementary
3 and Secondary Education Act of 1965 (20 U.S.C. 6301
4 et seq.) is amended by inserting after the item relating
5 to section 1432 the following:

“SUBPART 4—TRANSITION-TO-SUCCESS MENTORING PROGRAM

“Sec. 1441. Transition-to-success mentoring program.”.

6 **Subtitle P—Equity and Inclusion**
7 **Enforcement**

8 **SEC. 51701. SHORT TITLE.**

9 This subtitle may be cited as the “Equity and Inclu-
10 sion Enforcement Act”.

11 **SEC. 51702. RESTORATION OF RIGHT TO CIVIL ACTION IN**
12 **DISPARATE IMPACT CASES UNDER TITLE VI**
13 **OF THE CIVIL RIGHTS ACT OF 1964.**

14 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
15 2000d et seq.) is amended by adding at the end the fol-
16 lowing:

17 “SEC. 607. The violation of any regulation relating
18 to disparate impact issued under section 602 shall give
19 rise to a private civil cause of action for its enforcement
20 to the same extent as does an intentional violation of the
21 prohibition of section 601.”.

1 **SEC. 51703. DESIGNATION OF MONITORS UNDER TITLE VI**
2 **OF THE CIVIL RIGHTS ACT OF 1964.**

3 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
4 2000d et seq.) is further amended by adding at the end
5 the following:

6 “SEC. 608. (a) Each recipient shall—

7 “(1) designate at least one employee to coordi-
8 nate its efforts to comply with requirements adopted
9 pursuant to section 602 and carry out the respon-
10 sibilities of the recipient under this title, including
11 any investigation of any complaint alleging the non-
12 compliance of the recipient with such requirements
13 or alleging any actions prohibited under this title;
14 and

15 “(2) notify its students and employees of the
16 name, office address, and telephone number of each
17 employee designated under paragraph (1).

18 “(b) In this section, the term ‘recipient’ means a re-
19 cipient referred to in section 602 that operates an edu-
20 cation program or activity receiving Federal financial as-
21 sistance authorized or extended by the Secretary of Edu-
22 cation.”.

23 **SEC. 51704. SPECIAL ASSISTANT FOR EQUITY AND INCLU-**
24 **SION.**

25 Section 202(b) of the Department of Education Or-
26 ganization Act (20 U.S.C. 3412(b)) is amended—

1 (1) by redesignating paragraph (4) as para-
2 graph (5); and

3 (2) by inserting after paragraph (3), the fol-
4 lowing:

5 “(4) There shall be in the Department, a Spe-
6 cial Assistant for Equity and Inclusion who shall be
7 appointed by the Secretary. The Special Assistant
8 shall promote, coordinate, and evaluate equity and
9 inclusion programs, including the dissemination of
10 information, technical assistance, and coordination
11 of research activities. The Special Assistant shall ad-
12 vise the Secretary and Deputy Secretary on all mat-
13 ters relating to equity and inclusion in a manner
14 consistent with title VI of the Civil Rights Act of
15 1964 (42 U.S.C. 2000d et seq.).”.

16 **Subtitle Q—Pell Grant**
17 **Preservation and Expansion**

18 **SEC. 51801. SHORT TITLE.**

19 This subtitle may be cited as the “Pell Grant Preser-
20 vation and Expansion Act”.

21 **SEC. 51802. FINDINGS.**

22 Congress finds the following:

23 (1) The United States needs individuals with
24 the knowledge, skills, and abilities that enable them

1 to thrive as educated citizens in society and success-
2 fully participate in an interconnected economy.

3 (2) Investments in higher education through
4 student aid such as the Federal Pell Grant program
5 under section 401 of the Higher Education Act of
6 1965 (20 U.S.C. 1070a) help students and families
7 reach, afford, and complete education and training
8 opportunities beyond high school.

9 (3) The Federal Pell Grant program is the larg-
10 est source of federally funded grant aid for postsec-
11 ondary education.

12 (4) The Federal Pell Grant program allows mil-
13 lions of people of the United States to attend college
14 and is especially vital to students of color. Three in
15 5 African American undergraduate students, and
16 one-half of all Latino undergraduate students, rely
17 on the Federal Pell Grant program.

18 (5) The Federal Pell Grant program should
19 continue to be a reliable source of funding for aspir-
20 ing students, their families, and future generations
21 that they can count on to be there for them when
22 they seek higher education.

23 (6) To stabilize Federal Pell Grant funding and
24 ensure the grant will continue to serve millions of
25 students now and in the future, the program should

1 become a fully mandatory program that grows with
2 inflation.

3 (7) Protecting surplus funds, restoring prior eli-
4 gibility cuts, and expanding access to underserved
5 students will give millions of students and families
6 the critical student aid support they need and de-
7 serve.

8 **SEC. 51803. REFERENCES.**

9 Except as otherwise expressly provided, whenever in
10 this subtitle an amendment or repeal is expressed in terms
11 of an amendment to, or repeal of, a section or other provi-
12 sion, the reference shall be considered to be made to a
13 section or other provision of the Higher Education Act of
14 1965 (20 U.S.C. 1001 et seq.).

15 **SEC. 51804. FUNDING FEDERAL PELL GRANTS THROUGH**
16 **MANDATORY FUNDING.**

17 (a) MANDATORY FUNDING; REINSTATING ELIGI-
18 BILITY FOR INCARCERATED INDIVIDUALS.—Section 401
19 (20 U.S.C. 1070a) is amended—

20 (1) in subsection (a)(1), by striking “through
21 fiscal year 2022”;

22 (2) in subsection (b)—

23 (A) by striking paragraphs (1), (6), and
24 (7);

1 (B) by redesignating paragraph (8) as
2 paragraph (7);

3 (C) by striking subparagraph (A) of para-
4 graph (2);

5 (D) by redesignating subparagraph (B) of
6 paragraph (2) as paragraph (2);

7 (E) by inserting before paragraph (2) (as
8 redesignated by subparagraph (D)) the fol-
9 lowing:

10 “(1) AMOUNT.—The amount of the Federal Pell
11 Grant for a student eligible under this subpart shall be—

12 “(A) the maximum Federal Pell Grant de-
13 scribed in paragraph (6); less

14 “(B) the amount equal to the amount deter-
15 mined to be the expected family contribution with
16 respect to such student for such year.”;

17 (F) in paragraph (4), by striking “max-
18 imum amount of a Federal Pell Grant award
19 determined under paragraph (2)(A)” and in-
20 serting “maximum Federal Pell Grant described
21 in paragraph (6)”;

22 (G) in paragraph (5), by striking “max-
23 imum amount of a Federal Pell Grant award
24 determined under paragraph (2)(A)” and in-

serting “maximum amount of a Federal Pell Grant award described in paragraph (6)”;

(H) by inserting after paragraph (5) the following:

“(6) MAXIMUM FEDERAL PELL GRANT.—

“(A) AWARD YEAR 2021–2022.—For award year 2021–2022, the maximum Federal Pell Grant shall be \$6,420.

“(B) SUBSEQUENT AWARD YEARS.—For award year 2021–2022 and each subsequent award year, the maximum Federal Pell Grant shall be equal to the total maximum Federal Pell Grant for the preceding award year under this paragraph—

“(i) increased by the annual adjustment percentage for the award year for which the amount under this subparagraph is being determined; and

“(ii) rounded to the nearest \$5.

“(C) DEFINITION OF ANNUAL ADJUSTMENT PERCENTAGE.—In this paragraph, the term ‘annual adjustment percentage,’ as applied to an award year, is equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary, using the defi-

1 nition in section 478(f)) for the most recent cal-
2 endar year ending prior to the beginning of that
3 award year.”; and

4 (I) in paragraph (7), as redesignated by
5 subparagraph (B), by striking “may exceed”
6 and all that follows through the period and in-
7 serting “may exceed the maximum Federal Pell
8 Grant available for an award year.”;

9 (3) in subsection (f)—

10 (A) in paragraph (1), by striking the mat-
11 ter preceding subparagraph (A) and inserting
12 the following: “After receiving an application
13 for a Federal Pell Grant under this subpart, the
14 Secretary (including any contractor of the Sec-
15 retary processing applications for Federal Pell
16 Grants under this subpart) shall, in a timely
17 manner, furnish to the student financial aid ad-
18 ministrator at each institution of higher edu-
19 cation that a student awarded a Federal Pell
20 Grant under this subpart is attending, the ex-
21 pected family contribution for each such stu-
22 dent. Each such student financial administrator
23 shall—”; and

24 (B) in paragraph (3)—

1 (i) by striking “after academic year
2 1986–1987”; and

3 (ii) in paragraph (3), by striking “the
4 Committee on Appropriations of the Sen-
5 ate, the Committee on Appropriations of
6 the House of Representatives, and”;

7 (4) by striking subsections (g) and (h);

8 (5) by redesignating subsections (i) and (j) as
9 subsections (g) and (h), respectively; and

10 (6) by adding at the end the following:

11 “(k) APPROPRIATION OF FUNDS.—There are author-
12 ized to be appropriated, and there are appropriated, out
13 of any money in the Treasury not otherwise appropriated,
14 such sums as may be necessary for fiscal year 2022 and
15 each subsequent fiscal year to provide the maximum Fed-
16 eral Pell Grant for which a student shall be eligible under
17 this section during an award year.”.

18 (b) REPEAL OF SCORING REQUIREMENT.—Section
19 406 of H. Con. Res. 95 (109th Congress) is amended—

20 (1) by striking subsection (b); and

21 (2) by striking “(a) IN GENERAL.—Upon” and
22 inserting the following: “Upon”.

1 **SEC. 51805. RESTORING FEDERAL PELL GRANT ELIGI-**
2 **BILITY FOR BORROWER DEFENSE.**

3 Section 401(c)(5) (20 U.S.C. 1070a(c)(5)) is amend-
4 ed—

5 (1) by striking “(5) The period” and inserting
6 the following: “(5) MAXIMUM PERIOD.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), the period”; and

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

10 “(B) EXCEPTION.—

11 “(i) IN GENERAL.—Any Federal Pell
12 Grant that a student received during a pe-
13 riod described in subclause (I) or (II) of
14 clause (ii) shall not count towards the stu-
15 dent’s duration limits under this para-
16 graph.

17 “(ii) APPLICABLE PERIODS.—Clause
18 (i) shall apply with respect to any Federal
19 Pell Grant awarded to a student to attend
20 an institution—

21 “(I) during a period—

22 “(aa) for which the student
23 received a loan under this title;
24 and

1 “(bb) for which the loan de-
2 scribed in item (aa) is forgiven
3 under—

4 “(AA) section 437(c)(1)
5 or 464(g)(1) due to the clos-
6 ing of the institution;

7 “(BB) section 455(h)
8 due to the student’s success-
9 ful assertion of a defense to
10 repayment of the loan; or

11 “(CC) section
12 432(a)(6), section 685.215
13 of title 34, Code of Federal
14 Regulations (or a successor
15 regulation), or any other
16 loan forgiveness provision or
17 regulation under this Act, as
18 a result of a determination
19 by the Secretary or a court
20 that the institution com-
21 mitted fraud or other mis-
22 conduct; or

23 “(II) during a period for which
24 the student did not receive a loan
25 under this title but for which, if the

1 student had received such a loan, the
2 student would have qualified for loan
3 forgiveness under subclause (I)(bb).”.

4 **SEC. 51806. FEDERAL PELL GRANT ELIGIBILITY FOR**
5 **DREAMER STUDENTS.**

6 Section 484 (20 U.S.C. 1091) is amended—

7 (1) in subsection (a)(5), by inserting “, or be a
8 Dreamer student, as defined in subsection (u)” after
9 “becoming a citizen or permanent resident”; and
10 (2) by adding at the end the following:

11 “(u) DREAMER STUDENTS.—

12 “(1) IN GENERAL.—In this section, the term
13 ‘Dreamer student’ means an individual who—

14 “(A) was younger than 16 years of age on
15 the date on which the individual initially en-
16 tered the United States;

17 “(B) has provided a list of each secondary
18 school that the student attended in the United
19 States; and

20 “(C)(i) has earned a high school diploma,
21 the recognized equivalent of such diploma from
22 a secondary school, or a high school equivalency
23 diploma in the United States or is scheduled to
24 complete the requirements for such a diploma

1 or equivalent before the next academic year be-
2 gins;

3 “(ii) has acquired a degree from an institu-
4 tion of higher education or has completed not
5 less than 2 years in a program for a bacca-
6 laurate degree or higher degree at an institu-
7 tion of higher education in the United States
8 and has made satisfactory academic progress,
9 as defined in subsection (c), during such time
10 period;

11 “(iii) at any time was eligible for a grant
12 of deferred action under—

13 “(I) the June 15, 2012, memorandum
14 from the Secretary of Homeland Security
15 entitled ‘Exercising Prosecutorial Discre-
16 tion with Respect to Individuals Who
17 Came to the United States as Children’; or

18 “(II) the November 20, 2014, memo-
19 randum from the Secretary of Homeland
20 Security entitled ‘Exercising Prosecutorial
21 Discretion with Respect to Individuals
22 Who Came to the United States as Chil-
23 dren and with Respect to Certain Individ-
24 uals Who Are the Parents of U.S. Citizens
25 or Permanent Residents’; or

1 “(iv) has served in the uniformed services,
 2 as defined in section 101 of title 10, United
 3 States Code, for not less than 4 years and, if
 4 discharged, received an honorable discharge.

5 “(2) HARDSHIP EXCEPTION.—The Secretary
 6 shall issue regulations that direct when the Depart-
 7 ment shall waive the requirement of subparagraph
 8 (A) or (B), or both, of paragraph (1) for an indi-
 9 vidual to qualify as a Dreamer student under such
 10 paragraph, if the individual—

11 “(A) demonstrates compelling cir-
 12 cumstances for the inability to satisfy the re-
 13 quirement of such subparagraph (A) or (B), or
 14 both; and

15 “(B) satisfies the requirement of para-
 16 graph (1)(C).”.

17 **SEC. 51807. REPEAL OF SUSPENSION OF ELIGIBILITY**
 18 **UNDER THE HIGHER EDUCATION ACT OF 1965**
 19 **FOR GRANTS, LOANS, AND WORK ASSISTANCE**
 20 **FOR DRUG-RELATED OFFENSES.**

21 (a) REPEAL.—Subsection (r) of section 484 (20
 22 U.S.C. 1091(r)) is repealed.

23 (b) REVISION OF FAFSA FORM.—Section 483 of the
 24 Higher Education Act of 1965 (20 U.S.C. 1090) is
 25 amended by adding at the end the following:

1 “(i) CONVICTIONS.—The Secretary shall not include
2 any question about the conviction of an applicant for the
3 possession or sale of illegal drugs on the FAFSA (or any
4 other form developed under subsection (a)).”.

5 (c) CONFORMING AMENDMENTS.—The Act (20
6 U.S.C. 1001 et seq.) is amended—

7 (1) in section 428(b)(3) (20 U.S.C.
8 1078(b)(3))—

9 (A) in subparagraph (C), by striking
10 “485(l)” and inserting “485(k)”; and

11 (B) in subparagraph (D), by striking
12 “485(l)” and inserting “485(k)”; and

13 (2) in section 435(d)(5) (20 U.S.C.
14 1085(d)(5))—

15 (A) in subparagraph (E), by striking
16 “485(l)” and inserting “485(k)”; and

17 (B) in subparagraph (F), by striking
18 “485(l)” and inserting “485(k)”; and

19 (3) in section 484 (20 U.S.C. 1091), as amend-
20 ed by section 51806, by redesignating subsections
21 (s),(t), and (u) as subsections (r), (s), and (t), re-
22 spectively;

23 (4) in section 485 (20 U.S.C. 1092)—

24 (A) by striking subsection (k); and

1 (B) by redesignating subsections (l) and
 2 (m) as subsections (k) and (l), respectively; and
 3 (5) in section 487(e)(2)(B)(ii)(IV) (20 U.S.C.
 4 1094(e)(2)(B)(ii)(IV)), by striking “(l) of section
 5 485” and inserting “(k) of section 485”.

6 **SEC. 51808. EXTENDING FEDERAL PELL GRANT ELIGI-**
 7 **BILITY OF CERTAIN SHORT-TERM PRO-**
 8 **GRAMS.**

9 (a) IN GENERAL.—Section 401 (20 U.S.C. 1070a),
 10 as amended by section 51804, is further amended by in-
 11 serting after subsection (h) the following:

12 “(i) JOB TRAINING FEDERAL PELL GRANT PRO-
 13 GRAM.—

14 “(1) DEFINITIONS.—In this subsection:

15 “(A) ELIGIBLE CAREER PATHWAY PRO-
 16 GRAM.—The term ‘eligible career pathway pro-
 17 gram’ means a program that—

18 “(i) meets the requirements of section
 19 484(d)(2);

20 “(ii) is a program of training services
 21 listed under section 122(d) of the Work-
 22 force Innovation and Opportunity Act (29
 23 U.S.C. 3152(d)); and

1 “(iii) is part of a career pathway, as
2 defined in section 3 of such Act (29 U.S.C.
3 3102).

4 “(B) JOB TRAINING PROGRAM.—The term
5 ‘job training program’ means a career and tech-
6 nical education program at an institution of
7 higher education that—

8 “(i) provides not less than 150, and
9 not more than 600, clock hours of instruc-
10 tional time over a period of not less than
11 8, and not more than 15, weeks;

12 “(ii) provides training aligned with
13 the requirements of employers in the State
14 or local area, which may include in-demand
15 industry sectors or occupations, as defined
16 in section 3 of the Workforce Innovation
17 and Opportunity Act (29 U.S.C. 3102), in
18 the State or local area (as defined in such
19 section);

20 “(iii) is a program of training serv-
21 ices, and provided through an eligible pro-
22 vider of training services, listed under sec-
23 tion 122(d) of such Act (29 U.S.C.
24 3152(d));

1 “(iv) provides a student, upon comple-
2 tion of the program, with a recognized
3 postsecondary credential, as defined in sec-
4 tion 3 of such Act, that is recognized by
5 employers in the relevant industry, includ-
6 ing credentials recognized by industry or
7 sector partnerships in the State or local
8 area where the industry is located;

9 “(v) has been determined, by the in-
10 stitution of higher education, to provide
11 academic content, an amount of instruc-
12 tional time, and a recognized postsec-
13 ondary credential that are sufficient to—

14 “(I) meet the hiring requirements
15 of potential employers; and

16 “(II) satisfy any applicable edu-
17 cational prerequisite requirement for
18 professional licensure or certification,
19 so that the student who completes the
20 program and seeks employment quali-
21 fies to take any licensure or certifi-
22 cation examination needed to practice
23 or find employment in an occupation
24 that the program prepares students to
25 enter;

1 “(vi) may include integrated or basic
2 skills courses; and

3 “(vii) may be offered as part of an eli-
4 gible career pathway program.

5 “(2) IN GENERAL.—For the award year begin-
6 ning on July 1, 2021, and each subsequent award
7 year, the Secretary shall carry out a program
8 through which the Secretary shall award job training
9 Federal Pell Grants to students in job training pro-
10 grams. Each job training Federal Pell Grant award-
11 ed under this subsection shall have the same terms
12 and conditions, and be awarded in the same manner,
13 as a Federal Pell Grant awarded under subsection
14 (a), except as follows:

15 “(A) A student who is eligible to receive a
16 job training Federal Pell Grant under this sub-
17 section is a student who—

18 “(i) has not yet attained a bacca-
19 laurate degree or postbaccalaureate de-
20 gree;

21 “(ii) attends an institution of higher
22 education;

23 “(iii) is enrolled, or accepted for en-
24 rollment, in a job training program at such
25 institution of higher education; and

1 “(iv) meets all other eligibility re-
2 quirements for a Federal Pell Grant (ex-
3 cept with respect to the type of program of
4 study, as provided in clause (iii)).

5 “(B) The amount of a job training Federal
6 Pell Grant for an eligible student shall be deter-
7 mined under subsection (b)(1), except that—

8 “(i) the maximum Federal Pell Grant
9 awarded under this subsection for an
10 award year shall be 50 percent of the max-
11 imum Federal Pell Grant awarded under
12 subsection (b)(5) applicable to that award
13 year; and

14 “(ii) subsection (b)(4) shall not apply.

15 “(3) INCLUSION IN TOTAL ELIGIBILITY PE-
16 RIOD.—Any period during which a student receives
17 a job training Federal Pell Grant under this sub-
18 section shall be included in calculating the student’s
19 period of eligibility for Federal Pell Grants under
20 subsection (c), and any regulations under such sub-
21 section regarding students who are enrolled in an
22 undergraduate program on less than a full-time
23 basis shall similarly apply to students who are en-
24 rolled in a job training program at an eligible insti-
25 tution on less than a full-time basis.”.

1 (b) ADDITIONAL SAFEGUARDS.—Section 496(a)(4)
2 (20 U.S.C. 1099b(a)(4)) is amended—

3 (1) in subparagraph (A), by striking “and”
4 after the semicolon;

5 (2) in subparagraph (B)(ii), by inserting “and”
6 after the semicolon; and

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

8 “(C) if such agency or association has or
9 seeks to include within its scope of recognition
10 the evaluation of the quality of institutions of
11 higher education participating in the job train-
12 ing Federal Pell Grant program under section
13 401(i), such agency or association shall, in ad-
14 dition to meeting the other requirements of this
15 subpart, demonstrate to the Secretary that,
16 with respect to such job training programs—

17 “(i) the agency or association’s stand-
18 ards include a process for determining
19 whether the program provides training
20 aligned with the requirements of employers
21 in the State or local area served by the
22 program; and

23 “(ii) the agency or association re-
24 quires a demonstration that the program—

1 “(I) has identified each recog-
2 nized postsecondary credential offered
3 and the corresponding industry or sec-
4 tor partnership that actively recog-
5 nizes each credential in the relevant
6 industry in the State or local area
7 where the industry is located; and

8 “(II) provides the academic con-
9 tent and amount of instructional time
10 that is sufficient to—

11 “(aa) meet the hiring re-
12 quirements of potential employ-
13 ers; and

14 “(bb) satisfy any applicable
15 educational prerequisites for pro-
16 fessional licensure or certification
17 requirements so that the student
18 who completes the program and
19 seeks employment qualifies to
20 take any licensure or certification
21 examination that is needed to
22 practice or find employment in
23 an occupation that the program
24 prepares students to enter;”.

1 **SEC. 51809. PROVIDING FEDERAL PELL GRANTS FOR IRAQ**
2 **AND AFGHANISTAN VETERAN'S DEPENDENTS.**

3 (a) AMENDMENTS.—Part A of title IV (20 U.S.C.
4 1070a et seq.) is amended—

5 (1) in section 401, as amended by section
6 51808, by inserting after subsection (i) the fol-
7 lowing:

8 “(j) SCHOLARSHIPS FOR VETERAN’S DEPEND-
9 ENTS.—

10 “(1) DEFINITION OF ELIGIBLE VETERAN’S DE-
11 PENDENT.—In this subsection, the term ‘eligible vet-
12 eran’s dependent’ means a dependent or an inde-
13 pendent student—

14 “(A) whose parent or guardian was a
15 member of the Armed Forces of the United
16 States and died as a result of performing mili-
17 tary service in Iraq or Afghanistan after Sep-
18 tember 11, 2001; and

19 “(B) who, at the time of the parent or
20 guardian’s death, was—

21 “(i) less than 24 years of age; or

22 “(ii) enrolled at an institution of high-
23 er education on a part-time or full-time
24 basis.

25 “(2) GRANTS.—

1 “(A) IN GENERAL.—The Secretary shall
2 award a Federal Pell Grant, as modified in ac-
3 cordance with the requirements of this sub-
4 section, to each eligible veteran’s dependent to
5 assist in paying the eligible veteran’s depend-
6 ent’s cost of attendance at an institution of
7 higher education.

8 “(B) DESIGNATION.—Federal Pell Grants
9 made under this subsection may be known as
10 ‘Iraq and Afghanistan Service Grants’.

11 “(3) PREVENTION OF DOUBLE BENEFITS.—No
12 eligible veteran’s dependent may receive a grant
13 under both this subsection and subsection (a).

14 “(4) TERMS AND CONDITIONS.—The Secretary
15 shall award Iraq and Afghanistan Service Grants
16 under this subsection in the same manner and with
17 the same terms and conditions, including the length
18 of the period of eligibility, as the Secretary awards
19 Federal Pell Grants under subsection (a), except
20 that—

21 “(A) the award rules and determination of
22 need applicable to the calculation of Federal
23 Pell Grants under subsection (a) shall not apply
24 to Iraq and Afghanistan Service Grants;

1 “(B) the provisions of paragraph (1)(B)
2 and (3) of subsection (b), and subsection (f),
3 shall not apply;

4 “(C) the maximum period determined
5 under subsection (c)(5) shall be determined by
6 including all Iraq and Afghanistan Service
7 Grants received by the eligible veteran’s de-
8 pendent, including such Grants received under
9 subpart 10 before the effective date of this sub-
10 section; and

11 “(D) an Iraq and Afghanistan Service
12 Grant to an eligible veteran’s dependent for any
13 award year shall equal the maximum Federal
14 Pell Grant available under subsection (b)(5) for
15 that award year, except that an Iraq and Af-
16 ghanistan Service Grant—

17 “(i) shall not exceed the cost of at-
18 tendance of the eligible veteran’s depend-
19 ent for that award year; and

20 “(ii) shall be adjusted to reflect the
21 attendance by the eligible veteran’s de-
22 pendent on a less than full-time basis in
23 the same manner as such adjustments are
24 made for a Federal Pell Grant under sub-
25 section (a).

1 “(5) ESTIMATED FINANCIAL ASSISTANCE.—For
2 purposes of determinations of need under part F, an
3 Iraq and Afghanistan Service Grant shall not be
4 treated as estimated financial assistance as de-
5 scribed in sections 471(3) and 480(j).”; and

6 (2) by striking subpart 10 of part A (20 U.S.C.
7 1070h).

8 (b) EFFECTIVE DATE; TRANSITION.—

9 (1) EFFECTIVE DATE.—The amendments made
10 by this section shall take effect with respect to the
11 award year immediately following the date of enact-
12 ment of this Act.

13 (2) TRANSITION.—The Secretary shall take
14 such steps as are necessary to transition from the
15 Iraq and Afghanistan Service Grants program under
16 subpart 10 of part A of title IV of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1070h), as in effect
18 on the day before the effective date of this section,
19 and the Iraq and Afghanistan Service Grants pro-
20 gram under section 401(j) of the Higher Education
21 Act of 1965 (20 U.S.C. 1070a(j)), as amended by
22 this section.

1 **SEC. 51810. INCREASING SUPPORT FOR WORKING STU-**
2 **DENTS BY 35 PERCENT.**

3 (a) DEPENDENT STUDENTS.—Section 475(g)(2)(D)
4 (20 U.S.C. 1087oo(g)(2)(D)) is amended to read as fol-
5 lows:

6 “(D) an income protection allowance (or a
7 successor amount prescribed by the Secretary
8 under section 478) of \$9,010 for academic year
9 2021–2022;”.

10 (b) INDEPENDENT STUDENTS WITHOUT DEPEND-
11 ENTS OTHER THAN A SPOUSE.—Section 476(b)(1)(A)(iv)
12 (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as
13 follows:

14 “(iv) an income protection allowance
15 (or a successor amount prescribed by the
16 Secretary under section 478)—

17 “(I) for single or separated stu-
18 dents, or married students where both
19 are enrolled pursuant to subsection
20 (a)(2), of \$14,010 for academic year
21 2021–2022; and

22 “(II) for married students where
23 one is enrolled pursuant to subsection
24 (a)(2), of \$22,460 for academic year
25 2021–2022;”.

1 (c) INDEPENDENT STUDENTS WITH DEPENDENTS
 2 OTHER THAN A SPOUSE.—Section 477(b)(4) (20 U.S.C.
 3 1087qq(b)(4)) is amended to read as follows:

4 “(4) INCOME PROTECTION ALLOWANCE.—The
 5 income protection allowance is determined by the fol-
 6 lowing table (or a successor table prescribed by the
 7 Secretary under section 478), for academic year
 8 2021–2022:

“Income Protection Allowance						
Family Size (including student)	Number in College					For each additional subtract:
	1	2	3	4	5	
2	\$35,470	\$29,410				\$6,030
3	44,170	38,130	\$32,070			
4	54,540	45,490	42,450	\$36,370		
5	64,360	58,280	52,240	46,190	\$40,160	
6	75,260	69,210	63,190	57,090	51,070	
For each additional add:	8,500					”.

9 (d) UPDATED TABLES AND AMOUNTS.—Section
 10 478(b) (20 U.S.C. 1087rr(b)) is amended—

11 (1) in paragraph (1), by striking subparagraphs
 12 (A) and (B) and inserting the following:

13 “(A) IN GENERAL.—For each academic
 14 year after academic year 2021–2022, the Sec-
 15 retary shall publish in the Federal Register a
 16 revised table of income protection allowances
 17 for the purpose of sections 475(c)(4) and
 18 477(b)(4), subject to subparagraphs (B) and
 19 (C).

1 “(B) TABLE FOR INDEPENDENT STU-
2 DENTS.—For each academic year after aca-
3 demic year 2021–2022, the Secretary shall de-
4 velop the revised table of income protection al-
5 lowances by increasing each of the dollar
6 amounts contained in the table of income pro-
7 tection allowances under section 477(b)(4) by a
8 percentage equal to the estimated percentage
9 increase in the Consumer Price Index (as deter-
10 mined by the Secretary for the most recent cal-
11 endar year ending prior to the beginning of the
12 academic year for which the determination is
13 being made), and rounding the result to the
14 nearest \$10.”; and

15 (2) in paragraph (2), by striking “shall be de-
16 veloped” and all that follows through the period at
17 the end and inserting “shall be developed for each
18 academic year after academic year 2021–2022, by
19 increasing each of the dollar amounts contained in
20 such section for academic year 2021–2022 by a per-
21 centage equal to the estimated percentage increase
22 in the Consumer Price Index (as determined by the
23 Secretary for the most recent calendar year ending
24 prior to the beginning of the academic year for

1 which the determination is being made), and round-
2 ing the result to the nearest \$10.”.

3 **SEC. 51811. INCREASING THE FEDERAL PELL GRANT AUTO-**
4 **ZERO THRESHOLD.**

5 Section 479(c) (20 U.S.C. 1087ss(c)) is amended—

6 (1) in paragraph (1)(B), by striking “\$23,000”
7 and inserting “\$34,000”;

8 (2) in paragraph (2)(B), by striking “\$23,000”
9 and inserting “\$34,000”; and

10 (3) in the matter following paragraph (2)(B),
11 by striking “adjusted according to increases in the
12 Consumer Price Index, as defined in section 478(f)”
13 and inserting “annually increased by the estimated
14 percentage change in the Consumer Price Index, as
15 defined in section 478(f), for the most recent cal-
16 endar year ending prior to the beginning of an
17 award year, and rounded to the nearest \$1,000”.

18 **SEC. 51812. RAISING THE TOTAL SEMESTERS OF FEDERAL**
19 **PELL GRANT ELIGIBILITY.**

20 Section 401(c)(5)(A) (20 U.S.C. 1070a(c)(5)(A)), as
21 amended by section 51805, is further amended by striking
22 “12” each place the term appears and inserting “14”.

23 **SEC. 51813. CONFORMING AMENDMENTS.**

24 The Act (20 U.S.C. 1001 et seq.) is amended—

1 (1) in section 401A(d)(1)(B)(i) (20 U.S.C.
2 1070a-1(d)(1)(B)(i)), by striking “section
3 401(b)(2)(B)” and inserting “section 401(b)(2)”;

4 (2) in section 402D(d)(1) (20 U.S.C. 1070a-
5 14(d)(1)), by striking “section 401(b)(2)(A)” and
6 inserting “section 401(b)(1)”;

7 (3) in section 420R(d)(2) (20 U.S.C.
8 1070h(d)(2)), by striking “subsection (b)(1), the
9 matter following subsection (b)(2)(A)(v),”;

10 (4) in section 435(a)(5)(A)(i)(I) (20 U.S.C.
11 1085(a)(5)(A)(i)(I)), by striking “under section
12 401(b)(2)(A)” and inserting “, as appropriate,
13 under section 401(b)(2)(A) (as in effect on the day
14 before the effective date of the Pell Grant Preserva-
15 tion and Expansion Act) or section 401(b)(1)”;

16 (5) in section 483(e)(3)(A)(ii) (20 U.S.C.
17 1090(e)(3)(A)(ii)), by striking “section
18 401(b)(2)(A)” and inserting “section 401(b)(1)”;

19 (6) in section 485E(b)(1)(A) (20 U.S.C.
20 1092f(b)(1)(A)), by striking “section 401(b)(2)(A)”
21 and inserting “section 401(b)(1)”;

22 (7) in section 894(f)(2)(C)(ii)(I) (20 U.S.C.
23 1161y(f)(2)(C)(ii)(I)), by striking “section
24 401(b)(2)(A)” and inserting “section 401(b)(1)”.

1 **SEC. 51814. EFFECTIVE DATE.**

2 Except as otherwise provided, this subtitle, and the
 3 amendments made by this subtitle, shall take effect begin-
 4 ning on July 1, 2021, and shall apply to grant and award
 5 determinations made under title IV of the Higher Edu-
 6 cation Act of 1965 (20 U.S.C. 1001 et seq.) beginning
 7 with the 2021–2022 award year.

8 **Subtitle R—Student Loan Debt**
 9 **Relief**

10 **SEC. 51901. SHORT TITLE.**

11 This subtitle may be cited as the “Student Loan Debt
 12 Relief Act of 2020”.

13 **SEC. 51902. TABLE OF CONTENTS.**

14 The table of contents for this subtitle is as follows:

Sec. 51901. Short title.

Sec. 51902. Table of contents.

PART 1—LOAN DISCHARGE AND FORBEARANCE

Sec. 51911. Loan discharge.

Sec. 51912. Automatic administrative forbearance; halting of wage garnish-
 ment.

Sec. 51913. Staying and prohibition on commencement of actions for collection.

Sec. 51914. Ineligibility for Treasury Offset.

PART 2—REFINANCING PROGRAMS

Sec. 51921. Refinancing programs.

PART 3—DISCHARGEABILITY OF STUDENT LOANS IN BANKRUPTCY

Sec. 51931. Dischargeability of student loans in bankruptcy.

PART 4—GENERAL PROVISIONS

Sec. 51941. Report on progress of implementation.

Sec. 51942. Notification to borrowers.

Sec. 51943. Inapplicability of title IV negotiated rulemaking and master cal-
 endar exception.

Sec. 51944. Definitions.

1 **PART 1—LOAN DISCHARGE AND FORBEARANCE**

2 **SEC. 51911. LOAN DISCHARGE.**

3 (a) IN GENERAL.—Subject to subsection (f), not later
4 than the date that is 12 months after the date of enact-
5 ment of this Act, the Secretary of Education shall dis-
6 charge the qualified loan amount of each individual, with-
7 out regard to the repayment status of the loan or whether
8 the loan is in default.

9 (b) QUALIFIED LOAN AMOUNT.—

10 (1) IN GENERAL.—The qualified loan amount
11 of an individual is an amount equal to the lesser
12 of—

13 (A) \$50,000; and

14 (B) the aggregate loan obligation on the el-
15 igible Federal loans of the taxpayer that is out-
16 standing on the date of enactment of this Act
17 or, in the case of such loans issued under sec-
18 tion 460B of the Higher Education Act of
19 1965, as added by part 2 of this subtitle, on the
20 date on which such loans are issued under such
21 section 460B.

22 (2) LIMITATION BASED ON ADJUSTED GROSS
23 INCOME.—The amount discharged under subsection
24 (a) with respect to an individual shall be reduced
25 (but not below zero) by \$1 for each \$3 (or fraction
26 thereof) by which the taxpayer's adjusted gross in-

1 come exceeds \$100,000 (twice such amount in the
2 case of a joint return) for the most recent taxable
3 year ending before the date of the enactment of this
4 Act.

5 (c) METHOD OF LOAN DISCHARGE.—

6 (1) IN GENERAL.—To provide the loan dis-
7 charge required under subsection (a), the Secretary
8 is authorized to carry out a program—

9 (A) through the holder of the loan, to as-
10 sume the obligation to repay the qualified loan
11 amount for a loan made, insured, or guaranteed
12 under part B of title IV of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1071 et seq.);

14 (B) to cancel the qualified loan amount for
15 a loan made under part D of title IV of the
16 Higher Education Act of 1965 (20 U.S.C.
17 1087a et seq.), or assigned, referred, or trans-
18 ferred to, or purchased by, the Secretary under
19 such title IV (20 U.S.C. 1070 et seq.), includ-
20 ing a Federal Direct Stafford Loan issued
21 under section 460B of the Higher Education
22 Act of 1965, as added by part 2 of this subtitle;
23 and

24 (C) through the institution of higher edu-
25 cation that made the loan from its student loan

1 fund established under part E of such title (20
2 U.S.C. 1087aa et seq.), to assume the obliga-
3 tion to repay the qualified loan amount for such
4 loan.

5 (2) ORDER OF LOAN DISCHARGE.—With re-
6 spect to an individual with at least 2 eligible Federal
7 loans, the Secretary shall discharge the loans of the
8 individual as follows (except as otherwise indicated
9 by the individual):

10 (A) In the case in which the individual has
11 loans with different rates of interest, the loans
12 should be discharged in descending order by
13 rate of interest.

14 (B) In the case in which the individual has
15 loans with the same rates of interest, the loans
16 should be discharged in descending order by
17 amount of outstanding principal.

18 (d) EXCLUSION FROM TAXABLE INCOME.—For pur-
19 poses of the Internal Revenue Code of 1986, in the case
20 of an individual, gross income does not include any
21 amount which (but for this subsection) would be includible
22 in gross income by reason of the discharge (in whole or
23 in part) of any loan if such discharge was pursuant to
24 this part.

25 (e) TAXPAYER INFORMATION.—

1 (1) IN GENERAL.—The Secretary of the Treas-
2 ury may, upon written request from the Secretary of
3 Education, disclose to officers and employees of the
4 Department of Education return information with
5 respect to a taxpayer who has received eligible Fed-
6 eral loans that are outstanding on the date described
7 in subsection (b)(1)(B). Such return information
8 shall be limited to—

9 (A) taxpayer identity information with re-
10 spect to such taxpayer;

11 (B) the filing status of such taxpayer; and

12 (C) the adjusted gross income of such tax-
13 payer.

14 (2) RESTRICTION ON USE OF DISCLOSED IN-
15 FORMATION.—Return information disclosed under
16 paragraph (1) may be used by officers and employ-
17 ees of the Department of Education only for the
18 purposes of, and to the extent necessary in, estab-
19 lishing the appropriate qualified loan amount of a
20 taxpayer.

21 (f) LONG-TERM SETTLE AND COMPROMISE DIS-
22 CHARGE AUTHORITY.—Not later than the date that is 24
23 months after the date of enactment of this Act, the Sec-
24 retary of Education may use the authority under sections
25 432(a)(6) and 468(2) of the Higher Education Act of

1 1965 (20 U.S.C. 1082(a)(6); 1087hh(2)) to discharge
2 loans under this section beyond the period described in
3 subsection (a) for—

4 (1) an individual who, through an appeals proc-
5 ess established by the Secretary, successfully appeals
6 a loan discharge determination by the Secretary
7 under this section;

8 (2) an individual who, due to special cir-
9 cumstances, misses a deadline established by the
10 Secretary in the administration of loan discharges
11 under this section; or

12 (3) an individual (or a group of individuals)
13 who the Secretary determines should have received a
14 loan discharge or a discharge amount that is dif-
15 ferent from the amount of loan discharge received
16 under this section, except that a loan discharge
17 amount received under this subsection may not ex-
18 ceed the qualified loan amount determined for the
19 individual (or the group of individuals) under sub-
20 section (b).

21 (g) PRIVATE STUDENT LOAN DISCHARGE.—Not
22 later than the date that is 3 months after the date of en-
23 actment of this Act, the Secretary of Education, in coordi-
24 nation with the Secretary of the Treasury and the Director
25 of the Bureau of Consumer Financial Protection, shall un-

1 dertake a campaign to alert borrowers of private education
2 loans—

3 (1) that such borrowers may be eligible to refi-
4 nance such private loans as Federal Direct Stafford
5 Loans under section 460B of the Higher Education
6 Act of 1965, as added by part 2 of this subtitle; and

7 (2) such Federal Direct Stafford Loans may be
8 eligible for loan discharge under this section.

9 (h) CREDIT REPORTING.—In the case of a borrower
10 of an eligible Federal loan that was in default prior to
11 being discharged under this section and on which, as a
12 result of such loan discharge, there is no outstanding bal-
13 ance of principal or interest, the Secretary, guaranty agen-
14 cy or other holder of the loan shall request any consumer
15 reporting agency to which the Secretary, guaranty agency
16 or holder, as applicable, reported the default of the loan,
17 to remove the record of the default from the borrower’s
18 credit history.

19 (i) MEMBERS OF CONGRESS.—In this section, the
20 terms “individual” and “taxpayer” do not include a Mem-
21 ber of Congress.

1 **SEC. 51912. AUTOMATIC ADMINISTRATIVE FORBEARANCE;**
2 **HALTING OF WAGE GARNISHMENT.**

3 During the period beginning on the date of enactment
4 of this Act and ending on the date that is 12 months after
5 such date of enactment, the Secretary of Education—

6 (1) shall place each borrower of an eligible Fed-
7 eral loan with an outstanding balance, without any
8 further action required by the borrower (except that
9 the borrower may opt-out of this section), on an ad-
10 ministrative forbearance during which periodic in-
11 stallments of principal need not be paid, and interest
12 shall not accrue, on such loan; and

13 (2) may not issue an order for wage garnish-
14 ment or withholding under section 488A of the
15 Higher Education Act of 1965 (20 U.S.C. 1095a) or
16 section 3720D of title 31, United States Code, ini-
17 tiate proceedings to collect debt through deductions
18 from pay under such section 488A or 3720D, or en-
19 force or otherwise require compliance with a wage
20 garnishment or withholding order issued under such
21 section 488A or 3720D before the date of enactment
22 of this Act (which shall include staying any related
23 proceedings).

1 **SEC. 51913. STAYING AND PROHIBITION ON COMMENCE-**
2 **MENT OF ACTIONS FOR COLLECTION.**

3 Until 12 months after the date of enactment of this
4 Act, no eligible Federal loan may be referred to the Attor-
5 ney General for any action seeking collection of any
6 amount owed on that loan and any action pending as of
7 the date of enactment of this Act shall be stayed.

8 **SEC. 51914. INELIGIBILITY FOR TREASURY OFFSET.**

9 Until 12 months after the date of enactment of this
10 Act, no claim pertaining to an eligible Federal loan may
11 be certified under section 3716(c)(1) of title 31, United
12 States Code.

13 **PART 2—REFINANCING PROGRAMS**

14 **SEC. 51921. REFINANCING PROGRAMS.**

15 (a) PROGRAM AUTHORITY.—Section 451(a) of the
16 Higher Education Act of 1965 (20 U.S.C. 1087a(a)) is
17 amended—

18 (1) by striking “and (2)” and inserting “(2)”;
19 and

20 (2) by inserting “; and (3) to make loans under
21 section 460A and section 460B” after “section
22 459A”.

23 (b) REFINANCING PROGRAM.—Part D of title IV of
24 the Higher Education Act of 1965 (20 U.S.C. 1087a et
25 seq.) is amended by adding at the end the following:

1 **“SEC. 460A. REFINANCING FFEL AND FEDERAL DIRECT**
2 **LOANS.**

3 “(a) IN GENERAL.—Beginning not later than 12
4 months after the date of enactment of the Student Loan
5 Debt Relief Act of 2020, the Secretary shall establish a
6 program under which the Secretary automatically refi-
7 nances loans made under this part in accordance with the
8 provisions of this section, in order to lower the rate of
9 interest on such loans.

10 “(b) REFINANCING DIRECT LOANS.—

11 “(1) FEDERAL DIRECT LOANS.—With respect
12 to each Federal Direct Stafford Loan, Federal Di-
13 rect Unsubsidized Stafford Loan, Federal Direct
14 PLUS Loan, and Federal Direct Consolidation
15 Loan, for which the first disbursement was made to
16 a borrower, or the application for the consolidation
17 loan was received from a borrower, on or before the
18 date of enactment of the Student Loan Debt Relief
19 Act of 2020, the Secretary shall, without any further
20 action by the borrower (other than under subpara-
21 graph (C))—

22 “(A) discharge the liability on such Fed-
23 eral Direct Stafford Loan, Federal Direct Un-
24 subsidized Stafford Loan, Federal Direct PLUS
25 Loan, or Federal Direct Consolidation Loan;

1 “(B) issue to the borrower a new Federal
2 Direct Stafford Loan, Federal Direct Unsub-
3 sidized Stafford Loan, Federal Direct PLUS
4 Loan, or Federal Direct Consolidation Loan, re-
5 spectively—

6 “(i) in an amount equal to the sum of
7 the unpaid principal, accrued unpaid inter-
8 est, and late charges of the loan for which
9 the liability is being discharged under sub-
10 paragraph (A); and

11 “(ii) which has the same terms and
12 conditions as the original loan, except that
13 the rate of interest shall be determined
14 under subsection (c); and

15 “(C) provide the borrower an opportunity
16 to opt-out of the refinancing under this para-
17 graph.

18 “(2) REFINANCING FFEL PROGRAM LOANS AS
19 REFINANCED FEDERAL DIRECT LOANS.—

20 “(A) IN GENERAL.—With respect to each
21 loan that was made, insured, or guaranteed
22 under part B and for which the first disburse-
23 ment was made to a borrower, or the applica-
24 tion for the consolidation loan was received
25 from a borrower, before July 1, 2010, the Sec-

1 retary shall, without any further action by the
2 borrower (other than to provide the borrower an
3 opportunity to opt-out of the refinancing under
4 this paragraph), issue to the borrower a loan
5 made under this part—

6 “(i) in an amount equal to the sum of
7 the unpaid principal, accrued unpaid inter-
8 est, and late charges of the loan selected to
9 be so refinanced;

10 “(ii) the proceeds of which shall be
11 paid to the holder of the loan selected to
12 be so refinanced to discharge the liability
13 on such loan; and

14 “(iii) which has a rate of interest de-
15 termined under subsection (c).

16 “(B) DESIGNATION OF LOANS.—A loan
17 issued under this section the proceeds of which
18 is discharging the liability on a loan made, in-
19 sured, or guaranteed—

20 “(i) under section 428 shall be a Fed-
21 eral Direct Stafford Loan;

22 “(ii) under section 428B shall be a
23 Federal Direct PLUS Loan;

1 “(iii) under section 428H shall be a
2 Federal Direct Unsubsidized Stafford
3 Loan; and

4 “(iv) under section 428C shall be a
5 Federal Direct Consolidation Loan.

6 “(c) INTEREST RATES.—

7 “(1) IN GENERAL.—The interest rate for Fed-
8 eral Direct Stafford Loans, Federal Direct Unsub-
9 sidized Stafford Loans, Federal Direct PLUS
10 Loans, and Federal Direct Consolidation Loans
11 issued under this section, shall be a rate equal to—

12 “(A) in a case in which the original loan
13 is a loan under section 428 or 428H, a Federal
14 Direct Stafford loan, or a Federal Direct Un-
15 subsidized Stafford Loan, that was issued to an
16 undergraduate student, the rate for Federal Di-
17 rect Stafford Loans and Federal Direct Unsub-
18 sidized Stafford Loans issued to undergraduate
19 students for the 12-month period beginning on
20 July 1, 2021, and ending on June 30, 2022;

21 “(B) in a case in which the original loan
22 is a loan under section 428 or 428H, a Federal
23 Direct Stafford Loan, or a Federal Direct Un-
24 subsidized Stafford Loan, that was issued to a
25 graduate or professional student, the rate for

1 Federal Direct Unsubsidized Stafford Loans
2 issued to graduate or professional students for
3 the 12-month period beginning on July 1, 2021,
4 and ending on June 30, 2022;

5 “(C) in an case in which the original loan
6 is a loan under section 428B or a Federal Di-
7 rect PLUS Loan, the rate for Federal Direct
8 PLUS Loans for the 12-month period begin-
9 ning on July 1, 2021, and ending on June 30,
10 2022; and

11 “(D) in a case in which the original loan
12 is a loan under section 428C or a Federal Di-
13 rect Consolidation Loan, a rate calculated in ac-
14 cordance with paragraph (2).

15 “(2) INTEREST RATES FOR CONSOLIDATION
16 LOANS.—

17 “(A) METHOD OF CALCULATION.—To de-
18 termine the interest rate for a Federal Direct
19 Federal Consolidation Loan issued under this
20 section, the Secretary shall—

21 “(i) determine each original loan for
22 which the liability was discharged by the
23 proceeds of a loan under section 428C or
24 a Federal Direct Consolidation Loan, and
25 calculate the proportion of the unpaid prin-

1 cipl balance of the loan under section
2 428C or the Federal Direct Consolidation
3 Loan that is applicable to each such origi-
4 nal loan;

5 “(ii) use the proportions determined
6 in accordance with clause (i) and the inter-
7 est rate applicable for each original loan,
8 as determined under subparagraph (B), to
9 calculate the weighted average of the inter-
10 est rates on the loans consolidated into the
11 loan under section 428C or the Federal Di-
12 rect Consolidation Loan; and

13 “(iii) apply the weighted average cal-
14 culated under clause (ii) as the interest
15 rate for the Federal Direct Consolidation
16 Loan made under this section and for
17 which the interest rate is being determined
18 under this paragraph.

19 “(B) INTEREST RATES FOR COMPONENT
20 LOANS.—The interest rate for each original
21 loan for which the liability is discharged by the
22 proceeds of loan made under section 428C or a
23 Federal Direct Consolidation Loan shall be the
24 following:

1 “(i) The interest rate for any such
2 original loan made, insured or guaranteed
3 under section 428 or 428H, or that is a
4 Federal Direct Stafford Loan or Federal
5 Direct Unsubsidized Stafford Loan, issued
6 to an undergraduate student shall be a
7 rate equal to the lesser of—

8 “(I) the rate for Federal Direct
9 Stafford Loans and Federal Direct
10 Unsubsidized Stafford Loans issued
11 to undergraduate students for the 12-
12 month period beginning on July 1,
13 2021, and ending on June 30, 2022;
14 or

15 “(II) the interest rate on such
16 original loan.

17 “(ii) The interest rate for any such
18 original loan made, insured or guaranteed
19 under section 428 or 428H, or that is a
20 Federal Direct Stafford Loan, or Federal
21 Direct Unsubsidized Stafford Loan, issued
22 to a graduate or professional student shall
23 be a rate equal to the lesser of—

24 “(I) the rate for Federal Direct
25 Unsubsidized Stafford Loans issued

1 to graduate or professional students
2 for the 12-month period beginning on
3 July 1, 2021, and ending on June 30,
4 2022; or

5 “(II) the interest rate on the
6 original loan.

7 “(iii) The interest rate for any such
8 original loan made, insured or guaranteed
9 under section 428B or that is a Federal
10 Direct PLUS Loan shall be a rate equal to
11 the lesser of—

12 “(I) the rate for Federal Direct
13 PLUS Loans for the 12-month period
14 beginning on July 1, 2021, and end-
15 ing on June 30, 2022; or

16 “(II) the interest rate on the
17 original loan.

18 “(iv) The interest rate for any such
19 original loan that is a loan under section
20 428C or a Federal Direct Consolidation
21 Loan shall be the weighted average of the
22 interest rates determined under this sub-
23 paragraph for each loan for which the li-
24 ability is discharged by the proceeds of
25 such consolidation loan.

1 “(v) The interest rate for any original
2 loan for which the liability was discharged
3 with the proceeds of a loan made under
4 section 428C or a Federal Direct Consoli-
5 dation Loan and is not described in clauses
6 (i) through (iv) shall be the interest rate
7 on such original loan.

8 “(3) FIXED RATE.—The applicable rate of in-
9 terest determined under paragraph (1) for a loan
10 issued under this section shall be fixed for the period
11 of the loan.

12 “(d) REPAYMENT PERIODS.—A loan issued under
13 this section shall not result in the extension of the dura-
14 tion of the repayment period of the original loan, and the
15 borrower shall retain the same repayment term that was
16 in effect on the original loan. Nothing in this paragraph
17 shall be construed to prevent a borrower from electing a
18 different repayment plan at any time in accordance with
19 section 455(d)(3).

20 “(e) ORIGINAL LOAN DEFINED.—In this section, the
21 term ‘original loan’ means a loan for which the liability
22 is discharged with the proceeds of a loan issued under this
23 section.

24 **“SEC. 460B. REFINANCING OF PRIVATE EDUCATION LOANS.**

25 “(a) PROGRAM AUTHORIZED.—

1 “(1) IN GENERAL.—During the period begin-
2 ning on the date that is 6 months after the date of
3 enactment of the Student Loan Debt Relief Act of
4 2020, and ending on the date that is 9 months after
5 such date of enactment, the Secretary, in consulta-
6 tion with the Secretary of the Treasury, shall carry
7 out a program under which the Secretary, upon re-
8 ceiving an application from a borrower who has a
9 loan obligation on an eligible private education loan,
10 shall issue such borrower a loan under this section
11 in accordance with the following:

12 “(A) The loan issued under this section
13 shall be in an amount equal to the sum of the
14 unpaid principal, accrued unpaid interest, and
15 late charges of the private education loan.

16 “(B) The Secretary shall pay the proceeds
17 of the loan issued under this section to the pri-
18 vate educational lender (or subsequent holder)
19 of the private education loan, in order to dis-
20 charge the borrower and any cosigners from
21 any remaining obligation to the lender with re-
22 spect to the private education loan.

23 “(C) The Secretary shall require that the
24 borrower undergo loan counseling that provides
25 all of the information and counseling required

1 under clauses (i) through (viii) of section
2 485(b)(1)(A) before the carrying out subpara-
3 graphs (A) and (B) with respect to such bor-
4 rower.

5 “(D) The Secretary shall issue the loan as
6 a Federal Direct Stafford Loan with a rate of
7 interest determined under subsection (b).

8 “(b) INTEREST RATE.—

9 “(1) IN GENERAL.—The interest rate for a
10 Federal Direct Stafford Loan issued under this sec-
11 tion shall be—

12 “(A) in the case of a Federal Direct Staf-
13 ford Loan discharging the liability on a private
14 education loan issued for undergraduate post-
15 secondary educational expenses, a rate equal to
16 the rate for Federal Direct Stafford Loans and
17 Federal Direct Unsubsidized Stafford Loans
18 issued to undergraduate students for the 12-
19 month period beginning on July 1, 2021, and
20 ending on June 30, 2022; and

21 “(B) in the case of a Federal Direct Staf-
22 ford Loan discharging the liability on a private
23 education loan issued for graduate or profes-
24 sional degree postsecondary educational ex-
25 penses, a rate equal to the rate for Federal Di-

1 rect Unsubsidized Stafford Loans issued to
2 graduate or professional students for the 12-
3 month period beginning on July 1, 2021, and
4 ending on June 30, 2022.

5 “(2) COMBINED UNDERGRADUATE AND GRAD-
6 UATE STUDY LOANS.—In the case of a Federal Di-
7 rect Stafford Loan discharging the liability on a pri-
8 vate education loan issued for both undergraduate
9 and graduate or professional postsecondary edu-
10 cational expenses, the interest rate shall be a rate
11 equal to the rate for Federal Direct PLUS Loans
12 for the 12-month period beginning on July 1, 2021,
13 and ending on June 30, 2022.

14 “(3) FIXED RATE.—The applicable rate of in-
15 terest determined under this subsection for a Fed-
16 eral Direct Stafford Loan issued under this section
17 shall be fixed for the period of the loan.

18 “(c) NO INCLUSION IN AGGREGATE LIMITS.—The
19 amount of a Federal Direct Stafford Loan issued under
20 this section, or a Federal Direct Consolidated Loan to the
21 extent such loan is used to repay such a Federal Direct
22 Stafford Loan, shall not be included in calculating a bor-
23 rower’s annual or aggregate loan limits under section 428
24 or 428H.

1 “(d) PRIVATE EDUCATIONAL LENDER REPORTING
2 REQUIREMENT.—

3 “(1) REPORTING REQUIRED.—Not later than 6
4 months after the date of enactment of the Student
5 Loan Debt Relief Act of 2020, the Secretary, in con-
6 sultation with the Secretary of the Treasury and the
7 Director of the Bureau of Consumer Financial Pro-
8 tection, shall establish a requirement that private
9 educational lenders report the data described in
10 paragraph (2) to the Secretary, to Congress, to the
11 Secretary of the Treasury, and to the Director of the
12 Bureau of Consumer Financial Protection, in order
13 to allow for an assessment of the private education
14 loan market.

15 “(2) CONTENTS OF REPORTING.—The data
16 that private educational lenders shall report in ac-
17 cordance with paragraph (1) shall include each of
18 the following about private education loans (as de-
19 fined in section 140(a) of the Truth in Lending Act
20 (15 U.S.C. 1650(a))):

21 “(A) The total amount of private education
22 loan debt the lender holds.

23 “(B) The total number of private edu-
24 cation loan borrowers the lender serves.

1 “(C) The average interest rate on the out-
2 standing private education loan debt held by the
3 lender.

4 “(D) The proportion of private education
5 loan borrowers who are in default on a loan
6 held by the lender.

7 “(E) The proportion of the outstanding
8 private education loan volume held by the lend-
9 er that is in default.

10 “(F) The proportions of outstanding pri-
11 vate education loan borrowers who are 30, 60,
12 and 90 days delinquent.

13 “(G) The proportions of outstanding pri-
14 vate education loan volume that is 30, 60, and
15 90 days delinquent.

16 “(e) SUNSET.—The authority to issue loans under
17 this section shall expire on the date that is 8 months after
18 the date of enactment of the Student Loan Debt Relief
19 Act of 2020.

20 “(f) DEFINITIONS.—In this section:

21 “(1) PRIVATE EDUCATIONAL LENDER.—The
22 term ‘private educational lender’ has the meaning
23 given the term in section 140(a) of the Truth in
24 Lending Act (15 U.S.C. 1650(a)).

1 “(2) ELIGIBLE PRIVATE EDUCATION LOAN.—

2 The term ‘eligible private education loan’ means a
3 private education loan, as defined in section 140(a)
4 of the Truth in Lending Act (15 U.S.C. 1650(a)),
5 that—

6 “(A) was disbursed to the borrower on or
7 before the date of enactment of the Student
8 Loan Debt Relief Act of 2020; and

9 “(B) was for the borrower’s own postsec-
10 ondary educational expenses for an eligible pro-
11 gram at an institution of higher education par-
12 ticipating in the loan program under this part,
13 as of the date that the loan was disbursed.”.

14 (c) INCOME-CONTINGENT REPAYMENT.—Section
15 455(d)(1)(D) of the Higher Education Act of 1965 (20
16 U.S.C. 1087e(d)(1)(D)) is amended by inserting before
17 the semicolon at the end the following: “, and in calcu-
18 lating the period of time during which a borrower of a
19 loan issued under section 460A has made monthly pay-
20 ments on such loan for purposes of the plan described in
21 this subparagraph, the Secretary shall treat each monthly
22 payment that otherwise meets the requirements of such
23 plan and that was made on a loan for which the liability
24 is discharged by the proceeds of such loan issued under

1 section 460A, as a monthly payment made on such loan
2 issued under section 460A”.

3 (d) PUBLIC SERVICE LOAN FORGIVENESS.—Section
4 455(m) of the Higher Education Act of 1965 (20 U.S.C.
5 1087e(m)) is amended—

6 (1) by redesignating paragraphs (3) and (4) as
7 paragraphs (4) and (5), respectively; and

8 (2) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) TREATMENT OF LOANS ISSUED UNDER
11 SECTION 460A.—Notwithstanding paragraph (1), in
12 determining the number of monthly payments made
13 under paragraph (1) on an eligible Federal Direct
14 Loan issued under section 460A the proceeds of
15 which discharges the liability on a loan made under
16 this part, the Secretary shall treat each monthly
17 payment made under paragraph (1) on the loan be-
18 fore the liability on such loan was so discharged as
19 a monthly payment made on such eligible Federal
20 Direct Loan.”;

21 (e) INCOME-BASED REPAYMENT.—Section 493C of
22 the Higher Education Act of 1965 (20 U.S.C. 1098e) is
23 amended by adding at the end the following:

24 “(f) TREATMENT OF REFINANCED LOANS.—In cal-
25 culating the period of time during which a borrower of

1 a loan issued under section 460A has made monthly pay-
 2 ments on such loan for purposes of subsection (b)(7), the
 3 Secretary shall treat each monthly payment that otherwise
 4 meets the requirements of this section and that was made
 5 on a loan for which the liability is discharged by the pro-
 6 ceeds of such loan issued under section 460A, as a month-
 7 ly payment made on such loan issued under section
 8 460A.”.

9 **PART 3—DISCHARGEABILITY OF STUDENT**

10 **LOANS IN BANKRUPTCY**

11 **SEC. 51931. DISCHARGEABILITY OF STUDENT LOANS IN** 12 **BANKRUPTCY.**

13 (1) EXCEPTION TO DISCHARGE.—Section
 14 523(a) of title 11 of the United States Code is
 15 amended by striking paragraph (8).

16 (2) CONFORMING AMENDMENT.—Section
 17 1328(a)(2) of title 11 of the United States Code is
 18 amended by striking “(8),”.

19 **PART 4—GENERAL PROVISIONS**

20 **SEC. 51941. REPORT ON PROGRESS OF IMPLEMENTATION.**

21 Not later than the date that is 6 months after the
 22 date of enactment of this Act, the Secretary of Education
 23 and the Secretary of the Treasury shall, jointly, submit
 24 to Congress a report on the progress of the implementa-
 25 tion of the provisions of parts 1 and 2.

1 **SEC. 51942. NOTIFICATION TO BORROWERS.**

2 (a) IN GENERAL.—Not later than the date that is
3 3 months after the date of enactment of this Act—

4 (1) the Secretary of Education—

5 (A) shall take such steps as may be nec-
6 essary to notify borrowers of an eligible Federal
7 loan of the loan discharge available under part
8 1, including the applicable deadlines;

9 (B) in coordination with the Secretary of
10 the Treasury and the Director of the Bureau of
11 Consumer Financial Protection, shall undertake
12 a campaign to notify borrowers of loans made,
13 insured, or guaranteed under part B or D of
14 title IV of the Higher Education Act of 1965
15 that such borrowers may be eligible to refinance
16 such loans at a lower rate of interest under sec-
17 tion 460A of the Higher Education Act of
18 1965, as added by part 2 of this subtitle, which
19 campaign shall include—

20 (i) developing consumer information
21 materials about the availability of such re-
22 financing; and

23 (ii) requiring servicers of such loans
24 to provide such consumer information to
25 borrowers in a manner determined appro-
26 priate by the Secretary, in consultation

1 with the Director of the Bureau of Con-
2 sumer Financial Protection; and

3 (C) in coordination with the Secretary of
4 the Treasury and the Director of the Bureau of
5 Consumer Financial Protection, shall undertake
6 a campaign to alert borrowers of private edu-
7 cation loans—

8 (i) that such borrowers may be eligible
9 to refinance such private loans as Federal
10 Direct Stafford Loans under section 460B
11 of the Higher Education Act of 1965, as
12 added by part 2 of this subtitle; and

13 (ii) such Federal Direct Stafford
14 Loans may be eligible for loan discharge
15 under part 1 of this subtitle; and

16 (2) the Secretary of Health and Human Serv-
17 ices, in consultation with the Secretary of Edu-
18 cation, shall take such steps as may be necessary to
19 inform borrowers of a loan made, insured, or guar-
20 anteed by the Department of Health and Human
21 Services that is eligible for consolidation under sec-
22 tion 455(g) of the Higher Education Act of 1965
23 (20 U.S.C. 1087e(g)), that the—

1 (A) borrower may be eligible for a Federal
2 Direct Consolidation Loan under such section
3 455(g); and

4 (B) such Federal Direct Consolidation
5 Loan may be eligible for loan discharge under
6 part 1 of this subtitle.

7 (b) NOTIFICATION BY PRIVATE EDUCATION LOAN
8 HOLDERS.—Each holder of a private education loan shall,
9 not later than the date that is 3 months after the date
10 of enactment of this Act, notify the borrower of such pri-
11 vate education loan that the borrower may be eligible to
12 refinance the private education loan as a Federal Direct
13 Stafford Loan under section 460B of the Higher Edu-
14 cation Act of 1965, and such Federal Direct Stafford
15 Loan may be eligible for loan discharge under part 1 of
16 this subtitle.

17 **SEC. 51943. INAPPLICABILITY OF TITLE IV NEGOTIATED**
18 **RULEMAKING AND MASTER CALENDAR EX-**
19 **CEPTION.**

20 Sections 482(c) and 492 of the Higher Education Act
21 of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to
22 this subtitle or any amendments made by this subtitle, or
23 to any regulations promulgated under this subtitle or
24 under such amendments.

1 **SEC. 51944. DEFINITIONS.**

2 In this subtitle:

3 (1) **ELIGIBLE FEDERAL LOAN.**—The term “eli-
4 gible Federal loan” means—

5 (A) a loan made, insured, or guaranteed
6 under title IV of the Higher Education Act of
7 1965 (20 U.S.C. 1071 et seq.) (other than a
8 loan described in subparagraph (B)) on or be-
9 fore the date of enactment of this Act; or

10 (B) a Federal Direct Stafford Loan issued
11 under section 460B of the Higher Education
12 Act of 1965, as added by part 2 of this subtitle,
13 on a date that is not later than 9 months after
14 the date of enactment of this Act.

15 (2) **PRIVATE EDUCATION LOAN.**—The term
16 “private education loan” has the meaning given such
17 term in section 140(a) of the Truth in Lending Act
18 (15 U.S.C. 1650(a)).

19 (3) **SECRETARY.**—The term “Secretary” means
20 the Secretary of Education.

21 (4) **TAXPAYER.**—The term “taxpayer” has the
22 meaning given such term in section 7701 of the In-
23 ternal Revenue Code of 1986.

1 **Subtitle S—Public Funds for Public**
2 **Schools**

3 **SEC. 52001. SHORT TITLE.**

4 This subtitle may be cited as the “Public Funds for
5 Public Schools Act”.

6 **SEC. 52002. ELIMINATION OF SCHOOL VOUCHER STATE TAX**
7 **CREDIT LOOPHOLE BY LIMITING THE DOU-**
8 **BLE BENEFIT OF CHARITABLE CONTRIBU-**
9 **TIONS.**

10 (a) IN GENERAL.—Section 170(f) of the Internal
11 Revenue Code of 1986 is amended by adding at the end
12 the following new paragraph:

13 “(19) LIMITATION ON DOUBLE BENEFIT IN
14 THE CASE OF STATE SCHOOL VOUCHER TAX BENE-
15 FITS.—

16 “(A) IN GENERAL.—The amount of any
17 charitable contribution otherwise taken into ac-
18 count under this section shall be reduced by any
19 State school voucher tax benefit with respect to
20 such contribution.

21 “(B) STATE SCHOOL VOUCHER TAX BEN-
22 EFIT.—For purposes of this paragraph, the
23 term ‘State school voucher tax benefit’ means
24 the aggregate amount of any State income tax
25 credits, and excess State income tax deductions,

1 provided to the taxpayer by a State for any con-
2 tribution to a specified school voucher organiza-
3 tion.

4 “(C) EXCESS STATE INCOME TAX DEDUC-
5 TIONS.—For purposes of this paragraph, the
6 term ‘excess State income tax deduction’ means
7 the product of—

8 “(i) the highest rate of State income
9 tax applicable to the taxpayer for the tax-
10 able year, multiplied by

11 “(ii) the excess (if any) of—

12 “(I) the State income tax deduc-
13 tion provided to the taxpayer with re-
14 spect to contributions by the taxpayer
15 to specified school voucher organiza-
16 tions, over

17 “(II) the amount of such con-
18 tributions.

19 “(D) SPECIFIED SCHOOL VOUCHER ORGA-
20 NIZATION.—For purposes of this paragraph,
21 the term ‘specified school voucher organization’
22 means any organization the primary purpose of
23 which is the provision of vouchers, scholarships,
24 or other funds, for the expenses of students to
25 attend elementary or secondary schools.

1 “(E) TREATMENT OF SIMILAR STATE BEN-
2 EFITS.—For purposes of this paragraph, any
3 State benefit which is economically equivalent
4 to a tax credit (including any payment) shall be
5 treated as a State income tax credit for pur-
6 poses of this paragraph and any State benefit
7 which is economically equivalent to a State in-
8 come tax deduction (including any exclusion
9 from gross income) shall be treated as a State
10 income tax deduction for purposes of this para-
11 graph.

12 “(20) SPECIAL RULE FOR CONTRIBUTIONS OF
13 BUILT-IN GAIN PROPERTY TO SPECIFIED SCHOOL
14 VOUCHER ORGANIZATIONS.—

15 “(A) IN GENERAL.—In the case of any
16 contribution by the taxpayer of built-in gain
17 property to a specified school voucher organiza-
18 tion, such contribution shall be treated for pur-
19 poses of this title as though such property were
20 sold by the taxpayer at its fair market value im-
21 mediately before such contribution and the
22 amount of such fair market value were contrib-
23 uted by the taxpayer as a cash contribution to
24 the specified school voucher organization.

1 “(B) DEFINITIONS.—For purposes of this
2 paragraph—

3 “(i) BUILT-IN GAIN PROPERTY.—The
4 term ‘built-in gain property’ means any
5 property if, immediately before the con-
6 tribution of such property, the fair market
7 value of such property exceeds the adjusted
8 basis of such property.

9 “(ii) SPECIFIED SCHOOL VOUCHER
10 ORGANIZATION.—The term ‘specified
11 school voucher organization’ has the mean-
12 ing given such term in paragraph (19).”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to charitable contributions made
15 in taxable years beginning after the date of the enactment
16 of this Act.

17 **Subtitle T—Ending PUSHOUT**

18 **SEC. 52101. SHORT TITLE.**

19 This subtitle may be cited as the “Ending Punitive,
20 Unfair, School-based Harm that is Overt and Unrespon-
21 sive to Trauma Act of 2020” or the “Ending PUSHOUT
22 Act of 2020”.

23 **SEC. 52102. PURPOSE.**

24 It is the purpose of this subtitle to—

1 (1) strengthen data collection related to exclu-
2 sionary discipline practices in schools and the dis-
3 criminatory application of such practices, which dis-
4 proportionately impacts students of color, particu-
5 larly girls of color;

6 (2) eliminate the discriminatory use and over-
7 use of exclusionary discipline practices based on ac-
8 tual or perceived race, ethnicity, color, national ori-
9 gin, sex (including sexual orientation, gender iden-
10 tity, pregnancy, childbirth, a medical condition re-
11 lated to pregnancy or childbirth, or other stereotype
12 related to sex), or disability; and

13 (3) prevent the criminalization and pushout of
14 students from school, especially Black and brown
15 girls, as a result of educational barriers that include
16 discrimination, punitive discipline policies and prac-
17 tices, and a failure to recognize and support stu-
18 dents with mental health needs or experiencing trau-
19 ma.

20 **SEC. 52103. STRENGTHENING CIVIL RIGHTS DATA COLLEC-**
21 **TION WITH RESPECT TO EXCLUSIONARY DIS-**
22 **CIPLINE IN SCHOOLS.**

23 (a) IN GENERAL.—The Assistant Secretary for Civil
24 Rights shall annually carry out data collection authorized
25 under section 203(c)(1) of the Department of Education

1 Organization Act (20 U.S.C. 3413(c)(1)), which shall in-
2 clude data with respect to students enrolled in a public
3 preschool, elementary, or secondary school (including tra-
4 ditional public, charter, virtual, special education school,
5 and alternative schools) who received the following dis-
6 ciplinary actions during the preceding school year:

7 (1) Suspension (including the classification of
8 the suspension as in-school suspension or out-of-
9 school suspension), which shall include data with re-
10 spect to—

11 (A) the number of students who were sus-
12 pended;

13 (B) the number and length of suspensions
14 each such student received;

15 (C) the reason for each such suspension,
16 including—

17 (i) a violation of a zero-tolerance pol-
18 icy and whether such violation was due to
19 a violent or nonviolent offense;

20 (ii) a violation of an appearance or
21 grooming policy;

22 (iii) an act of insubordination;

23 (iv) willful defiance; and

24 (v) a violation of a school code of con-
25 duct; and

1 (D) the number of days of lost instruction
2 due to each out-of-school suspension.

3 (2) Expulsion, which shall include data with re-
4 spect to—

5 (A) the number of students who were ex-
6 pelled; and

7 (B) the reason for each such expulsion, in-
8 cluding—

9 (i) a violation of a zero-tolerance pol-
10 icy and whether such violation was due to
11 a violent or nonviolent offense;

12 (ii) a violation of an appearance or
13 grooming policy;

14 (iii) an act of insubordination, willful
15 defiance, or violation of a school code of
16 conduct; and

17 (iv) the use of profane or vulgar lan-
18 guage.

19 (3) The number of students subject to an out-
20 of-school transfer to a different school, including a
21 virtual school, and if so, the primary reason for each
22 such transfer.

23 (4) The number of students subject to a refer-
24 ral to law enforcement, including the primary reason

1 for each such referral, and whether such referral re-
2 sulted in an arrest.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of the enactment of this Act, and annually
6 thereafter, the Secretary, acting through the Assist-
7 ant Secretary for Civil Rights, shall submit to Con-
8 gress a report on the data collected under subsection
9 (a).

10 (2) REQUIREMENTS.—The report required
11 under paragraph (1) shall—

12 (A) identify, with respect to the data col-
13 lected under subsection (a), schools, local edu-
14 cational agencies, and States that demonstrate,
15 in the opinion of the Secretary, the overuse and
16 discriminatory use of exclusionary disciplinary
17 practices;

18 (B) be disaggregated and cross tabulated
19 by—

20 (i) enrollment in a preschool or in an
21 elementary school and secondary school by
22 grade level;

23 (ii) race;

24 (iii) ethnicity;

1 (iv) sex (including, to the extent pos-
2 sible, sexual orientation and gender iden-
3 tity);

4 (v) low-income status;

5 (vi) disability status (including stu-
6 dents eligible for disability under the Indi-
7 viduals with Disabilities Education Act (20
8 U.S.C. 1401 et. seq.) or section 504 of the
9 Rehabilitation Act of 1973 (29 U.S.C.
10 794));

11 (vii) English learner status;

12 (viii) Tribal citizenship or descent, in
13 the first or second degree, of an Indian
14 Tribe; and

15 (ix) if applicable, pregnant and par-
16 enting student status;

17 (C) be publicly accessible in multiple lan-
18 guages, accessibility formats, and provided in a
19 language that parents, family, and community
20 members can understand; and

21 (D) be presented in a manner that protects
22 the privacy of individuals consistent with the re-
23 quirements of section 444 of the General Edu-
24 cation Provisions Act (20 U.S.C. 1232g), com-

1 monly known as the “Family Educational
2 Rights and Privacy Act of 1974”.

3 **SEC. 52104. GRANTS TO REDUCE EXCLUSIONARY SCHOOL**
4 **DISCIPLINE PRACTICES.**

5 (a) IN GENERAL.—The Secretary shall award grants
6 (which shall be known as the “Healing School Climate
7 Grants”), on a competitive basis, to eligible entities for
8 the purpose of reducing the overuse and discriminatory
9 use of exclusionary discipline practices in schools.

10 (b) APPLICATION.—An eligible entity seeking a grant
11 under this section shall submit an application to the Sec-
12 retary at such time, in such manner, and containing such
13 information as the Secretary may require, including an as-
14 surance that the eligible entity shall prioritize schools with
15 the highest rates of suspensions and expulsions.

16 (c) PROGRAM REQUIREMENT.—An eligible entity
17 that receives a grant under subsection (a) shall prohibit
18 the use of—

19 (1) out-of-school suspension or expulsion for
20 any student in preschool through grade 5 for inci-
21 dents that do not involve serious bodily injury;

22 (2) out-of-school suspension or expulsion for
23 any student in preschool through grade 12 for insub-
24 ordination, willful defiance, vulgarity, truancy, tardi-

1 ness, chronic absenteeism, or as a result of a viola-
2 tion of a grooming or appearance policy;

3 (3) corporal punishment;

4 (4) mechanical and chemical restraints of stu-
5 dents;

6 (5) physical restraints of students, except in sit-
7 uations involving imminent danger of serious phys-
8 ical harm; and

9 (6) seclusion.

10 (d) USE OF FUNDS.—

11 (1) REQUIRED USES.—An eligible entity that
12 receives a grant under this section shall use funds
13 to—

14 (A) evaluate the current discipline policies
15 of a school and, in partnership with students
16 (including girls of color), the family members of
17 students, and the local community of such
18 school, develop discipline policies for such school
19 to ensure that such policies are not exclusionary
20 or discriminately applied toward students;

21 (B) provide training and professional de-
22 velopment for teachers, principals, school lead-
23 ers, and other school personnel to avoid or ad-
24 dress the overuse and discriminatory dispropor-
25 tionate use of exclusionary discipline practices

1 in schools and to create awareness of implicit
2 and explicit bias and use culturally affirming
3 practices, including training in—

4 (i) identifying and providing support
5 to students who may have experienced or
6 are at risk of experiencing trauma or have
7 other mental health needs;

8 (ii) administering and responding to
9 assessments on adverse childhood experi-
10 ences;

11 (iii) providing student-centered, trau-
12 ma-informed positive behavior management
13 intervention and support that creates safe
14 and supportive school climates;

15 (iv) using restorative practices;

16 (v) using culturally and linguistically
17 responsive intervention strategies;

18 (vi) developing social and emotional
19 learning competencies; and

20 (vii) increasing student engagement
21 and improving dialogue between students
22 and teachers;

23 (C) implement evidence-based alternatives
24 to suspension or expulsion, including—

1 (i) multi-tier systems of support, such
2 as schoolwide positive behavioral interven-
3 tions and supports;

4 (ii) social, emotional, and academic
5 learning strategies designed to engage stu-
6 dents and avoid escalating conflicts; and

7 (iii) other data-driven approaches to
8 improving school environments;

9 (D) improve behavioral and academic out-
10 comes for students by creating a safe and sup-
11 portive learning environment and school cli-
12 mate, which may include—

13 (i) restorative practices with respect
14 to improving relationships among students,
15 school officials, and members of the local
16 community, which may include partnering
17 with local mental health agencies or non-
18 profit organizations;

19 (ii) access to mentors and peer-based
20 support programs;

21 (iii) extracurricular programs, includ-
22 ing sports and art programs;

23 (iv) social and emotional learning
24 strategies designed to engage students and
25 avoid escalating conflicts;

1 (v) access to counseling, mental health
2 programs, and trauma-informed care pro-
3 grams, including suicide prevention pro-
4 grams; and

5 (vi) access to culturally responsive
6 curricula that affirms the history and con-
7 tributions of traditionally marginalized
8 people and communities;

9 (E) hire social workers, school counselors,
10 trauma-informed care personnel, and other
11 mental health personnel; and

12 (F) support the development, delivery, and
13 analysis of school climate surveys.

14 (2) PROHIBITED USES.—An eligible entity that
15 receives a grant under this section may not use
16 funds to—

17 (A) hire or retain law enforcement per-
18 sonnel, including school resource officers;

19 (B) purchase, maintain, or install surveil-
20 lance equipment, including metal detectors or
21 software programs that monitor or mine the so-
22 cial media use or technology use of students;

23 (C) arm teachers, principals, school lead-
24 ers, or other school personnel; and

1 (D) enter into formal or informal partner-
2 ships or data and information sharing agree-
3 ments with—

4 (i) the Secretary of Homeland Secu-
5 rity, including agreements with U.S. Immi-
6 gration and Customs Enforcement or U.S.
7 Customs and Border Protection; or

8 (ii) local law enforcement agencies, in-
9 cluding partnerships that allow for hiring
10 of school-based police and school resource
11 officers.

12 (e) TECHNICAL ASSISTANCE.—The Secretary, in car-
13 rying out subsection (a), may reserve not more than 2 per-
14 cent of funds to provide technical assistance to eligible en-
15 tities, which may include—

16 (1) support for data collection, compliance, and
17 analysis of the activities of the program authorized
18 under subsection (a); and

19 (2) informational meetings and seminars with
20 respect to the application process under subsection
21 (b).

22 (f) ELIGIBLE ENTITIES.—In this section, the term
23 “eligible entity” means—

24 (1) 1 or more local educational agencies (who
25 may be partnered with a State educational agency),

1 including a public charter school that is a local edu-
2 cational agency under State law or local educational
3 agency operated by the Bureau of Indian Education;
4 or

5 (2) a nonprofit organization (defined as an or-
6 ganization described in section 501(c)(3) of the In-
7 ternal Revenue Code, which is exempt from taxation
8 under section 501(a) of such Code) with a track
9 record of success in improving school climates and
10 supporting students.

11 **SEC. 52105. JOINT TASK FORCE TO END SCHOOL PUSHOUT**
12 **OF GIRLS OF COLOR.**

13 (a) ESTABLISHMENT.—The Secretary and the Sec-
14 retary of Health and Human Services shall establish and
15 operate a joint task force to end school pushout (in this
16 section referred to as the “Joint Task Force”).

17 (b) COMPOSITION.—

18 (1) CHAIRS.—The Secretary and the Secretary
19 of Health and Human Services shall chair the Joint
20 Task Force.

21 (2) MEMBERS.—The Joint Task Force shall be
22 composed of—

23 (A) Native American girls;

24 (B) students, including Black and brown
25 girls;

- 1 (C) teachers;
- 2 (D) parents with children in school;
- 3 (E) school officials;
- 4 (F) representatives from civil rights and
- 5 disability organizations;
- 6 (G) psychologists, social workers, trauma-
- 7 informed personnel, and other mental health
- 8 professionals; and
- 9 (H) researchers with experience in behav-
- 10 ioral intervention.

11 (3) ADVISORY MEMBERS.—In addition to the
12 members under paragraph (2), the Assistant Attor-
13 ney General of the Civil Rights Division of the De-
14 partment of Justice and the Director of the Bureau
15 of Indian Education shall be advisory members of
16 the Joint Task Force.

17 (4) MEMBER APPOINTMENT.—Not later than
18 60 days after the date of the enactment of this Act,
19 the Secretary and the Secretary of Health and
20 Human Services shall appoint the members of the
21 Joint Task Force—

- 22 (A) in accordance with paragraph (2);
- 23 (B) using a competitive application proc-
- 24 ess; and

1 (C) with consideration to the racial, ethnic,
2 gender, and geographic diversity of the Joint
3 Task Force.

4 (c) STUDY AND RECOMMENDATIONS.—The Joint
5 Task Force shall—

6 (1) conduct a study to—

7 (A) identify best practices for reducing the
8 overuse and discriminatory use of exclusionary
9 discipline practices; and

10 (B) determine to what extent exclusionary
11 discipline practices contribute to the criminal-
12 ization of—

13 (i) girls of color;

14 (ii) English learners;

15 (iii) Native American girls;

16 (iv) students who identify as lesbian,
17 gay, bisexual, transgender, queer, or ques-
18 tioning; and

19 (v) students with disabilities; and

20 (2) develop recommendations based on the
21 study conducted under paragraph (1).

22 (d) REPORT.—Not later than 360 days after the date
23 of the enactment of this Act, and biannually thereafter,
24 the Secretary and the Secretary of Health and Human

1 Services shall submit to Congress a report on the rec-
2 ommendations under subsection (c)(2).

3 **SEC. 52106. AUTHORIZATION OF APPROPRIATION.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated \$500,000,000 for each of fiscal years 2022
6 through 2026 to carry out sections 52104 and 52105.

7 (b) ADDITIONAL FUNDING TO THE OFFICE FOR
8 CIVIL RIGHTS.—There is authorized to be appropriated
9 \$500,000,000 for fiscal year 2022 through 2026, and each
10 fiscal year thereafter, to carry out section 52103.

11 **SEC. 52107. DEFINITIONS.**

12 In this subtitle:

13 (1) ACT OF INSUBORDINATION.—The term “act
14 of insubordination” means an act that disrupts a
15 school activity or instance when a student willfully
16 defies the valid authority of a school official.

17 (2) APPEARANCE OR GROOMING POLICY.—The
18 term “appearance or grooming policy” means any
19 practice, policy, or portion of a student conduct code
20 that governs or restricts the appearance of students,
21 including policies that—

22 (A) restrict or prescribe clothing that a
23 student may wear (such as hijabs, headwraps,
24 or bandanas);

1 (B) restrict specific hair styles (such as
2 braids, locks, twists, bantu knots, cornrows, ex-
3 tensions, or afros); or

4 (C) restrict whether or how a student may
5 apply make-up, nail polish, or other cosmetics.

6 (3) CHEMICAL RESTRAINT.—The term “chem-
7 ical restraint” means a drug or medication used on
8 a student to control behavior or restrict freedom of
9 movement that is not—

10 (A) prescribed by a licensed physician, or
11 other qualified health professional acting under
12 the scope of the professional’s authority under
13 State law, for the standard treatment of a stu-
14 dent’s medical or psychiatric condition; and

15 (B) administered as prescribed by a li-
16 censed physician or other qualified health pro-
17 fessional acting under the scope of the author-
18 ity of a health professional under State law.

19 (4) DIRECT SUPERVISION.—The term “direct
20 supervision” means a student is physically in the
21 same location as a school official and such student
22 is under the care of the school official or school.

23 (5) DISABILITY.—The term “disability” means
24 a mental or physical disability that meets the condi-
25 tions set forth in clauses (i) and (ii) of section

1 602(3)(A) of the Individuals with Disabilities Edu-
2 cation Act (20 U.S.C. 1401(3)(A)(i) and (ii)).

3 (6) ELEMENTARY AND SECONDARY EDUCATION
4 ACT TERMS.—The terms “elementary school”,
5 “English learner”, “local educational agency”, “sec-
6 ondary school”, and “State educational agency” has
7 the meanings given such terms in section 8101 of
8 the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 7801).

10 (7) GENDER IDENTITY.—The term “gender
11 identity” means the gender-related identity, appear-
12 ance, mannerisms, or other gender-related character-
13 istics of an individual regardless of the designated
14 sex at birth of the individual.

15 (8) INDIAN TRIBE.—The term “Indian tribe”
16 has the meaning given the term in section 4(e) of
17 the Indian Self-Determination and Education Assist-
18 ance Act (25 U.S.C. 5304(e)).

19 (9) IN-SCHOOL SUSPENSION.—The term “in-
20 school suspension” means an instance in which a
21 student is temporarily removed from a regular class-
22 room for at least half a day but remains under the
23 direct supervision of a school official.

24 (10) MECHANICAL RESTRAINT.—The term
25 “mechanical restraint” has the meaning given the

1 term in section 595(d)(1) of the Public Health Serv-
2 ice Act (42 U.S.C. 290jj(d)(1)), except that the
3 meaning shall be applied by substituting “student”
4 for “resident”.

5 (11) MULTI-TIER SYSTEM OF SUPPORTS.—The
6 term “multi-tier system of supports” means a com-
7 prehensive continuum of evidence-based, systemic
8 practices to support a rapid response to the needs of
9 students, with regular observation to facilitate data-
10 based instructional decision making.

11 (12) OUT-OF-SCHOOL SUSPENSION.—The term
12 “out-of-school suspension” means an instance in
13 which a student is excluded from school for discipli-
14 nary reasons by temporarily being removed from
15 regular classes to another setting, including a home
16 or behavior center, regardless of whether such dis-
17 ciplinary removal is deemed as a suspension by
18 school officials.

19 (13) PHYSICAL ESCORT.—The term “physical
20 escort” has the meaning given the term in section
21 595(d)(2) of the Public Health Service Act (42
22 U.S.C. 290jj(d)(2)), except that the meaning shall
23 be applied by substituting “student” for “resident”.

24 (14) PHYSICAL RESTRAINT.—The term “phys-
25 ical restraint” means a personal restriction that im-

1 mobilizes or reduces the ability of an individual to
2 move the individual's arms, legs, torso, or head free-
3 ly, except that such term does not include a physical
4 escort, mechanical restraint, or chemical restraint.

5 (15) POSITIVE BEHAVIOR INTERVENTION AND
6 SUPPORT.—The term “positive behavior intervention
7 and support” means using a systematic and evi-
8 dence-based approach to achieve improved academic
9 and social outcomes for students.

10 (16) PUSHOUT.—The term “pushout” means
11 an instance when a student leaves elementary, mid-
12 dle or secondary school, including a forced transfer
13 to another school, prior to graduating secondary
14 school due to overuse of exclusionary discipline prac-
15 tices, failure to address trauma or other mental
16 health needs, discrimination, or other educational
17 barriers that do not support or promote the success
18 of a student.

19 (17) SCHOOL OFFICIAL.—The term “school of-
20 ficial” means a teacher, school principal, adminis-
21 trator, or other personnel engaged in the perform-
22 ance of duties with respect to a school.

23 (18) SECLUSION.—The term “seclusion” means
24 the involuntary confinement of a student alone in a
25 room or area where the student is physically pre-

1 vented from leaving, and does not include a time
2 out.

3 (19) SECRETARY.—The term “Secretary”
4 means the Secretary of Education.

5 (20) SERIOUS BODILY INJURY.—The term “se-
6 rious bodily injury” has the meaning given that term
7 in section 1365(h)(3) of title 18, United States
8 Code.

9 (21) SEXUAL ORIENTATION.—The term “sexual
10 orientation” means homosexuality, heterosexuality,
11 or bisexuality.

12 (22) SPECIAL EDUCATION SCHOOL.—The term
13 “special education school” means a school that fo-
14 cuses primarily on serving the needs of students who
15 qualify as “a child with a disability” as that term
16 is defined under section 602(3)(A)(i) of the Individ-
17 uals with Disabilities Education Act (20 U.S.C.
18 1401(3)(A)(i)) or are subject to section 504 of the
19 Rehabilitation Act of 1973 (29 U.S.C. 794).

20 (23) TIME OUT.—The term “time out” has the
21 meaning given the term in section 595(d)(5) of the
22 Public Health Service Act (42 U.S.C. 290jj(d)(5)),
23 except that the meaning shall be applied by sub-
24 stituting “student” for “resident”.

1 (24) ZERO-TOLERANCE POLICY.—The term
 2 “zero-tolerance policy” is a school discipline policy
 3 that results in an automatic disciplinary con-
 4 sequence, including out-of-school suspension, expul-
 5 sion, and involuntary school transfer.

6 **Subtitle U—Parent PLUS Loan**
 7 **Improvement**

8 **SEC. 52301. SHORT TITLE.**

9 This subtitle may be cited as the “Parent PLUS
 10 Loan Improvement Act of 2020”.

11 **SEC. 52302. APPLICABLE RATE OF INTEREST FOR PLUS**
 12 **LOANS.**

13 Section 455(b)(8) of the Higher Education Act of
 14 1965 (20 U.S.C. 1087e(b)(8)) is amended—

15 (1) in subparagraph (C), by inserting “and be-
 16 fore July 1, 2019,” after “, 2013,”; and

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

18 “(G) REDUCED RATE FOR PARENT PLUS
 19 LOANS.—Notwithstanding the preceding para-
 20 graphs of this subsection, for Federal Direct
 21 PLUS Loans made on behalf of a dependent
 22 student for which the first disbursement is
 23 made on or after July 1, 2019, the applicable
 24 rate of interest shall be determined under sub-
 25 paragraph (C) of this paragraph—

1 “(i) by substituting ‘3.6 percent’ for
2 ‘4.6 percent’; and
3 “(ii) by substituting ‘9.5 percent’ for
4 ‘10.5 percent’.”.

5 **SEC. 52303. ELIMINATION OF ORIGINATION FEE FOR PAR-**
6 **ENT PLUS LOANS.**

7 Section 455(c) of the Higher Education Act of 1965
8 (20 U.S.C. 1087e(c)) is amended by adding at the end
9 the following new paragraph:

10 “(3) PLUS LOANS.—With respect to Federal
11 Direct PLUS loans made on behalf of a dependent
12 student for which the first disbursement of principal
13 is made on or after July 1, 2019, paragraph (1)
14 shall be applied by substituting ‘0.0 percent’ for ‘4.0
15 percent’.”.

16 **SEC. 52304. COUNSELING FOR PARENT PLUS BORROWERS.**

17 Section 485 of the Higher Education Act of 1965 (20
18 U.S.C. 1092) is amended by adding at the end the fol-
19 lowing:

20 “(n) COUNSELING FOR PARENT PLUS BOR-
21 ROWERS.—

22 “(1) IN GENERAL.—The Secretary, prior to dis-
23bursement of a Federal Direct PLUS loan made on
24behalf of a dependent student, shall ensure that the
25borrower receives comprehensive information on the

1 terms and conditions of the loan and the responsibil-
2 ities the borrower has with respect to such loan.
3 Such information—

4 “(A) shall be provided through the use of
5 interactive programs that use mechanisms to
6 check the borrower’s understanding of the
7 terms and conditions of the borrower’s loan,
8 using simple and understandable language and
9 clear formatting; and

10 “(B) shall be provided—

11 “(i) during a counseling session con-
12 ducted in person; or

13 “(ii) online.

14 “(2) INFORMATION TO BE PROVIDED.—The in-
15 formation to be provided to the borrower under
16 paragraph (1) shall include the following:

17 “(A) Information on how interest accrues
18 and is capitalized during periods when the in-
19 terest is not paid by the borrower.

20 “(B) An explanation of when loan repay-
21 ment begins, of the options available for a bor-
22 rower who may need a deferment, and that in-
23 terest accrues during a deferment.

1 “(C) The repayment plans that are avail-
2 able to the borrower, including personalized in-
3 formation showing—

4 “(i) estimates of the borrower’s antici-
5 pated monthly payments under each repay-
6 ment plan that is available; and

7 “(ii) the difference in interest paid
8 and total payments under each repayment
9 plan.

10 “(D) The obligation of the borrower to
11 repay the full amount of the loan, regardless of
12 whether the student on whose behalf the loan
13 was made completes the program in which the
14 student is enrolled.

15 “(E) The likely consequences of default on
16 the loan, including adverse credit reports, delin-
17 quent debt collection procedures under Federal
18 law, and litigation.

19 “(F) The name and contact information of
20 the individual the borrower may contact if the
21 borrower has any questions about the bor-
22 rower’s rights and responsibilities or the terms
23 and conditions of the loan.”.

1 **SEC. 52305. INCLUSION OF PARENT PLUS LOANS IN IN-**
 2 **COME-CONTINGENT AND INCOME-BASED RE-**
 3 **PAYMENT PLANS.**

4 (a) INCOME-CONTINGENT REPAYMENT PLAN.—Sec-
 5 tion 455(d)(1)(D) of the Higher Education Act of 1965
 6 (20 U.S.C. 1087e(d)(1)(D)) is amended by striking “, ex-
 7 cept that the plan described in this subparagraph shall
 8 not be available to the borrower of a Federal Direct PLUS
 9 loan made on behalf of a dependent student;”.

10 (b) INCOME-BASED REPAYMENT.—

11 (1) SECTION 493C.—Section 493C of the High-
 12 er Education Act of 1965 (20 U.S.C. 1098e) is
 13 amended—

14 (A) in subsection (a)—

15 (i) by striking “this section” and all
 16 that follows through “hardship” and in-
 17 serting “In this section, the term ‘partial
 18 financial hardship’ ”; and

19 (ii) by striking, “(other than an ex-
 20 cepted PLUS loan or excepted consolida-
 21 tion loan)”;

22 (B) in subsection (b)—

23 (i) in paragraph (1), by striking
 24 “(other than an excepted PLUS loan or
 25 excepted consolidation loan)”;

1 (ii) in paragraph (6)(A), by striking
 2 “(other than an excepted PLUS loan or
 3 excepted consolidation loan)”; and

4 (iii) in paragraph (7), by striking
 5 “(other than a loan under section 428B or
 6 a Federal Direct PLUS Loan)”; and

7 (C) in subsection (c), by striking “(other
 8 than an excepted PLUS loan or excepted con-
 9 solidation loan),”.

10 (2) SECTION 455(d)(1)(E).—Section
 11 455(d)(1)(E) of such Act (20 U.S.C.
 12 1087e(d)(1)(D)) is amended by striking “, except
 13 that the plan described in this subparagraph shall
 14 not be available to the borrower of a Federal Direct
 15 PLUS Loan made on behalf of a dependent student
 16 or a Federal Direct Consolidation Loan, if the pro-
 17 ceeds of such loan were used to discharge the liabil-
 18 ity on such Federal Direct PLUS Loan or a loan
 19 under section 428B made on behalf of a dependent
 20 student”.

21 (c) APPLICATION TO REGULATIONS.—The Secretary
 22 shall ensure that any Federal Direct PLUS Loan and any
 23 loan under section 428B of the Higher Education Act of
 24 1965 (20 U.S.C. 1078–2) made on behalf of a dependent
 25 student are eligible for any repayment plan available

1 under the Higher Education Act of 1965 (20 U.S.C. 1001
 2 et seq.) or regulations authorized under such Act (20
 3 U.S.C. 1001 et seq.).

4 **Subtitle V—Time for Completion**

5 **SEC. 52401. SHORT TITLE.**

6 This subtitle may be cited as the “Time for Comple-
 7 tion Act”.

8 **SEC. 52402. CONSUMER INFORMATION ABOUT COMPLETION** 9 **OR GRADUATION TIMES.**

10 (a) TRANSPARENCY IN COLLEGE TUITION FOR CON-
 11 SUMERS.—Section 132(i)(1)(J) of the Higher Education
 12 Act of 1965 (20 U.S.C. 1015a(i)(1)(J)) is amended to
 13 read as follows:

14 “(J)(i) For programs of study 4 years of
 15 length or longer—

16 “(I) the percentages of first-time, full-
 17 time, degree- or certificate-seeking under-
 18 graduate students enrolled at the institu-
 19 tion who obtain a degree or certificate
 20 within each of the times for completion or
 21 graduation described in subclauses (I)
 22 through (III) of clause (iii);

23 “(II) the percentages of first-time,
 24 part-time, degree- or certificate-seeking un-
 25 dergraduate students enrolled at the insti-

1 tution who obtain a degree or certificate
2 within each of the times for completion or
3 graduation described in subclauses (I)
4 through (III) of clause (iii);

5 “(III) the percentages of non-first
6 time, full-time, degree- or certificate-seek-
7 ing undergraduate students enrolled at the
8 institution who obtain a degree or certifi-
9 cate within each of the times for comple-
10 tion or graduation described in subclauses
11 (I) through (III) of clause (iii); and

12 “(IV) the percentages of non-first-
13 time, part-time, degree- or certificate-seek-
14 ing undergraduate students enrolled at the
15 institution who obtain a degree or certifi-
16 cate within each of the times for comple-
17 tion or graduation described in subclauses
18 (I) through (III) of clause (iii).

19 “(ii) For programs of study less than 4
20 years—

21 “(I) the percentages of first-time, full-
22 time, degree- or certificate-seeking under-
23 graduate students enrolled at the institu-
24 tion who obtain a degree or certificate
25 within each of the times for completion or

1 graduation described in subclauses (I)
2 through (IV) of clause (iii);

3 “(II) the percentages of first-time,
4 part-time, degree- or certificate-seeking un-
5 dergraduate students enrolled at the insti-
6 tution who obtain a degree or certificate
7 within each of the times for completion or
8 graduation described in subclauses (I)
9 through (IV) of clause (iii);

10 “(III) the percentages of non-first-
11 time, full-time, degree- or certificate-seek-
12 ing undergraduate students enrolled at the
13 institution who obtain a degree or certifi-
14 cate within each of the times for comple-
15 tion or graduation described in subclauses
16 (I) through (IV) of clause (iii); and

17 “(IV) the percentages of non-first-
18 time, part-time, degree- or certificate-seek-
19 ing undergraduate students enrolled at the
20 institution who obtain a degree or certifi-
21 cate within each of the times for comple-
22 tion or graduation described in subclauses
23 (I) through (IV) of clause (iii).

1 “(iii) For purposes of this subparagraph,
2 the times for completion or graduation are as
3 follows:

4 “(I) The normal time for completion
5 of, or graduation from, the student’s pro-
6 gram.

7 “(II) 150 percent of the normal time
8 for completion of, or graduation from, the
9 student’s program.

10 “(III) 200 percent of the normal time
11 for completion of, or graduation from, the
12 student’s program.

13 “(IV) 300 percent of the normal time
14 for completion of, or graduation from, the
15 student’s program.

16 “(iv) In making publicly available the per-
17 centages described in this subparagraph, the
18 Secretary shall display each percentage in a
19 consistent manner and with equal visibility.”.

20 (b) INSTITUTIONAL AND FINANCIAL ASSISTANCE IN-
21 FORMATION FOR STUDENTS.—Section 485(a) of the
22 Higher Education Act of 1965 (20 U.S.C. 1092(a)) is
23 amended—

24 (1) in paragraph (1), by amending subpara-
25 graph (L) to read as follows:

1 “(L) each completion or gradua-
2 tion rate for each type of student and
3 program described in clauses (i) and
4 (ii) of section 132(i)(1)(J);”; and
5 (2) in paragraph (3), by striking “within 150
6 percent of the normal time for completion of or
7 graduation from the program” and inserting “within
8 the time for completion or graduation described in
9 section 132(i)(1)(J) applicable to such student and
10 such program”.

11 **Subtitle W—Strength in Diversity**

12 **SEC. 52501. SHORT TITLE.**

13 This subtitle may be cited as the “Strength in Diver-
14 sity Act of 2020”.

15 **SEC. 52502. PURPOSE.**

16 The purpose of this subtitle is to support the develop-
17 ment, implementation, and evaluation of comprehensive
18 strategies to address the effects of racial isolation or con-
19 centrated poverty by increasing diversity, including racial
20 diversity and socioeconomic diversity, in covered schools.

21 **SEC. 52503. RESERVATION FOR NATIONAL ACTIVITIES.**

22 The Secretary may reserve not more than 5 percent
23 of the amounts made available under section 52509 for
24 a fiscal year to carry out activities of national significance
25 relating to this subtitle, which may include—

1 (1) research, development, data collection, mon-
2 itoring, technical assistance, evaluation, or dissemi-
3 nation activities; and

4 (2) the development and maintenance of best
5 practices for recipients of grants under section
6 52504 and other experts in the field of school diver-
7 sity.

8 **SEC. 52504. GRANT PROGRAM AUTHORIZED.**

9 (a) AUTHORIZATION.—

10 (1) IN GENERAL.—From the amounts made
11 available under section 52509 and not reserved
12 under section 52503 for a fiscal year, the Secretary
13 shall award grants in accordance with subsection (b)
14 to eligible entities to develop or implement plans to
15 improve diversity and reduce or eliminate racial or
16 socioeconomic isolation in covered schools.

17 (2) TYPES OF GRANTS.—The Secretary may, in
18 any fiscal year, award under paragraph (1)—

19 (A) planning grants to carry out the activi-
20 ties described in section 52506(a);

21 (B) implementation grants to carry out the
22 activities described in section 52506(b); or

23 (C) both such planning grants and imple-
24 mentation grants.

25 (b) AWARD BASIS.—

1 (1) CRITERIA FOR EVALUATING APPLICA-
2 TIONS.—The Secretary shall award grants under
3 this section on a competitive basis, based on—

4 (A) the quality of the application sub-
5 mitted by an eligible entity under section
6 52505; and

7 (B) the likelihood, as determined by the
8 Secretary, that the eligible entity will use the
9 grant to improve student outcomes or outcomes
10 on other performance measures described in
11 section 52507.

12 (2) PRIORITY.—In awarding grants under this
13 section, the Secretary shall give priority to the fol-
14 lowing eligible entities:

15 (A) First, to an eligible entity that pro-
16 poses, in an application submitted under section
17 52505, to use the grant to support a program
18 that addresses racial isolation.

19 (B) Second, to an eligible entity that pro-
20 poses, in an application submitted under section
21 52505, to use the grant to support a program
22 that extends beyond one local educational agen-
23 cy, such as an inter-district or regional pro-
24 gram.

25 (c) DURATION OF GRANTS.—

1 (1) PLANNING GRANT.—A planning grant
2 awarded under this section shall be for a period of
3 not more than 1 year.

4 (2) IMPLEMENTATION GRANT.—An implemen-
5 tation grant awarded under this section shall be for
6 a period of not more than 3 years, except that the
7 Secretary may extend an implementation grant for
8 an additional 2-year period if the eligible entity re-
9 ceiving the grant demonstrates to the Secretary that
10 the eligible entity is making significant progress, as
11 determined by the Secretary, on the program per-
12 formance measures described in section 52507.

13 **SEC. 52505. APPLICATIONS.**

14 In order to receive a grant under section 52504, an
15 eligible entity shall submit an application to the Secretary
16 at such time, in such manner, and containing such infor-
17 mation as the Secretary may require, including—

18 (1) a description of the program for which the
19 eligible entity is seeking a grant, including—

20 (A) how the eligible entity proposes to use
21 the grant to improve the academic and life out-
22 comes of students in racial or socioeconomic
23 isolation in covered schools by supporting inter-
24 ventions that increase diversity in such covered
25 schools;

1 (B) in the case of an implementation
2 grant, the implementation grant plan described
3 in section 52506(b)(1); and

4 (C) evidence, or if such evidence is not
5 available, a rationale based on current research,
6 regarding how the program will increase diver-
7 sity;

8 (2) in the case of an eligible entity proposing to
9 use any of the grant to benefit covered schools that
10 are racially isolated, a description of how the eligible
11 entity will identify and define racial isolation;

12 (3) in the case of an eligible entity proposing to
13 use any portion of the grant to benefit high-poverty
14 covered schools, a description of how the eligible en-
15 tity will identify and define income level and socio-
16 economic status;

17 (4) a description of the plan of the eligible enti-
18 ty for continuing the program after the grant period
19 ends;

20 (5) a description of how the eligible entity will
21 assess, monitor, and evaluate the impact of the ac-
22 tivities funded under the grant on student achieve-
23 ment and student enrollment diversity;

24 (6) an assurance that the eligible entity has
25 conducted, or will conduct, robust parent and com-

1 community engagement, while planning for and imple-
2 menting the program, such as through—

3 (A) consultation with appropriate officials
4 from Indian Tribes or Tribal organizations ap-
5 proved by the Tribes located in the area served
6 by the eligible entity;

7 (B) consultation with other community en-
8 tities, including local housing or transportation
9 authorities;

10 (C) public hearings or other open forums
11 to inform the development of any formal strat-
12 egy to increase diversity; and

13 (D) outreach, in a language that parents
14 can understand, and consultation with families
15 in the targeted district or region that is de-
16 signed to ensure participation in the planning
17 and development of any formal strategy to in-
18 crease diversity;

19 (7) an estimate of the number of students that
20 the eligible entity plans to serve under the program
21 and the number of students to be served through ad-
22 ditional expansion of the program after the grant
23 period ends;

24 (8) an assurance that the eligible entity will—

1 (A) cooperate with the Secretary in evalu-
2 ating the program, including any evaluation
3 that might require data and information from
4 multiple recipients of grants under section
5 52504; and

6 (B) engage in the best practices developed
7 under section 52503(2);

8 (9) an assurance that, to the extent possible,
9 the eligible entity has considered the potential impli-
10 cations of the grant activities on the demographics
11 and student enrollment of nearby covered schools
12 not included in the activities of the grant; and

13 (10) in the case of an eligible entity applying
14 for an implementation grant, a description of how
15 the eligible entity will—

16 (A) implement, replicate, or expand a
17 strategy based on a strong or moderate level of
18 evidence (as described in subclause (I) or (II)
19 of section 8101(21)(A)(i) of the Elementary
20 and Secondary Education Act of 1965 (20
21 U.S.C. 7801)); or

22 (B) will test a promising strategy to in-
23 crease diversity in covered schools.

1 **SEC. 52506. USES OF FUNDS.**

2 (a) PLANNING GRANTS.—Each eligible entity that re-
3 ceives a planning grant under section 52504 shall use the
4 grant to support students in covered schools through the
5 following activities:

6 (1) Completing a comprehensive assessment of,
7 with respect to the geographic area served by such
8 eligible entity—

9 (A) the educational outcomes and racial
10 and socioeconomic stratification of children at-
11 tending covered schools; and

12 (B) an analysis of the location and capac-
13 ity of program and school facilities and the ade-
14 quacy of local or regional transportation infra-
15 structure.

16 (2) Developing and implementing a robust fam-
17 ily and community engagement plan, including,
18 where feasible, public hearings or other open forums
19 that would precede and inform the development of a
20 formal strategy to improve diversity in covered
21 schools.

22 (3) Developing options, including timelines and
23 cost estimates, for improving diversity in covered
24 schools, such as weighted lotteries, revised feeder
25 patterns, school boundary redesign, or regional co-
26 ordination.

1 (4) Developing an implementation plan based
2 on community preferences among the options devel-
3 oped under paragraph (3).

4 (5) Building the capacity to collect and analyze
5 data that provide information for transparency, con-
6 tinuous improvement, and evaluation.

7 (6) Engaging in best practices developed under
8 section 52503(2).

9 (b) IMPLEMENTATION GRANTS.—

10 (1) IMPLEMENTATION GRANT PLAN.—Each eli-
11 gible entity that receives an implementation grant
12 under section 52504 shall implement a high-quality
13 plan to support students in covered schools that in-
14 cludes—

15 (A) a comprehensive set of strategies de-
16 signed to improve academic outcomes for all
17 students, particularly students of color and low-
18 income students, by increasing diversity in cov-
19 ered schools;

20 (B) evidence of strong family and commu-
21 nity support for such strategies, including evi-
22 dence that the eligible entity has engaged in
23 meaningful family and community outreach ac-
24 tivities;

1 (C) goals to increase diversity in covered
2 schools over the course of the grant period;

3 (D) collection and analysis of data to pro-
4 vide transparency and support continuous im-
5 provement throughout the grant period; and

6 (E) a rigorous method of evaluation of the
7 effectiveness of the program.

8 (2) IMPLEMENTATION GRANT ACTIVITIES.—

9 Each eligible entity that receives an implementation
10 grant under section 52504 may use the grant to
11 carry out one or more of the following activities:

12 (A) Recruiting, hiring, or training addi-
13 tional teachers, administrators, and other in-
14 structional and support staff in new, expanded,
15 or restructured covered schools, or other profes-
16 sional development activities for staff and ad-
17 ministrators.

18 (B) Investing in specialized academic pro-
19 grams or facilities designed to encourage inter-
20 district school attendance patterns.

21 (C) Developing or initiating a transpor-
22 tation plan for bringing students to and from
23 covered schools, if such transportation is sus-
24 tainable beyond the grant period and does not

1 represent a significant portion of the grant re-
2 ceived by an eligible entity under section 52504.

3 **SEC. 52507. PERFORMANCE MEASURES.**

4 The Secretary shall establish performance measures
5 for the programs and activities carried out through a
6 grant under section 52504. These measures, at a min-
7 imum, shall track the progress of each eligible entity in—

8 (1) improving academic and other develop-
9 mental or noncognitive outcomes for each subgroup
10 described in section 1111(b)(2)(B)(xi) of the Ele-
11 mentary and Secondary Education Act of 1965 (20
12 U.S.C. 6311(b)(2)(B)(xi)) that is served by the eligi-
13 ble entity on measures, including, as applicable,
14 by—

15 (A) increasing school readiness;

16 (B) increasing student achievement and
17 decreasing achievement gaps;

18 (C) increasing high school graduation
19 rates;

20 (D) increasing readiness for postsecondary
21 education and careers; and

22 (E) any other indicator the Secretary or el-
23 igible entity may identify; and

24 (2) increasing diversity and decreasing racial or
25 socioeconomic isolation in covered schools.

1 **SEC. 52508. ANNUAL REPORTS.**

2 An eligible entity that receives a grant under section
3 52504 shall submit to the Secretary, at such time and in
4 such manner as the Secretary may require, an annual re-
5 port that includes—

6 (1) information on the progress of the eligible
7 entity with respect to the performance measures de-
8 scribed in section 52507; and

9 (2) the data supporting such progress.

10 **SEC. 52509. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to carry out
12 this subtitle such sums as may be necessary for fiscal year
13 2022 and each of the 5 succeeding fiscal years.

14 **SEC. 52510. DEFINITIONS.**

15 In this subtitle:

16 (1) COVERED SCHOOL.—The term “covered
17 school” means—

18 (A) a publicly funded early childhood edu-
19 cation program;

20 (B) a public elementary school; or

21 (C) a public secondary school.

22 (2) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means a local educational agency, a consortium
24 of such agencies, an educational service agency, or
25 regional educational agency that at the time of the
26 application of such eligible entity has significant

1 achievement gaps and socioeconomic or racial seg-
2regation within or between the school districts served
3 by such entity.

4 (3) ESEA TERMS.—The terms “educational
5 service agency”, “elementary school”, “local edu-
6 cational agency”, “secondary school”, and “Sec-
7 retary” have the meanings given such terms in sec-
8 tion 8101 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 7801).

10 (4) PUBLICLY FUNDED EARLY CHILDHOOD
11 EDUCATION PROGRAM.—The term “publicly funded
12 early childhood education program” means an early
13 childhood education program (as defined in section
14 103(8) of the Higher Education Act of 1965 (20
15 U.S.C. 1003(8))) that receives State or Federal
16 funds.

17 **Subtitle X—Reverse Transfer**
18 **Efficiency**

19 **SEC. 52601. SHORT TITLE.**

20 This subtitle may be cited as the “Reverse Transfer
21 Efficiency Act of 2020”.

1 **SEC. 52602. RELEASE OF EDUCATION RECORDS TO FACILI-**
2 **TATE THE AWARD OF A RECOGNIZED POST-**
3 **SECONDARY CREDENTIAL.**

4 Section 444(b) of the General Education Provisions
5 Act (20 U.S.C. 1232g(b)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (K)(ii), by striking “;
8 and” and inserting a semicolon; and

9 (B) in subparagraph (L), by striking the
10 period at the end and inserting “; and”; and

11 (2) by inserting after subparagraph (L) the fol-
12 lowing:

13 “(M) an institution of postsecondary education
14 in which the student was previously enrolled, to
15 which records of postsecondary coursework and cred-
16 its are sent for the purpose of applying such
17 coursework and credits toward completion of a rec-
18 ognized postsecondary credential (as that term is de-
19 fined in section 3 of the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3102)), upon condition
21 that the student provides written consent prior to re-
22 ceiving such credential.”.

1 **Subtitle Y—Supporting Minority**
2 **STEM Student to Career**

3 **SEC. 52701. SHORT TITLE.**

4 This subtitle may be cited as the “Supporting Minor-
5 ity STEM Student to Career Act”.

6 **SEC. 52702. MINORITY SCIENCE AND ENGINEERING IM-**
7 **PROVEMENT PROGRAM.**

8 (a) **REQUIRED CRITERIA.**—Section 352(c) of the
9 Higher Education Act of 1965 (20 U.S.C. 1067b(c)) is
10 amended—

- 11 (1) in paragraph (9), by striking “and”;
- 12 (2) in paragraph (10), by striking the period
13 and inserting “; and”; and
- 14 (3) by adding the following at the end:
- 15 “(11) the amount of non-Federal funds a grant
16 recipient will use to support the activities to be fund-
17 ed by the grant.”.

18 (b) **AUTHORIZED USE OF FUNDS.**—Section 353(b) of
19 the Higher Education Act of 1965 (20 U.S.C. 1067c(b))
20 is amended—

- 21 (1) in paragraph (1)—
- 22 (A) in subparagraph (A), by striking “or”;
- 23 (B) in subparagraph (B), by striking the
24 period and inserting a semicolon; and
- 25 (C) by adding the following at the end:

1 “(C) providing direct financial assistance to
2 students who are underrepresented in STEM; or

3 “(D) improving institutional capacity to pro-
4 vide—

5 “(i) guidance counseling and academic ad-
6 vising;

7 “(ii) work-study opportunities that are
8 aligned to a student’s chosen field of study;

9 “(iii) faculty, peer, and near-peer mentor-
10 ship;

11 “(iv) summer bridge programs;

12 “(v) undergraduate research opportunities;

13 “(vi) work-based learning opportunities
14 aligned with a student’s chosen field of study;

15 or

16 “(vii) individualized academic support and
17 tutoring.”; and

18 (2) in paragraph (2)—

19 (A) in subparagraph (C), by striking “or”;

20 (B) in subparagraph (D), by striking the
21 period and inserting “; or”; and

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

23 “(E) any of the activities described in subpara-
24 graphs (A) through (D) of paragraph (1).”.

1 (c) CROSS PROGRAM AND CROSS AGENCY COOPERA-
2 TION.—Section 363 of the Higher Education Act of 1965
3 (20 U.S.C. 1067i) is amended to read as follows:

4 **“SEC. 363. CROSS PROGRAM AND CROSS AGENCY COOPERA-**
5 **TION.**

6 “(a) IN GENERAL.—The Minority Science and Engi-
7 neering Improvement Programs shall cooperate and con-
8 sult with other programs within the Department and with-
9 in Federal, State, and private agencies which carry out
10 programs to improve the quality of science, mathematics,
11 and engineering education.

12 “(b) REPORT.—Not later than 120 days after the
13 date of enactment of the Supporting Minority STEM Stu-
14 dent to Career Act, the Secretary shall, in consultation
15 with all Federal agencies that have STEM education ac-
16 tivities, prepare and submit to the authorizing committees
17 a coordination strategy report on expanding access and
18 opportunity for postsecondary students who are underrep-
19 resented in science and engineering that—

20 “(1) outlines efforts to coordinate Federal grant
21 programs for these populations to more effectively
22 achieve the Federal Government’s objective to diver-
23 sify the STEM fields; and

24 “(2) outlines strategies to align Federal Gov-
25 ernment research opportunities, internships, and de-

1 ferred hiring programs from minority institutions re-
 2 ceiving a grant under this part for students who are
 3 underrepresented in science and engineering.”.

4 (d) DEFINITIONS.—Section 365 of the Higher Edu-
 5 cation Act of 1965 (20 U.S.C. 1067k) is amended—

6 (1) by striking paragraphs (3) and (4); and

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

8 “(10) INSTITUTION OF HIGHER EDUCATION.—

9 The term ‘institution of higher education’ has the
 10 meaning given such term in section 101.

11 “(11) MINORITY INSTITUTION.—The term ‘mi-

12 nority institution’ means an institution described in
 13 section 371(a).

14 “(12) STEM.—The term ‘STEM’ means the

15 fields of science, technology, engineering, and mathe-
 16 matics as described in section 356(a).”.

17 **Subtitle Z—END ALL Hazing**

18 **SEC. 52801. SHORT TITLE.**

19 This subtitle may be cited as the “Educational Notifi-
 20 cation and Disclosure of Actions risking Loss of Life by
 21 Hazing Act”, or the “END ALL Hazing Act”.

22 **SEC. 52802. FINDINGS.**

23 Congress finds as follows:

1 (1) Hazing is a problem in the United States,
2 but most especially in our Nation's educational sys-
3 tem.

4 (2) Hazing undermines the educational experi-
5 ence of the victims and the perpetrators. Hazing
6 often perpetuates a cycle in which students who have
7 been hazed feel the need to haze other students as
8 a rite of passage to join a student organization.

9 (3) While hazing takes many forms, including
10 menial labor, disparagement, public or private hu-
11 miliation, and forced exercise, the combination of al-
12 cohol or drug consumption as a form of hazing has
13 caused bodily injury to thousands of students and
14 has been fatal in many instances.

15 (4) Numerous students have died as a result of
16 collegiate hazing. Some of the recent tragedies in-
17 clude Nicky Cumberland, Max Gruver, Tim Piazza,
18 Dalton Debrick, Marquise Braham, and Harrison
19 Kowiak.

20 **SEC. 52803. HAZING REPORTING REQUIREMENTS FOR IN-**
21 **STITUTIONS OF HIGHER EDUCATION.**

22 Section 485 of the Higher Education Act of 1965 (20
23 U.S.C. 1092) is amended—

24 (1) in subsection (a)(1)—

1 (A) in subparagraph (U), by striking
2 “and” at the end;

3 (B) in subparagraph (V), by striking the
4 period and inserting “; and”; and

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

7 “(W) the hazing reports prepared by the
8 institution pursuant to subsection (n).”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(n) DISCLOSURES OF HAZING-RELATED MIS-
12 CONDUCT.—

13 “(1) MANDATORY HAZING REPORTS.—Each eli-
14 gible institution participating in any program under
15 this title, other than a foreign institution of higher
16 education, shall on August 1, 2021, begin to collect
17 information with respect to hazing-related mis-
18 conduct and anti-hazing policies of that institution,
19 and beginning on January 1, 2022, and each July
20 1 and January 1 thereafter, prepare and make pub-
21 licly available, in accordance with this subsection, a
22 report containing the information required by this
23 subsection.

24 “(2) REPORT CONTENT.—

1 “(A) IN GENERAL.—A report required by
2 paragraph (1) shall include each finding by the
3 institution that a student organization com-
4 mitted—

5 “(i) a violation of the institution’s
6 standards of conduct, or of Federal, State,
7 or local law, relating to hazing; or

8 “(ii) other conduct that threatens a
9 student’s physical safety, including a viola-
10 tion involving the abuse or illegal use of al-
11 cohol or drugs.

12 “(B) INCIDENT INFORMATION.—A report
13 required by paragraph (1) shall include, for
14 each finding by the institution of a violation de-
15 scribed in subparagraph (A), the following:

16 “(i) The name of the student organi-
17 zation that committed the violation.

18 “(ii) A general description of the vio-
19 lation, the charges, the findings of the in-
20 stitution, and the sanctions placed on the
21 organization.

22 “(iii) The dates on which—

23 “(I) the violation was alleged to
24 have occurred;

1 “(II) the student organization
2 was charged with misconduct;

3 “(III) the investigation was initi-
4 ated; and

5 “(IV) the investigation ended
6 with a finding that a violation oc-
7 curred.

8 “(C) EXCLUSIONS.—A report required by
9 paragraph (1) shall not include—

10 “(i) any information related to allega-
11 tions or investigations of hazing that do
12 not result in a formal finding of a violation
13 of the standards of conduct of the institu-
14 tion; or

15 “(ii) any personally identifiable infor-
16 mation on any individual student or mem-
17 ber of a student organization.

18 “(D) FERPA COMPLIANCE.—The report
19 required by paragraph (1) shall be subject to
20 the requirements of section 444 of the General
21 Education Provisions Act (commonly known as
22 the ‘Family Educational Rights and Privacy
23 Act of 1974’).

24 “(3) AVAILABILITY.—

1 “(A) PUBLIC WEBSITE.—Each institution
2 shall provide, in a prominent location on the in-
3 stitution’s website, a link to the webpage that
4 contains each report required under paragraph
5 (1). Such webpage shall include a statement no-
6 tifying the public—

7 “(i) of the availability of information
8 including findings, sanctions, and the im-
9 plementation of sanctions, except informa-
10 tion protected under section 444 of the
11 General Education Provisions Act (com-
12 monly known as the ‘Family Education
13 Rights and Privacy Act of 1974’);

14 “(ii) a description of how a member of
15 the public may obtain such information;
16 and

17 “(iii) a statement that the institution
18 is required to provide such information
19 pursuant to the END ALL Hazing Act.

20 “(B) NOTICE IN PRINT.—Each institution
21 shall provide to all enrolled students and to
22 each applicant for enrollment, a printed notice
23 of the nature and availability of the reports re-
24 quired under paragraph (1), and the website
25 address at which such reports are available.

1 “(C) MAINTENANCE PERIOD.—Each insti-
2 tution shall maintain each report required
3 under paragraph (1) on its website for a period
4 of 5 academic years.

5 “(4) REPORTS TO LAW ENFORCEMENT.—Each
6 institution participating in any program under this
7 title, other than a foreign institution of higher edu-
8 cation, shall report to campus police and appropriate
9 law enforcement authorities any allegation of hazing
10 that involved serious bodily injury or a significant
11 risk of serious bodily injury that is reported to the
12 institution, campus authorities, or any student orga-
13 nization officially recognized by the institution. Such
14 an allegation shall be reported within 72 hours of
15 when the institution is first notified of the allega-
16 tion.

17 “(5) APPLICABILITY TO MULTI-INSTITUTION
18 STUDENT ORGANIZATIONS.—In the case of an alle-
19 gation that a multi-institution student organization
20 was involved in a hazing incident, the requirements
21 of this subsection shall apply only to the institution
22 or institutions at which the students involved in such
23 allegation are enrolled (or were formerly enrolled),
24 including any student who was a victim in the al-
25 leged incident.

1 “(6) DEFINITIONS.—In this subsection:

2 “(A) HAZING.—The term ‘hazing’ means
3 any intentional, knowing, or reckless act com-
4 mitted by a student, or a former student, of an
5 institution of higher education, whether individ-
6 ually or in concert with other persons, against
7 another student, that—

8 “(i) was committed in connection with
9 an initiation into, an affiliation with, or
10 the maintenance of membership in, any
11 student organization; and

12 “(ii) causes, or contributes to a sub-
13 stantial risk of, physical injury, mental
14 harm, or personal degradation.

15 “(B) STUDENT ORGANIZATION.—

16 “(i) IN GENERAL.—The term ‘student
17 organization’ means an organization that
18 is officially recognized by or otherwise af-
19 filiated with an institution of higher edu-
20 cation and that has a membership that is
21 made up primarily of students enrolled at
22 such institution.

23 “(ii) MULTI-INSTITUTION STUDENT
24 ORGANIZATIONS.—The term ‘multi-institu-
25 tion student organization’ means a student

organization that includes students from more than one institution of higher education, including city-wide, regional, State, and national chapters of student organizations.”.

Subtitle AA—Report and Educate About Campus Hazing

SEC. 52901. SHORT TITLE.

This subtitle may be cited as the “Report and Educate About Campus Hazing Act” or the “REACH Act”.

SEC. 52902. INCLUSION OF HAZING INCIDENTS IN ANNUAL SECURITY REPORTS.

Section 485(f)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “and” at the end;

(3) in clause (iii), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(iv) of hazing incidents that were reported to campus security authorities or local police agencies.”.

1 **SEC. 52903. DEFINITION OF HAZING.**

2 Section 485(f)(6)(A) of the Higher Education Act of
3 1965 (20 U.S.C. 1092(f)(6)(A)) is amended by adding at
4 the end the following:

5 “(vi) The term ‘hazing’ means any inten-
6 tional, knowing, or reckless act committed by a
7 student, or a former student, of an institution
8 of higher education, whether individually or in
9 concert with other persons, against another stu-
10 dent, that—

11 “(I) was committed in connection with
12 an initiation into, an affiliation with, or
13 the maintenance of membership in, any or-
14 ganization that is affiliated with such insti-
15 tution of higher education; and

16 “(II) contributes to a substantial risk
17 of physical injury, mental harm, or deg-
18 radation or causes physical injury, mental
19 harm or personal degradation.”.

20 **SEC. 52904. RECORDING OF HAZING INCIDENTS.**

21 Section 485(f)(7) of the Higher Education Act of
22 1965 (20 U.S.C. 1092(f)(7)) is amended by inserting after
23 the second sentence the following: “For hazing incidents,
24 such statistics shall be compiled in accordance with the
25 definition of that term in paragraph (6)(A)(vi).”

1 **SEC. 52905. EDUCATIONAL PROGRAM ON HAZING.**

2 Section 487(a) of the Higher Education Act of 1965
3 (20 U.S.C. 1094(a)) is amended by adding at the end the
4 following:

5 “(30) The institution will provide students with
6 an educational program on hazing (as that term is
7 defined in section 485(f)(6)(A)(vi)), which shall in-
8 clude information on hazing awareness, hazing pre-
9 vention, and institution’s policies on hazing.”.

10 **Subtitle BB—STOP Campus**
11 **Hunger**

12 **SEC. 53001. SHORT TITLE.**

13 This subtitle may be cited as the “Supporting Trans-
14 parency to Overcome Poverty and Campus Hunger Act”
15 or the “STOP Campus Hunger Act”.

16 **SEC. 53002. STUDENT ELIGIBILITY INFORMATION FOR NU-**
17 **TRITION ASSISTANCE PROGRAMS.**

18 (a) INFORMATION DISSEMINATION ACTIVITIES.—
19 Section 485(a)(1) of the Higher Education Act of 1965
20 (20 U.S.C. 1092(a)(1)) is amended—

21 (1) in subparagraph (U), by striking the “and”
22 at the end;

23 (2) in subparagraph (V), by striking the period
24 at the end and inserting a semicolon; and

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

1 “(W) the most recent relevant student eli-
2 gibility guidance with respect to the nutrition
3 assistance programs established under—

4 “(i) section 4 of the Food and Nutri-
5 tion Act of 2008 (7 U.S.C. 2014); and

6 “(ii) section 17 of the Child Nutrition
7 Act of 1966 (42 U.S.C. 1786);

8 “(X) the contact information for the State
9 agencies responsible for administration of the
10 programs specified in clauses (i) and (ii) of sub-
11 paragraph (W); and

12 “(Y) the food pantries and other food as-
13 sistance facilities and services available to stu-
14 dents enrolled in such institution.”.

15 (b) COLLEGE NAVIGATOR WEBSITE.—Not later than
16 30 days after the date of the enactment of this Act, the
17 Secretary of Education shall make available and annually
18 update on the College Navigator Website the most recent
19 relevant student eligibility guidance with respect to the nu-
20 trition assistance programs established under—

21 (1) section 4 of the Food and Nutrition Act of
22 2008 (7 U.S.C. 2014); and

23 (2) section 17 of the Child Nutrition Act of
24 1966 (42 U.S.C. 1786).

**Subtitle CC—End Pandemic
Hunger for College Students**

SEC. 53101. SHORT TITLE.

This subtitle may be cited as the “End Pandemic Hunger for College Students Act of 2020”.

SEC. 53102. SNAP ELIGIBILITY FOR LOW-INCOME COLLEGE STUDENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 20 days after the date of the enactment of this Act, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an individual who as of March 1, 2021, or anytime in the prior 30 days was—

(1) enrolled at least half-time in an institution of higher education; and

(2) participating in the supplemental nutrition assistance program.

(b) STATE OPTION.—

(1) AUTHORITY TO ADJUST ADDITIONAL ELIGIBILITY STANDARDS.—In addition to the application of subsection (a) and if requested by a State agency or issued by nationwide guidance by the Secretary, the Secretary may adjust the eligibility standards under section 6(e) of the Food and Nutrition Act of

1 2008 (7 U.S.C. 2015(e)) for individuals who are en-
2 rolled in an institution of higher education in any
3 State affected by the outbreak of COVID–19. In
4 making an adjustment authorized by this paragraph,
5 the Secretary shall consider closures of facilities at
6 institutions of higher education and any other factor
7 that affects the ability of such individuals to meet
8 such standards.

9 (2) READILY APPROVABLE ADJUSTMENT RE-
10 QUESTS.—The Secretary shall approve a request of
11 a State agency to adjust the eligibility standards
12 under section 6(e) of the Food and Nutrition Act of
13 2008 (7 U.S.C. 2015(e)) for individuals who are en-
14 rolled at least half-time in an institution of higher
15 education and—

16 (A) are members of households, as de-
17 scribed in section 3(m)(2) of such Act (7
18 U.S.C. 2012(m)(2)), who are otherwise eligible
19 to participate in the supplemental nutrition as-
20 sistance program; or

21 (B) in the most recent academic year, had
22 an expected family contribution of \$0 as deter-
23 mined in accordance with part F of title IV of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1087kk et seq.).

1 (c) SUNSET.—

2 (1) INITIAL APPLICATIONS.—The eligibility
3 standards authorized under subsections (a) and (b)
4 shall be in effect for initial applications for the sup-
5 plemental nutrition assistance program until 90 days
6 after the COVID–19 public health emergency is lift-
7 ed.

8 (2) RECERTIFICATIONS.—The eligibility stand-
9 ards authorized under subsections (a) and (b) shall
10 be in effect until the first recertification of a house-
11 hold beginning no earlier than 90 days after the
12 COVID–19 public health emergency is lifted.

13 (d) GUIDANCE.—

14 (1) IN GENERAL.—Not later than 10 days after
15 the date of enactment of this Act, the Secretary
16 shall issue guidance to State agencies on the tem-
17 porary student eligibility requirements, and State
18 options, established under this section.

19 (2) COORDINATION WITH THE DEPARTMENT OF
20 EDUCATION.—The Secretary of Education, in con-
21 sultation with the Secretary of Agriculture and insti-
22 tutions of higher education, shall carry out activities
23 to inform applicants for Federal student financial
24 aid under the Higher Education Act of 1965 (20
25 U.S.C. 1001 et seq.) and students at institutions of

1 higher education of the temporary student eligibility
2 requirements established under this section.

3 (e) PUBLIC AVAILABILITY.—Not later than 10 days
4 after the date of the receipt or issuance of each document
5 listed in paragraphs (1), (2), or (3) of this subsection, the
6 Secretary shall make publicly available on the website of
7 the Department of Agriculture the following documents:

8 (1) Any request submitted by State agencies
9 under subsection (b).

10 (2) The Secretary’s approval or denial of each
11 such request.

12 (3) Any guidance issued by the Secretary to
13 carry out this section.

14 (f) DEFINITIONS.—In this section:

15 (1) COVID–19.—The term “COVID–19” has
16 the meaning given such term in section 2102 of the
17 CARES Act (Public Law 116–136).

18 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—
19 The term “COVID–19 public health emergency” has
20 the meaning given such term in section 2102 of the
21 CARES Act (Public Law 116–136).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture.

1 (4) STATE AGENCY.—The term “State agency”
 2 has the meaning given such term in section 3(s) of
 3 the Food and Nutrition Act (7 U.S.C. 2012(s)).

4 (5) SUPPLEMENTAL NUTRITION ASSISTANCE
 5 PROGRAM.—The term “supplemental nutrition as-
 6 sistance program” has the meaning given such term
 7 in section 3(t) of the Food and Nutrition Act of
 8 2008 (7 U.S.C. 2012(t)).

9 **Subtitle DD—Supporting**
 10 **Connectivity for Higher Edu-**
 11 **cation Students in Need**

12 **SEC. 53201. SHORT TITLE.**

13 This subtitle may be cited as the “Supporting
 14 Connectivity for Higher Education Students in Need Act”.

15 **SEC. 53202. FUNDS TO SUPPORT.**

16 (a) REGULATIONS REQUIRED.—

17 (1) IN GENERAL.—Not later than 14 days after
 18 the date of enactment of this Act, the Assistant Sec-
 19 retary, in consultation with the Secretary of Edu-
 20 cation, shall promulgate regulations for the provi-
 21 sion, from amounts made available from the Emer-
 22 gency Higher Education Connectivity Fund estab-
 23 lished under subsection (d)(1), of support to an in-
 24 stitution of higher education for the purposes of pro-

1 viding eligible services and eligible equipment to stu-
2 dents of that institution.

3 (2) CONTENT.—The regulations promulgated
4 under paragraph (1) shall—

5 (A) prioritize support for—

6 (i) an institution of higher education
7 that is eligible to receive a grant under
8 part A or B of title III or title V of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1057 et seq., 1060 et seq., 1101 et seq.),
11 including—

12 (I) a historically Black college or
13 university;

14 (II) a Hispanic-serving institu-
15 tion;

16 (III) a Tribal College or Univer-
17 sity; and

18 (IV) a minority-serving institu-
19 tion; and

20 (ii) a rural-serving institution;

21 (B) provide a mechanism to require an in-
22 stitution of higher education to prioritize the
23 provision of an eligible service or eligible equip-
24 ment to a student who—

1 (i) is eligible to receive a Federal Pell
2 Grant;

3 (ii) is a recipient of any other need-
4 based financial aid from the Federal Gov-
5 ernment, a State, or that institution of
6 higher education;

7 (iii) is eligible for a Lifeline qualifying
8 assistance program;

9 (iv) is a low-income individual, as that
10 term is defined in section 312(g) of the
11 Higher Education Act of 1965 (20 U.S.C.
12 1058(g));

13 (v) is a first generation college stu-
14 dent, as that term is defined in section
15 646.7 of title 34, Code of Federal Regula-
16 tions (or any successor regulation);

17 (vi) has been approved to receive Fed-
18 eral or State unemployment insurance ben-
19 efits since March 1, 2021; or

20 (vii) the institution of higher edu-
21 cation believes lacks necessary connectivity
22 for participating in distance learning or
23 academic and student support services;

24 (C) establish a schedule of reasonable per-
25 student funding amounts for eligible services

1 and eligible equipment supported under those
2 regulations;

3 (D) provide that—

4 (i) an institution of higher education
5 that purchases eligible equipment using
6 support received under those regulations
7 may, after the termination of those regula-
8 tions under subsection (b), use that eligible
9 equipment for purposes that the institution
10 considers appropriate, subject to any re-
11 strictions provided in those regulations (or
12 any successor regulations that are promul-
13 gated on or before the termination date de-
14 scribed in paragraph (1) of that sub-
15 section);

16 (ii) no person that receives support
17 under those regulations may sell or other-
18 wise transfer eligible support or eligible
19 equipment in exchange for anything (in-
20 cluding a service) of value, except that
21 such person may exchange that eligible
22 equipment for upgraded equipment of the
23 same type; and

24 (iii) an institution of higher education
25 may use support received under those reg-

1 ulations to provide eligible services and eli-
2 gible equipment in conjunction with other
3 Federal funding if the total amount of
4 Federal funding received by the institution
5 is not greater than the cost of so providing
6 the eligible services and eligible equipment;
7 and

8 (E) establish reasonable requirements—

9 (i) for an institution of higher edu-
10 cation to apply for support under those
11 regulations;

12 (ii) for an institution of higher edu-
13 cation to procure eligible services and eligi-
14 ble equipment with support obtained under
15 those regulations;

16 (iii) with respect to reporting, record-
17 keeping, retention of documents, compli-
18 ance, and audits for an institution of high-
19 er education that receives support under
20 those regulations;

21 (iv) for payment and distribution of
22 support to institutions of higher education
23 under those regulations; and

24 (v) with respect to any other processes
25 that the Assistant Secretary, in consulta-

1 tion with the Secretary of Education, de-
2 termines to be appropriate.

3 (b) TERMINATION OF REGULATIONS.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the regulations promulgated under subsection (a)
6 shall terminate on the date that is 60 days after the
7 date on which the public health emergency declared
8 by the Secretary of Health and Human Services
9 under section 319 of the Public Health Service Act
10 (42 U.S.C. 247d) with respect to COVID–19, or any
11 renewal of that declaration, terminates.

12 (2) CONTINUITY OF FUNDING.—If, during the
13 period in which the regulations promulgated under
14 subsection (a) are in effect, the Assistant Secretary
15 makes a commitment to provide support to an insti-
16 tution of higher education under those regulations,
17 the Assistant Secretary may make a payment with
18 respect to that commitment on any date that is on
19 or before September 30, 2021.

20 (c) EXEMPTIONS.—

21 (1) NOTICE AND COMMENT RULEMAKING RE-
22 QUIREMENTS.—Subsections (b), (c), and (d) of sec-
23 tion 553 of title 5, United States Code, shall not
24 apply with respect to a regulation promulgated

1 under subsection (a) of this section or a rulemaking
2 to promulgate such a regulation.

3 (2) PAPERWORK REDUCTION ACT REQUIRE-
4 MENTS.—A collection of information conducted or
5 sponsored under the regulations promulgated under
6 subsection (a) shall not constitute a collection of in-
7 formation for the purposes of subchapter I of chap-
8 ter 35 of title 44, United States Code (commonly re-
9 ferred to as the “Paperwork Reduction Act”).

10 (d) EMERGENCY HIGHER EDUCATION
11 CONNECTIVITY FUND.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States a fund to be
14 known as the “Emergency Higher Education Con-
15 nectivity Fund”.

16 (2) APPROPRIATION.—There is appropriated to
17 the Emergency Higher Education Connectivity
18 Fund, out of any money in the Treasury not other-
19 wise appropriated, \$1,000,000,000 for fiscal year
20 2021, to remain available through fiscal year 2022.

21 (3) USE OF FUNDS.—Amounts in the Emer-
22 gency Higher Education Connectivity Fund shall be
23 available to the Assistant Secretary to provide sup-
24 port under the regulations promulgated under sub-
25 section (a).

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion, any regulation promulgated under this section, or
3 any policy established by an institution of higher education
4 to implement this section or a regulation promulgated
5 under this section may be construed to preclude any stu-
6 dent from receiving support provided under this section
7 or a regulation promulgated under this section.

8 (f) DEFINITIONS.—In this section:

9 (1) ASSISTANT SECRETARY.—The term “Assist-
10 ant Secretary” means the Assistant Secretary of
11 Commerce for Communications and Information.

12 (2) BROADBAND INTERNET ACCESS SERVICE.—
13 The term “broadband internet access service” has
14 the meaning given the term in section 8.1(b) of title
15 47, Code of Federal Regulations (or any successor
16 regulation).

17 (3) ELIGIBLE EQUIPMENT.—The term “eligible
18 equipment” means any of the following:

19 (A) A laptop computer, tablet computer, or
20 similar device capable of connecting to broad-
21 band internet access service.

22 (B) A modem.

23 (C) A router.

24 (D) A device that combines a modem and
25 a router.

1 (E) A Wi-Fi hotspot.

2 (4) ELIGIBLE SERVICE.—The term “eligible
3 service” means—

4 (A) broadband internet access service; and

5 (B) video-conferencing systems and serv-
6 ices used for distance learning.

7 (5) FEDERAL PELL GRANT.—The term “Fed-
8 eral Pell Grant” means a grant under section 401
9 of the Higher Education Act of 1965 (20 U.S.C.
10 1070a).

11 (6) HISPANIC-SERVING INSTITUTION.—The
12 term “Hispanic-serving institution” has the meaning
13 given the term in section 502 of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1101a).

15 (7) HISTORICALLY BLACK COLLEGE OR UNI-
16 VERSITY.—The term “historically Black college or
17 university” has the meaning given the term “part B
18 institution” in section 322 of the Higher Education
19 Act of 1965 (20 U.S.C. 1061).

20 (8) INSTITUTION OF HIGHER EDUCATION.—The
21 term “institution of higher education” means—

22 (A) an institution of higher education, as
23 that term is defined in section 101 of the High-
24 er Education Act of 1965 (20 U.S.C. 1001); or

1 (B) a postsecondary vocational institution,
2 as that term is defined in section 102(c) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1002(c)).

5 (9) LIFELINE QUALIFYING ASSISTANCE
6 PROGRAM.—The term “Lifeline qualifying assistance
7 program” means a program described in section
8 54.400(j) of title 47, Code of Federal Regulations
9 (or any successor regulation).

10 (10) MINORITY-SERVING INSTITUTION.—The
11 term “minority-serving institution” means any of
12 the following:

13 (A) An Alaska Native-serving institution
14 (as that term is defined in section 317(b) of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1059d(b))).

17 (B) A Native Hawaiian-serving institution
18 (as that term is defined in section 317(b) of the
19 Higher Education Act of 1965 (20 U.S.C.
20 1059d(b))).

21 (C) A Predominantly Black institution (as
22 that term is defined in section 371(c) of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1067q(c))).

1 (D) An Asian American and Native Amer-
2 ican Pacific Islander-serving institution (as that
3 term is defined in section 320(b) of the Higher
4 Education Act of 1965 (20 U.S.C. 1059g(b))).

5 (E) A Native American-serving, nontribal
6 institution (as that term is defined in section
7 319(b) of the Higher Education Act of 1965
8 (20 U.S.C. 1059f(b))).

9 (F) A consortium of any of the following:

10 (i) A historically Black college or uni-
11 versity.

12 (ii) A Hispanic-serving institution.

13 (iii) A Tribal College or University.

14 (iv) An institution described in any of
15 subparagraphs (A) through (E).

16 (11) RURAL-SERVING INSTITUTION.—The term
17 “rural-serving institution” has the meaning given
18 the term “rural-serving institution of higher edu-
19 cation” in section 861(b) of the Higher Education
20 Act of 1965 (20 U.S.C. 1161q(b)).

21 (12) STATE.—The term “State” has the mean-
22 ing given the term in section 103 of the Higher
23 Education Act of 1965 (20 U.S.C. 1003).

24 (13) STUDENT.—The term “student”, when
25 used with respect to an institution of higher edu-

1 cation, means an individual who, during the period
2 in which the individual receives support under the
3 regulations promulgated under subsection (a), is—

4 (A) registered as a student with the insti-
5 tution;

6 (B) enrolled in not less than 1 class of the
7 institution; or

8 (C) otherwise considered a student by the
9 institution.

10 (14) TRIBAL COLLEGE OR UNIVERSITY.—The
11 term “Tribal College or University” has the meaning
12 given the term in section 316 of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1059c).

14 (15) WI-FI.—The term “Wi-Fi” means a wire-
15 less networking protocol based on Institute of Elec-
16 trical and Electronics Engineers standard 802.11
17 (or any successor standard).

18 (16) WI-FI HOTSPOT.—The term “Wi-Fi
19 hotspot” means a device that is capable of—

20 (A) receiving broadband internet access
21 service; and

22 (B) sharing broadband internet access
23 service with another device through the use of
24 Wi-Fi.

1 **Subtitle EE—Black History Is**
2 **American History**

3 **SEC. 53301. SHORT TITLE.**

4 This subtitle may be cited as the “Black History is
5 American History Act”.

6 **SEC. 53302. FINDINGS.**

7 Congress finds the following:

8 (1) Whereas since before its founding, the
9 United States of America has benefited from and
10 been enhanced by the integral role African Ameri-
11 cans have played in our country’s history and con-
12 tributions to the world.

13 (2) Whereas African American history does not
14 begin in the Americas. It can be traced back to the
15 great empires of West Africa beginning in A.D. 790,
16 which aided the establishment and survival of colo-
17 nies in America and the New World, generally, and
18 fought against European oppression.

19 (3) Whereas African Americans have rep-
20 resented a significant portion of the American popu-
21 lation from nearly 20 percent at the signing of the
22 Declaration of Independence, almost all of whom, if
23 not all, were victims of the largest forced deporta-
24 tions in recorded history, the transatlantic slave
25 trade and resulting African diaspora. It is estimated

1 over 10,000,000 free Africans were enslaved between
2 the mid-fifteenth and nineteenth centuries during
3 the diaspora.

4 (4) Whereas slavery was not abolished and Afri-
5 can Americans not acknowledged as American citi-
6 zens until the mid-nineteenth century, servitude did
7 not abate their contributions to the settlement,
8 growth, and development of the United States,
9 which continued through Post-Reconstruction, Jim
10 Crow, industrialization, World Wars and conflicts,
11 innovation and inventiveness, constitutional
12 progress, and every aspect of American society.

13 (5) Whereas during the civil rights movement of
14 the 1950s and 1960s, civil rights leaders and activ-
15 ists championed the fight for equal rights, including
16 voting rights, for all African Americans.

17 (6) Whereas the seminal case of *Brown v.*
18 *Board of Education*, decided May 17, 1954, found
19 that the decades old policy of separate but equal ac-
20 cess to education was inherently unequal, and the
21 segregation of Black public-school students was no
22 longer the law of the land.

23 (7) Whereas African Americans continue to
24 fight discrimination, structural racism, economic in-
25 equities, and benign and overt omission of the inte-

1 gral role they played in our country's rise to great-
2 ness.

3 (8) Whereas currently, 12 States (Arkansas,
4 California, Colorado, Florida, Illinois, New Jersey,
5 New York, Michigan, Mississippi, Rhode Island,
6 South Carolina, and Texas) have passed educational
7 laws requiring Black history be incorporated into the
8 curricula of all public schools.

9 (9) Whereas Congress established the National
10 Museum of African American History and Culture
11 in 2003 after decades of efforts to promote and
12 highlight the contributions of African Americans,
13 which serves as an indication of the national impor-
14 tance of examining Black history. Since opening in
15 2016, the museum has worked to educate the public
16 on the American story through the lens of African
17 American history and culture and provide educators,
18 parents, caregivers, and students with tools and re-
19 sources on the African American experience, its na-
20 tional impact, race, racism, and the importance of
21 tolerance and inclusivity.

22 (10) Whereas according to a 2015 research
23 study conducted by the National Museum of African
24 American History and Culture and reported in Re-
25 search into the State of African American History

1 and Culture in K–12 Public Schools, key findings in-
2 dicated that teachers considered Black history as in-
3 fluential in understanding the complexity of United
4 States history.

5 (11) Whereas the importance of Black history
6 is reflected in the National Assessment of Edu-
7 cational Progress United States History framework,
8 from pre-colonization through contemporary Amer-
9 ica.

10 (12) Whereas the Federal Government, through
11 support for educational activities of national muse-
12 ums established under Federal law, can assist teach-
13 ers in efforts to incorporate historically accurate in-
14 struction on the comprehensive history of African
15 Americans and students in their exploration of Black
16 history as an integral part of American history.

17 **SEC. 53303. AMERICAN HISTORY AND CIVICS EDUCATION.**

18 (a) PROGRAM AUTHORIZED.—Section 2231(a) of the
19 Elementary and Secondary Education Act of 1965 (20
20 U.S.C. 6661(a)) is amended—

21 (1) in the matter preceding paragraph (1), by
22 inserting “, which shall include Black history,” after
23 “American history”; and

24 (2) in paragraph (2)—

1 (A) by inserting “which shall include Black
2 history,” after “American history,”; and

3 (B) by inserting “, which shall include
4 Black history” after “traditional American his-
5 tory”.

6 (b) PRESIDENTIAL AND CONGRESSIONAL ACADEMIES
7 FOR AMERICAN HISTORY AND CIVICS.—Section 2232 of
8 the Elementary and Secondary Education Act of 1965 (20
9 U.S.C. 6662) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by inserting “, which
12 shall include Black history,” after “American
13 History”; and

14 (B) in paragraph (2), by inserting “, which
15 shall include Black history,” after “American
16 History”;

17 (2) in subsection (c)(1), by inserting “, which
18 shall include Black history,” after “American his-
19 tory”;

20 (3) in subsection (e)—

21 (A) in paragraph (1)—

22 (i) by inserting “, which shall include
23 Black history,” after “American history”;

24 (ii) in subparagraph (A)—

1 (I) by inserting “, which shall in-
2 clude Black history,” after “teachers
3 of American history”; and

4 (II) by inserting “, which shall
5 include Black history,” after “subjects
6 of American history”; and

7 (iii) in subparagraph (B), by inserting
8 “, which shall include Black history,” after
9 “American history”;

10 (B) in paragraph (2), by inserting “, which
11 shall include Black history,” after “American
12 history”; and

13 (C) in paragraph (4), by inserting “, and
14 with the Smithsonian Institution’s National
15 Museum of African American History and Cul-
16 ture initiative providing programs and resources
17 for educators and students” after “National
18 Parks”; and

19 (4) in subsection (f)—

20 (A) by inserting “, which shall include
21 Black history,” after “American history”;

22 (B) in subparagraph (A), by inserting “,
23 which shall include Black history,” after
24 “American history”; and

1 (C) in subparagraph (B), by inserting “,
 2 which shall include Black history,” after
 3 “American history”.

4 (c) NATIONAL ACTIVITIES.—Section 2233 of the Ele-
 5 mentary and Secondary Education Act of 1965 (20 U.S.C.
 6 6663) is amended—

7 (1) in subsection (a), by inserting “which shall
 8 include Black history,” after “American history,”;
 9 and

10 (2) in subsection (b), by inserting “which shall
 11 include Black history,” after “American history,”.

12 (d) NATIONAL ASSESSMENT OF EDUCATIONAL
 13 PROGRESS.—Section 303(b)(2)(D) of the National As-
 14 sessment of Educational Progress Authorization Act (20
 15 U.S.C. 9622(b)(2)(D)) is amended by inserting “(which
 16 shall include Black history)” after “history,”.

17 **Subtitle FF—CAMPUS HATE**
 18 **Crimes**

19 **SEC. 53401. SHORT TITLE.**

20 This subtitle may be cited as the “Creating Account-
 21 ability Measures Protecting University Students Histori-
 22 cally Abused, Threatened, and Exposed to Crimes Act”
 23 or the “CAMPUS HATE Crimes Act”.

24 **SEC. 53402. FINDINGS.**

25 Congress finds the following:

1 (1) The incidence of violence motivated by the
2 actual or perceived race, color, religion, national ori-
3 gin, gender, sexual orientation, gender identity, or
4 disability of the victim, known as hate crimes or
5 crimes motivated by bias, poses a serious national
6 problem.

7 (2) Such violence motivated by hatred and big-
8 otry endangers our citizens and disrupts the commu-
9 nities they live in, by tearing at the fabric of our
10 Nation and our constitutional aspiration to create a
11 stronger, more perfect union.

12 (3) According to data obtained by the Southern
13 Poverty Law Center, schools were a particularly
14 common location for hate crimes to occur—including
15 150 incidents on college campuses in 33 States since
16 November.

17 (4) This level of violence demonstrates an un-
18 precedented escalation in race and hate-based crime
19 being committed on college campuses compared to
20 recent years.

21 (5) Hate groups have openly declared their ef-
22 forts to establish a physical presence on college cam-
23 puses and have specifically targeted young individ-
24 uals and students for their messaging. Such efforts

1 include placing fliers around campus, online orga-
2 nizing, and bringing national leaders to speak.

3 (6) College campuses have become the ideal lo-
4 cation for hate group activity because they tradition-
5 ally embrace diversity, tolerance, and social justice
6 and strive for equality and have created safe spaces
7 for students of every gender and identity.

8 (7) These are soft targets for such groups, be-
9 cause students are more curious and receptive to
10 new, even radical, ideas than older individuals.

11 (8) The Higher Education Act of 1965 and the
12 Jeanne Clery Disclosure of Campus Security Policy
13 and Campus Crime Statistics Act have enabled Fed-
14 eral authorities to understand, report, and where ap-
15 propriate, investigate and prosecute hate crimes
16 committed within the jurisdiction of an institution of
17 higher education.

18 (9) However, an enduring effort cannot be
19 made to address the national problem posed by hate
20 crimes if many of our institutions of higher edu-
21 cation fail to properly evaluate, prepare, and imple-
22 ment an effective strategy to prevent and respond to
23 such crimes.

24 (10) The annual dissemination of relevant in-
25 formation to students and faculty regarding the in-

stitution's campus safety apparatus will provide for a more transparent and informed campus community on the infrastructure and process in place, and the assistance services available.

(11) Federal financial assistance with regard to providing training, technical assistance, evaluation, and other associated services will allow school security and administration to understand the unique needs for the campus and the assistance to implement the proper safety plan to address those needs.

(12) Amending the Program Participation Agreement between an institution of higher education and the Department of Education to include hate crime programs provides substantial assurance that campus climate and safety will become an increasing priority and focal point to the higher education community.

(13) Modifying the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act will enable campus security and local law enforcement to more efficiently collaborate in detailing and recording information on crimes, including violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim.

1 (14) The problem of crimes motivated by bias
2 is sufficiently serious, widespread, and interstate in
3 nature as to warrant Federal financial assistance to
4 States and local jurisdictions.

5 **SEC. 53403. HATE CRIME PREVENTION AND RESPONSE.**

6 Part B of title I of the Higher Education Act of 1965
7 is amended by adding at the end the following:

8 **“SEC. 124. HATE CRIME PREVENTION AND RESPONSE.**

9 “(a) RESTRICTION ON ELIGIBILITY.—Notwithstand-
10 ing any other provision of law, no institution of higher
11 education shall be eligible to receive funds or any other
12 form of financial assistance under any program under title
13 IV, unless the institution certifies to the Secretary that
14 the institution has adopted and has implemented a pro-
15 gram to prevent and adequately respond to hate crimes
16 within the jurisdiction of the institution or by students
17 and employees that, at a minimum, includes—

18 “(1) the annual distribution to each student
19 and employee of—

20 “(A) standards of conduct and the applica-
21 ble sanctions that clearly prohibit, at a min-
22 imum, the acts or threats of violence, property
23 damage, harassment, intimidation, or other
24 crimes that specifically target an individual
25 based on their race, religion, ethnicity, handi-

1 cap, sexual orientation, gender, or gender iden-
2 tification by students and employees on the in-
3 stitution's property or as a part of any of the
4 institution's activities;

5 “(B) a clear definition of what constitutes
6 a hate crime or hate incident under Federal
7 and State law or other applicable authority;

8 “(C) a description of the applicable legal
9 sanctions under local, State, or Federal law for
10 perpetrating a hate crime;

11 “(D) a description of any counseling, med-
12 ical treatment, or rehabilitation programs that
13 are available to students or employees that are
14 victims of hate crimes or other hate-based
15 incidences;

16 “(E) a description of applicable services
17 for students to be able to switch dorms, classes,
18 or make other arrangements should they feel
19 unsafe in those spaces due to a hate crime
20 which affects such space; and

21 “(F) a distinct statement that the institu-
22 tion will impose sanctions on students and em-
23 ployees (consistent with local, State, and Fed-
24 eral law), and a description of those sanctions,
25 up to and including expulsion or termination of

1 employment and referral for prosecution, for
2 violations of the standards of conduct required
3 by subparagraph (A); and

4 “(2) a quadrennial review by the institution of
5 the institution’s program to—

6 “(A) determine the program’s effectiveness
7 and implement changes to the program if the
8 changes are needed;

9 “(B) determine the number of hate crimes
10 and fatalities that—

11 “(i) occur on the institution’s campus
12 (as defined in section 485(f)(6)), or as
13 part of any of the institution’s activities;
14 and

15 “(ii) are reported to campus officials
16 or nonaffiliated local law enforcement
17 agencies with jurisdiction over the incident;

18 “(C) determine the number, type, and se-
19 verity of sanctions described in paragraph
20 (1)(F) that are imposed by the institution as a
21 result of hate crimes and fatalities on the insti-
22 tution’s campus or as part of any of the institu-
23 tion’s activities; and

24 “(D) ensure that sanctions required by
25 paragraph (1)(F) are consistently enforced.

1 “(b) INFORMATION AVAILABILITY.—Each institution
2 of higher education that provides the certification required
3 by subsection (a) shall, upon request, make available to
4 the Secretary and to the public a copy of each item re-
5 quired by subsection (a)(1) as well as the results of the
6 biennial review required by subsection (a)(2).

7 “(1) REGULATIONS.—

8 “(A) IN GENERAL.—The Secretary shall
9 publish regulations to implement and enforce
10 the provisions of this section, including regula-
11 tions that provide for—

12 “(i) the periodic review of a represent-
13 ative sample of programs required by sub-
14 section (a); and

15 “(ii) a range of responses and sanc-
16 tions for institutions of higher education
17 that fail to implement their programs or to
18 consistently enforce their sanctions, includ-
19 ing information and technical assistance,
20 the development of a compliance agree-
21 ment, and the termination of any form of
22 Federal financial assistance.

23 “(B) INCLUSIVITY PROGRAM.—The sanc-
24 tions required by subsection (a)(1)(F) that are
25 imposed by the institution of higher education,

1 may include an inclusivity program as an ex-
2 plicit condition of remaining enrolled at the in-
3 stitution of higher education, that the defend-
4 ant successfully undertake educational classes
5 or community service directly related to the
6 community harmed by the respondent's offense.

7 “(2) APPEALS.—Upon determination by the
8 Secretary to terminate financial assistance to any in-
9 stitution of higher education under this section, the
10 institution may file an appeal with an administrative
11 law judge before the expiration of the 30-day period
12 beginning on the date such institution is notified of
13 the decision to terminate financial assistance under
14 this section. Such judge shall hold a hearing with re-
15 spect to such termination of assistance before the
16 expiration of the 45-day period beginning on the
17 date that such appeal is filed. Such judge may ex-
18 tend such 45-day period upon a motion by the insti-
19 tution concerned. The decision of the judge with re-
20 spect to such termination shall be considered to be
21 a final agency action.

22 “(3) HATE CRIME PREVENTION AND RESPONSE
23 GRANTS.—

24 “(A) PROGRAM AUTHORITY.—The Sec-
25 retary may make grants to institutions of high-

1 er education or consortia of such institutions,
2 and enter into contracts with such institutions,
3 consortia, and other organizations, to develop,
4 implement, operate, improve, and disseminate
5 programs of prevention, and education to re-
6 duce and eliminate hate crimes. Such grants or
7 contracts may also be used for the support of
8 a higher education center for hate crime pre-
9 vention and response that will provide training,
10 technical assistance, evaluation, dissemination,
11 and associated services and assistance to the
12 higher education community as determined by
13 the Secretary and institutions of higher edu-
14 cation.

15 “(B) AWARDS.—Grants and contracts
16 shall be awarded under subparagraph (A) on a
17 by needs basis.

18 “(C) APPLICATIONS.—An institution of
19 higher education or a consortium of such insti-
20 tutions that desires to receive a grant or con-
21 tract under paragraph (A) shall submit an ap-
22 plication to the Secretary at such time, in such
23 manner, and containing or accompanied by
24 such information as the Secretary may reason-
25 ably require by regulation.

1 “(D) ADDITIONAL REQUIREMENTS.—

2 “(i) PARTICIPATION.—In awarding
3 grants and contracts under this subsection
4 the Secretary shall make every effort to
5 ensure—

6 “(I) the equitable participation of
7 private and public institutions of high-
8 er education (including community
9 and junior colleges); and

10 “(II) the equitable geographic
11 participation of such institutions.

12 “(ii) CONSIDERATION.—In awarding
13 grants and contracts under this subsection
14 the Secretary shall give appropriate consid-
15 eration to institutions of higher education
16 with limited enrollment.

17 “(E) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There are authorized to be appro-
19 priated to carry out this subsection such sums
20 as may be necessary for fiscal year 2022 and
21 each of the 5 succeeding fiscal years.

22 “(4) DEFINITION.—The term ‘hate crime’
23 means any criminal offense perpetrated against a
24 person or property that was motivated in whole or
25 in part by an offender’s bias against a race, religion,

1 disability, sexual orientation, ethnicity, gender, or
2 gender identity.”.

3 **SEC. 53404. CLERY ACT AMENDMENTS.**

4 Section 485(f) of the Higher Education Act of 1965
5 (20 U.S.C. 1092(f)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (C)—

8 (i) by striking “and” at the end of
9 clause (ii);

10 (ii) in clause (iii)—

11 (I) by striking “encourage” and
12 inserting “require”;

13 (II) by inserting “, including hate
14 crimes,” after “all crimes”; and

15 (III) by striking the period at the
16 end and inserting “; and”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(i) policies encourage officer develop-
20 ment training to specifically recognize, pre-
21 vent, and respond to hate crimes.”; and

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

23 “(K) A statement of policy regarding hate-
24 based crimes and the enforcement of Federal and
25 State hate crime laws and a description of any hate

1 crime prevention and response programs required
2 under section 124.”; and

3 (2) in paragraph (6)(A), by adding at the end
4 the following:

5 “(vi) The term ‘hate crime’ has the
6 meaning given the term in section
7 124(b)(4).”.

8 **SEC. 53405. PROGRAM PARTICIPATION AGREEMENTS.**

9 Section 487(a) of the Higher Education Act of 1965
10 (20 U.S.C. 1094(a)) is amended by adding at the end the
11 following:

12 “(30) The institution will have hate
13 crime prevention and response programs
14 that the institution has determined to be
15 accessible to any officer, employee, or stu-
16 dent at the institution and which meets the
17 requirements of section 124.”.

18 **SEC. 53406. ACCREDITING AGENCY RECOGNITION.**

19 Section 496(a)(5) of the Higher Education Act of
20 1965 (20 U.S.C. 1099b(a)(5)) is amended—

21 (1) in subparagraph (I), by striking “and” at
22 the end;

23 (2) in subparagraph (J), by inserting “and”
24 after the semicolon; and

1 (3) by inserting after subparagraph (J) and be-
 2 fore the flush text, the following:

3 “(K) safety objectives with respect to hate
 4 crimes (defined in section 124(b)(4)) and the
 5 established measures and policies to combat
 6 such crimes;”.

7 **Subtitle GG—Educators Expense**
 8 **Deduction Modernization**

9 **SEC. 53501. SHORT TITLE.**

10 This subtitle may be cited as the “Educators Expense
 11 Deduction Modernization Act”.

12 **SEC. 53502. INCREASE IN DEDUCTION FOR CERTAIN EX-**
 13 **PENSES OF ELEMENTARY AND SECONDARY**
 14 **SCHOOL TEACHERS.**

15 (a) IN GENERAL.—Section 62(a)(2)(D) of the Inter-
 16 nal Revenue Code of 1986 is amended by striking “\$250”
 17 and inserting “\$500”.

18 (b) INFLATION ADJUSTMENT.—Section 62(d)(3) of
 19 such Code is amended to read as follows:

20 “(3) INFLATION ADJUSTMENT.—In the case of
 21 any taxable year beginning after 2019, the \$500
 22 amount in subsection (a)(2)(D) shall be increased by
 23 an amount equal to—

24 “(A) such dollar amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar
3 year in which the taxable year begins, deter-
4 mined by substituting ‘calendar year 2018’ for
5 ‘calendar year 2016’ in subparagraph (A)(ii)
6 thereof.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to taxable years begin-
9 ning December 31, 2018.

10 **Subtitle HH—Beyond the Box for** 11 **Higher Education**

12 **SEC. 53601. SHORT TITLE.**

13 This subtitle may be cited as the “Beyond the Box
14 for Higher Education Act of 2020”.

15 **SEC. 53602. FINDINGS.**

16 Congress finds the following:

17 (1) An estimated 70,000,000 Americans have
18 some type of arrest or conviction record that would
19 appear in a criminal background check.

20 (2) Each year, more than 600,000 people re-
21 turn to society from State or Federal prison.

22 (3) Nearly 11,000,000 Americans are admitted
23 to city and county jails each year, with an average
24 daily population of more than 700,000 people.

1 (4) An estimated 2,100,000 youth under the
2 age of 18 are arrested every year in the United
3 States.

4 (5) 1,700,000 juvenile delinquency cases are
5 disposed of in juvenile courts annually.

6 (6) Juvenile records are not always confidential;
7 many States disclose information about youth in-
8 volvement with the juvenile justice system or do not
9 have procedures to seal or expunge juvenile records.

10 (7) The compounding effects of collateral con-
11 sequences due to criminal justice involvement hinder
12 the ability of individuals to reenter society success-
13 fully.

14 (8) People of color and low-income people are
15 disproportionately impacted by the collateral con-
16 sequences of criminal justice involvement.

17 (9) Incarceration leads to decreased earnings,
18 unemployment, and poverty.

19 (10) Upon reentry, lower educational attain-
20 ment, a lack of work skills or history, and the stig-
21 ma of a criminal record can hinder a formerly incar-
22 cerated person's ability to return to their commu-
23 nities successfully.

1 (11) One way to improve reentry outcomes is to
2 increase educational opportunities for people with a
3 criminal or juvenile justice history.

4 (12) By reducing rearrests and reconvictions,
5 and by increasing educational attainment, formerly
6 incarcerated individuals are better situated to find
7 stable employment, contributing to their commu-
8 nities.

9 **SEC. 53603. BEYOND THE BOX FOR HIGHER EDUCATION.**

10 Part B of title I of the Higher Education Act of 1965
11 (20 U.S.C. 1011 et seq.) is amended by adding at the end
12 the following:

13 **“SEC. 124. BEYOND THE BOX FOR HIGHER EDUCATION.**

14 “(a) TRAINING AND TECHNICAL ASSISTANCE.—

15 “(1) IN GENERAL.—The Secretary, acting
16 through the Office of Policy, Planning, and Innova-
17 tion of the Office of Postsecondary Education of the
18 Department and with consultation from the Depart-
19 ment of Justice and relevant community stake-
20 holders, shall issue guidance and recommendations
21 for institutions of higher education to remove crimi-
22 nal and juvenile justice questions from their applica-
23 tion for admissions process.

1 “(2) GUIDANCE AND RECOMMENDATIONS.—The
2 guidance and recommendations issued under para-
3 graph (1) shall include the following:

4 “(A) If an institution of higher education
5 collects criminal or juvenile justice information
6 on applicants for admission, it is recommended
7 that the institution determine whether this in-
8 formation is necessary to make an informed ad-
9 mission decision and whether it would be appro-
10 prium to remove these questions from the appli-
11 cation.

12 “(B) If an institution of higher education
13 determines that it is appropriate to remove
14 criminal or juvenile justice questions from the
15 institution’s application for admissions process,
16 it is recommended that the institution comply
17 with the following:

18 “(i) If criminal or juvenile justice
19 questions are necessary for the other as-
20 pects of the institution’s interactions with
21 applicants, identify those specific inter-
22 actions in which it is appropriate to ask
23 such questions.

24 “(ii) In nonadmissions interactions,
25 inquire about criminal or juvenile justice

1 history transparently and clearly inform
2 applicants as early as possible how to re-
3 spond to the inquiry.

4 “(iii) In nonadmissions inquiries
5 about criminal or juvenile justice history,
6 ensure the questions are specific and nar-
7 rowly focused, and make it clear that an-
8 swering the questions may not negatively
9 impact applicants’ chances of enrollment.

10 “(iv) In nonadmissions inquiries about
11 criminal or juvenile justice history, give ap-
12 plicants the opportunity to explain criminal
13 or juvenile justice involvement and pre-
14 paredness for postsecondary study.

15 “(v) Provide staff of the institution
16 who have access to a prospective or current
17 student’s criminal or juvenile justice his-
18 tory, the necessary and proper training on
19 the effective use of criminal or juvenile jus-
20 tice history data, including the problems
21 associated with this information, the types
22 of supporting documents that may need to
23 be obtained, and the appropriate privacy
24 protections that must be put in place.

1 “(C) If an institution of higher education
2 determines that it is necessary to inquire about
3 the criminal or juvenile justice history of appli-
4 cants for admission, it is recommended that the
5 institution comply with the following:

6 “(i) Delay the request for, or consid-
7 eration of, such information until after an
8 admission decision has been made to avoid
9 a chilling effect on applicants whose crimi-
10 nal or juvenile justice involvement may ul-
11 timately be determined irrelevant by the
12 institution.

13 “(ii) Provide notice and justification
14 for applicants within 30 days if, upon re-
15 ceiving information regarding applicants’
16 criminal or juvenile justice involvement,
17 the admission to the institution is denied
18 or rescinded based solely on the applicant’s
19 criminal or juvenile justice involvement.

20 “(iii) Inquire about criminal or juve-
21 nile justice history transparently and clear-
22 ly inform applicants as early as possible in
23 the application process how to respond to
24 the inquiry.

1 “(iv) Ensure the questions are specific
2 and narrowly focused.

3 “(v) Give applicants the opportunity
4 to explain criminal or juvenile justice in-
5 volvement and preparedness for postsec-
6 ondary study.

7 “(vi) Provide admissions personnel,
8 registrars, and any other relevant staff of
9 the institution, as well as any other staff
10 that should have access to a prospective or
11 current student’s criminal or juvenile jus-
12 tice history, the necessary and proper
13 training on the effective use of criminal or
14 juvenile justice history data, including the
15 biases or limitations associated with this
16 information, the types of supporting docu-
17 ments that may need to be obtained, and
18 the appropriate privacy protections that
19 must be put in place.

20 “(3) TRAINING AND TECHNICAL ASSISTANCE.—

21 “(A) IN GENERAL.—The Secretary, acting
22 through the Office of Postsecondary Education
23 of the Department, shall use funds available to
24 the Department to provide institutions of high-
25 er education with training and technical assist-

1 ance on developing policies and procedures
2 aligned with the recommendations described in
3 paragraph (2).

4 “(B) TRAINING.—The training described
5 in subparagraph (A) shall include—

6 “(i) training for admissions and finan-
7 cial aid personnel and enrollment manage-
8 ment staff of an institution of higher edu-
9 cation to understand and evaluate an ap-
10 plicant if—

11 “(I) the institution makes a de-
12 termination under paragraph (2)(A)
13 to continue asking criminal or juvenile
14 justice history questions in the admis-
15 sions process; or

16 “(II) the institution makes a de-
17 termination under paragraph (2)(A)
18 to remove criminal or juvenile justice
19 history questions in the admissions
20 process, but continues to make crimi-
21 nal or juvenile justice history inquiries
22 in nonadmissions settings;

23 “(ii) training to ensure that if an in-
24 stitution does not ask criminal or juvenile
25 justice history questions, that proxy ques-

1 tions or factors are not used in lieu of
2 criminal or juvenile justice history informa-
3 tion;

4 “(iii) training for financial aid per-
5 sonnel and any other staff of an institution
6 of higher education involved with campus
7 employment to provide guidance related to
8 work study programs or on campus em-
9 ployment available to formerly incarcerated
10 or juvenile adjudicated individuals;

11 “(iv) training for registrars, academic
12 counselors, student housing staff, student
13 life staff, and any other staff of an institu-
14 tion of higher education who would have
15 access to a student’s criminal or juvenile
16 justice information when the student is an
17 enrolled student; and

18 “(v) training for career counselors to
19 ensure that students with involvement in
20 the criminal or juvenile justice system are
21 provided with targeted career guidance,
22 made aware of potential barriers to em-
23 ployment or licensure, and provided assist-
24 ance to respond to these barriers.

1 “(b) RESOURCE CENTER.—The Secretary shall de-
2 velop a resource center that will serve as the repository
3 for—

4 “(1) best practices as institutions of higher edu-
5 cation develop and implement practices aligned with
6 the recommendations described in subsection (a)(2)
7 to ensure the successful educational outcomes of stu-
8 dents with criminal or juvenile justice histories; and
9 “(2) supplemental research on criminal and ju-
10 venile justice-involved individuals and postsecondary
11 education.”.

12 **SEC. 53604. FINANCIAL AID.**

13 Section 483(a) of the Higher Education Act of 1965
14 (20 U.S.C. 1090(a)) is amended by adding at the end the
15 following:

16 “(13) RESTRICTION ON QUESTION OF CONVIC-
17 TION FOR POSSESSION OR SALE OF ILLEGAL
18 DRUGS.—Notwithstanding any other provision of
19 law, the Secretary shall not include on any form de-
20 veloped under this section, a question about the con-
21 viction of an applicant for the possession or sale of
22 illegal drugs.”.

**Subtitle II—United States
Territories College Access**

SEC. 53701. SHORT TITLE.

This subtitle may be cited as the “United States Territories College Access Act”.

SEC. 53702. PURPOSE.

It is the purpose of this subtitle to establish a program that enables college-bound residents of the outlying areas to have greater choices among institutions of higher education.

SEC. 53703. COLLEGE ACCESS GRANTS.

(a) GRANTS.—

(1) IN GENERAL.—

(A) ALLOCATION TO OUTLYING AREAS.—

From the total amount appropriated under subsection (n) for a fiscal year, the Secretary shall allocate 25 percent to each of the outlying areas to make grants to eligible institutions in accordance with subparagraph (B).

(B) GRANTS TO ELIGIBLE INSTITUTIONS.—

From the amount allocated to an outlying area under subparagraph (A) for a fiscal year, the Governor of the outlying area shall carry out a program under which the Governor awards grants to eligible institutions, on behalf

1 of each eligible student from the outlying area
2 who is enrolled in such institution, to pay the
3 difference between—

4 (i) the base amount of tuition and
5 fees charged to the eligible student; and

6 (ii) the base amount of tuition and
7 fees charged to a student of the institution
8 who is a resident of the State in which the
9 institution is located.

10 (2) MAXIMUM STUDENT AMOUNTS.—The
11 amount paid on behalf of an eligible student under
12 this section shall be—

13 (A) not more than \$15,000 for any one
14 award year (as defined in section 481 of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1088)); and

17 (B) not more than \$45,000 in the aggre-
18 gate.

19 (3) PRORATION.—In the case of a grant made
20 under this section on behalf of an eligible student
21 who is attending an eligible institution on a less
22 than full-time basis, the amount of the grant shall
23 be reduced in proportion to the degree to which that
24 student is not so attending on a full-time basis.

1 (b) REDUCTION FOR INSUFFICIENT APPROPRIA-
2 TIONS.—

3 (1) IN GENERAL.—If the funds appropriated
4 pursuant to subsection (n) for any fiscal year are in-
5 sufficient to enable the Governor of an outlying area
6 to award a grant in the amount determined under
7 subsection (a) on behalf of each eligible student from
8 the outlying area enrolled in an eligible institution,
9 then the Governor, in consultation with the Sec-
10 retary, shall—

11 (A) first, ratably reduce the amount of the
12 tuition and fee payment made on behalf of each
13 eligible student from the outlying area who has
14 not received funds under this section for a pre-
15 ceding year; and

16 (B) after making reductions under sub-
17 paragraph (A), ratably reduce the amount of
18 the tuition and fee payments made on behalf of
19 all other eligible students from the outlying
20 area.

21 (2) ADJUSTMENTS.—The Governor of an out-
22 lying area, in consultation with the Secretary, may
23 adjust the amount of tuition and fee payments made
24 under paragraph (1) based on—

1 (A) the financial need of the eligible stu-
2 dents to avoid undue hardship to the eligible
3 students; or

4 (B) undue administrative burdens on the
5 Governor.

6 (3) FURTHER ADJUSTMENTS.—Notwith-
7 standing paragraphs (1) and (2), the Governor of an
8 outlying area may prioritize the making or amount
9 of tuition and fee payments under this subsection
10 based on the income and need of eligible students.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to require an institution of higher
13 education to alter the institution's admissions policies or
14 standards in any manner to enable an eligible student to
15 enroll in the institution.

16 (d) APPLICATIONS.—Each student desiring that a
17 Governor award a grant under this section to an eligible
18 institution on behalf of the student shall submit an appli-
19 cation to the eligible institution at such time, in such man-
20 ner, and accompanied by such information as the eligible
21 institution may require.

22 (e) EMPLOYMENT AGREEMENT.—

23 (1) IN GENERAL.—Except as provided in sub-
24 section (f), each application submitted under sub-

1 section (d) shall contain or be accompanied by an
2 agreement by the applicant that the applicant will—

3 (A) maintain full-time employment within
4 the outlying area where the applicant was domi-
5 ciled, as described in subsection (1)(3)(A), for a
6 period of not less than 2 years within the 4-
7 year period after the date the applicant com-
8 pletes the course of study for which the appli-
9 cant received grant assistance under this sec-
10 tion; and

11 (B) submit evidence of such employment in
12 the form of a certification by the employer upon
13 completion of each year of such employment.

14 (2) FAILURE OR REFUSAL TO CARRY OUT EM-
15 PLOYMENT OBLIGATION.—In the event that an ap-
16 plicant is determined to have failed or refused to
17 carry out the employment obligation described in
18 paragraph (1), the sum of the grant assistance
19 under this section received by such applicant shall be
20 treated as a loan and collected from the applicant in
21 accordance with subsection (f) and the policies and
22 procedures under subsection (h)(2).

23 (f) REPAYMENT FOR FAILURE TO COMPLETE EM-
24 PLOYMENT.—In the event that a student on whose behalf
25 a grant is made under this section fails or refuses to com-

1 ply with the employment obligation in the agreement
2 under subsection (e), the sum of the amounts of any such
3 grant received by such student shall, upon a determination
4 of such a failure or refusal in such employment obligation,
5 be treated as a loan, and shall be subject to repayment,
6 together with interest thereon accruing from the date of
7 the grant award, in accordance with terms and conditions
8 specified by the Governor through policies and procedures
9 under subsection (h)(2).

10 (g) EXTENUATING CIRCUMSTANCES.—

11 (1) IN GENERAL.—Each Governor shall identify
12 extenuating circumstances under which a student on
13 whose behalf a grant is made under this section who
14 is unable to fulfill all or part of the student's em-
15 ployment obligation under subsection (e) may be ex-
16 cused from fulfilling that portion of the employment
17 obligation.

18 (2) CONTINUOUS ENROLLMENT.—If a student
19 on whose behalf a grant is made under this section
20 is continuously enrolled at an institution of higher
21 education in one or more postbaccalaureate pro-
22 grams and is maintaining satisfactory progress in
23 the course of study the student is pursuing in ac-
24 cordance with section 484(c) of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1091(c)), the employ-

1 ment obligation in the agreement under subsection
2 (e) shall begin once such recipient is no longer con-
3 tinuously enrolled.

4 (h) ADMINISTRATION OF PROGRAM.—

5 (1) IN GENERAL.—Each Governor shall carry
6 out the program authorized under this section in
7 consultation with the Secretary. Each Governor may
8 enter into a grant, contract, or cooperative agree-
9 ment with another public or private entity to admin-
10 ister the program under this section if the Governor
11 determines that doing so is a more efficient way of
12 carrying out the program.

13 (2) POLICIES AND PROCEDURES.—Each Gov-
14 ernor, in consultation with institutions of higher
15 education eligible for participation in the program
16 authorized under this section, shall develop policies
17 and procedures for the administration of the pro-
18 gram.

19 (3) MEMORANDUM OF AGREEMENT.—Each
20 Governor and the Secretary shall enter into a memo-
21 randum of agreement that describes—

22 (A) the manner in which the Governor
23 shall consult with the Secretary with respect to
24 administering the program authorized under
25 this section; and

1 (B) any technical or other assistance to be
2 provided to the Governor by the Secretary for
3 purposes of administering the program (which
4 may include access to the information in the
5 common financial reporting form developed
6 under section 483 of the Higher Education Act
7 of 1965 (20 U.S.C. 1090)).

8 (i) GOVERNOR'S REPORT.—Each Governor shall re-
9 port to the authorizing committees annually regarding—

10 (1) the number of eligible students from the
11 outlying area attending each eligible institution and
12 the amount of the grant assistance paid to such in-
13 stitutions on behalf of the eligible students;

14 (2) the extent, if any, to which a ratable reduc-
15 tion was made in the amount of tuition and fee pay-
16 ments made on behalf of eligible students from the
17 outlying area;

18 (3) the progress in obtaining recognized aca-
19 demic credentials of the cohort of eligible students
20 from the outlying area for each year; and

21 (4) the number of eligible students whose grant
22 assistance under this section has been converted to
23 a loan, and the repayment of such loans.

24 (j) GAO REPORT.—Beginning on the date of enact-
25 ment of this section, the Comptroller General of the

1 United States shall monitor the effect of the program au-
2 thorized under this section on educational opportunities
3 for eligible students. The Comptroller General shall ana-
4 lyze whether eligible students had difficulty gaining admis-
5 sion to eligible institutions because of any preference af-
6 farded in-State residents by eligible institutions, and shall
7 expeditiously report any findings regarding such difficulty
8 to the authorizing committees. In addition, the Comp-
9 troller General shall—

10 (1) analyze the extent to which there are an in-
11 sufficient number of eligible institutions to which
12 students from outlying areas can gain admission, in-
13 cluding admission aided by assistance provided
14 under this section, due to—

15 (A) caps on the number of out-of-State
16 students the institution will enroll;

17 (B) significant barriers imposed by aca-
18 demic entrance requirements (such as grade
19 point average and standardized scholastic ad-
20 missions tests); and

21 (C) absence of admission programs benefi-
22 ting minority students; and

23 (2) report the findings of the analysis described
24 in paragraph (1) to the authorizing committees.

25 (k) GENERAL REQUIREMENTS.—

1 (1) PERSONNEL.—The Secretary shall arrange
2 for the assignment of an individual, pursuant to sub-
3 chapter VI of chapter 33 of title 5, United States
4 Code, to serve as an adviser to each Governor with
5 respect to the program authorized under this sec-
6 tion.

7 (2) ADMINISTRATIVE EXPENSES.—Each Gov-
8 ernor may use not more than 5 percent of the funds
9 made available for the program authorized under
10 this section for a fiscal year to pay the administra-
11 tive expenses of the program for the fiscal year.

12 (3) INSPECTOR GENERAL REVIEW.—The pro-
13 gram authorized under this section shall be subject
14 to audit and other review by the Inspector General
15 of the Department of Education in the same manner
16 as programs are audited and reviewed under the In-
17 spector General Act of 1978 (5 U.S.C. App.).

18 (4) GIFTS.—Each Governor may accept, use,
19 and dispose of donations of services or property for
20 purposes of carrying out this section.

21 (5) MAXIMUM STUDENT AMOUNT ADJUST-
22 MENTS.—Each Governor shall establish rules to ad-
23 just the maximum student amounts described in
24 subsection (a)(2)(B) for eligible students who trans-
25 fer between the eligible institutions.

1 (l) DEFINITIONS.—In this section:

2 (1) AUTHORIZING COMMITTEES.—The term
3 “authorizing committees” has the meaning given the
4 term in section 103 of the Higher Education Act of
5 1965 (20 U.S.C. 1003).

6 (2) ELIGIBLE INSTITUTION.—The term “eligi-
7 ble institution” means an institution that—

8 (A) is a public 4-year institution of higher
9 education located in one of the several States of
10 the United States, the District of Columbia, or
11 the Commonwealth of Puerto Rico;

12 (B) is eligible to participate in the student
13 financial assistance programs under title IV of
14 the Higher Education Act of 1965 (20 U.S.C.
15 1070 et seq.); and

16 (C) enters into an agreement with a Gov-
17 ernor containing such terms and conditions as
18 the Governor and institution may jointly speci-
19 fy, including a requirement that the institution
20 use the funds made available under this section
21 to supplement and not supplant assistance that
22 otherwise would be provided to eligible students.

23 (3) ELIGIBLE STUDENT.—The term “eligible
24 student” means an individual who—

1 (A) was domiciled in the outlying area
2 from which a grant is sought under this section
3 for not less than the 12 consecutive months
4 preceding the commencement of the freshman
5 year of the individual at an institution of higher
6 education;

7 (B) graduated from a secondary school in
8 such outlying area, or received the recognized
9 equivalent of a secondary school diploma while
10 domiciled in such outlying area, on or after
11 January 1, 2015;

12 (C) begins the individual's undergraduate
13 course of study within the 3 calendar years (ex-
14 cluding any period of service on active duty in
15 the Armed Forces, or service under the Peace
16 Corps Act (22 U.S.C. 2501 et seq.) or subtitle
17 C of title I of the National and Community
18 Service Act of 1990 (42 U.S.C. 12571 et seq.))
19 of graduation from a secondary school, or ob-
20 taining the recognized equivalent of a secondary
21 school diploma;

22 (D) is enrolled or accepted for enrollment,
23 on at least a half-time basis, in a baccalaureate
24 degree or other program (including a program
25 of study abroad approved for credit by the eligi-

1 ble institution at which such student is en-
2 rolled) leading to a recognized educational cre-
3 dential at an eligible institution;

4 (E) if enrolled in an eligible institution, is
5 maintaining satisfactory progress in the course
6 of study the student is pursuing in accordance
7 with section 484(c) of the Higher Education
8 Act of 1965 (20 U.S.C. 1091(c));

9 (F) while enrolled in an eligible institution,
10 maintains the outlying area where the applicant
11 was domiciled pursuant to subparagraph (A) as
12 the individual's principal place of residence for
13 purposes of the laws of such outlying area; and

14 (G) has not completed the individual's first
15 undergraduate baccalaureate degree course of
16 study.

17 (4) INSTITUTION OF HIGHER EDUCATION.—The
18 term “institution of higher education” has the
19 meaning given the term in section 101 of the Higher
20 Education Act of 1965 (20 U.S.C. 1001).

21 (5) GOVERNOR.—The term “Governor”
22 means—

23 (A) the Governor of the United States Vir-
24 gin Islands, with respect to the grants author-

1 ized to be made by such Governor under sub-
2 section (a);

3 (B) the Governor of the Commonwealth of
4 the Northern Mariana Islands, with respect to
5 the grants authorized to be made by such Gov-
6 ernor under subsection (a);

7 (C) the Governor of Guam, with respect to
8 the grants authorized to be made by such Gov-
9 ernor under subsection (a); and

10 (D) the Governor of American Samoa, with
11 respect to the grants authorized to be made by
12 such Governor under subsection (a).

13 (6) OUTLYING AREA.—The term “outlying
14 area” means any of those insular areas specified
15 under section 8101(36)(A) of the Elementary and
16 Secondary Education Act of 1965 (20 U.S.C.
17 7801(36)(A)).

18 (7) SECONDARY SCHOOL.—The term “sec-
19 ondary school” has the meaning given the term in
20 section 8101 of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 7801).

22 (8) SECRETARY.—The term “Secretary” means
23 the Secretary of Education.

24 (9) STATE.—Except as used in paragraph
25 (2)(A), the term “State” has the meaning given the

1 term in section 103 of the Higher Education Act of
2 1965 (20 U.S.C. 1003).

3 (m) EFFECTIVE DATE.—This section shall take ef-
4 fect with respect to payments for periods of instruction
5 that begin on or after January 1, 2021.

6 (n) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$40,000,000 for each of the fiscal years 2022 through
9 2027, and such sums as may be necessary for each of the
10 succeeding fiscal years. Such funds shall remain available
11 until expended.

12 **Subtitle JJ—Relief From Excessive** 13 **Debt**

14 **SEC. 53901. SHORT TITLE.**

15 This subtitle may be cited as the “Relief from Exces-
16 sive Debt Act” or the “RED Act”.

17 **SEC. 53902. EXCEPTION TO DISCHARGE.**

18 Section 523(a) of title 11, United States Code, is
19 amended—

20 (1) by striking paragraph (8); and

21 (2) by redesignating paragraphs (9) through
22 (14B) as paragraphs (8) through (14A), respec-
23 tively.

24 **SEC. 53903. CONFORMING AMENDMENTS.**

25 Title 11, United States Code, is amended—

1 (1) in section 704(c)(1)(C)(iv)(I) by striking
2 “(14A)” and inserting “(14)”;

3 (2) in section 1106(c)(1)(C)(iv)(I) by striking
4 “(14A)” and inserting “(14)”;

5 (3) in section 1202(c)(1)(C)(iv)(I) by striking
6 “(14A)” and inserting “(14)”;

7 (4) in section 1328(a)(2) by striking “(8), or
8 (9)” and inserting “or (8)”.

9 **SEC. 53904. EFFECTIVE DATE; APPLICATION OF AMEND-**
10 **MENTS.**

11 (a) **EFFECTIVE DATE.**—Except as provided in sub-
12 section (b), this subtitle and the amendments made by this
13 subtitle shall take effect on the date of the enactment of
14 this Act.

15 (b) **APPLICATION OF AMENDMENTS.**—The amend-
16 ments made by this subtitle shall apply only with respect
17 to cases commenced under title 11 of the United States
18 Code on or after the date of the enactment of this Act.

19 **Subtitle KK—Ending Punitive, Un-**
20 **fair, School-based Harm That Is**
21 **Overt and Unresponsive to**
22 **Trauma**

23 **SEC. 54001. SHORT TITLE.**

24 This subtitle may be cited as the “Ending Punitive,
25 Unfair, School-based Harm that is Overt and Unrespon-

1 sive to Trauma Act of 2020” or the “Ending PUSHOUT
2 Act of 2020”.

3 **SEC. 54002. PURPOSE.**

4 It is the purpose of this subtitle to—

5 (1) strengthen data collection related to exclu-
6 sionary discipline practices in schools and the dis-
7 criminatory application of such practices, which dis-
8 proportionately impacts students of color, particu-
9 larly girls of color;

10 (2) eliminate the discriminatory use and over-
11 use of exclusionary discipline practices based on ac-
12 tual or perceived race, ethnicity, color, national ori-
13 gin, sex (including sexual orientation, gender iden-
14 tity, pregnancy, childbirth, a medical condition re-
15 lated to pregnancy or childbirth, or other stereotype
16 related to sex), or disability; and

17 (3) prevent the criminalization and pushout of
18 students from school, especially Black and brown
19 girls, as a result of educational barriers that include
20 discrimination, punitive discipline policies and prac-
21 tices, and a failure to recognize and support stu-
22 dents with mental health needs or experiencing trau-
23 ma.

1 **SEC. 54003. STRENGTHENING CIVIL RIGHTS DATA COLLEC-**
2 **TION WITH RESPECT TO EXCLUSIONARY DIS-**
3 **CIPLINE IN SCHOOLS.**

4 (a) IN GENERAL.—The Assistant Secretary for Civil
5 Rights shall annually carry out data collection authorized
6 under section 203(c)(1) of the Department of Education
7 Organization Act (20 U.S.C. 3413(c)(1)), which shall in-
8 clude data with respect to students enrolled in a public
9 preschool, elementary, or secondary school (including tra-
10 ditional public, charter, virtual, special education school,
11 and alternative schools) who received the following dis-
12 ciplinary actions during the preceding school year:

13 (1) Suspension (including the classification of
14 the suspension as in-school suspension or out-of-
15 school suspension), which shall include data with re-
16 spect to—

17 (A) the number of students who were sus-
18 pended;

19 (B) the number and length of suspensions
20 each such student received;

21 (C) the reason for each such suspension,
22 including—

23 (i) a violation of a zero-tolerance pol-
24 icy and whether such violation was due to
25 a violent or nonviolent offense;

1 (ii) a violation of an appearance or
2 grooming policy;

3 (iii) an act of insubordination;

4 (iv) willful defiance; and

5 (v) a violation of a school code of con-
6 duct; and

7 (D) the number of days of lost instruction
8 due to each out-of-school suspension.

9 (2) Expulsion, which shall include data with re-
10 spect to—

11 (A) the number of students who were ex-
12 pelled; and

13 (B) the reason for each such expulsion, in-
14 cluding—

15 (i) a violation of a zero-tolerance pol-
16 icy and whether such violation was due to
17 a violent or nonviolent offense;

18 (ii) a violation of an appearance or
19 grooming policy;

20 (iii) an act of insubordination, willful
21 defiance, or violation of a school code of
22 conduct; and

23 (iv) the use of profane or vulgar lan-
24 guage.

1 (3) The number of students subject to an out-
2 of-school transfer to a different school, including a
3 virtual school, and if so, the primary reason for each
4 such transfer.

5 (4) The number of students subject to a refer-
6 ral to law enforcement, including the primary reason
7 for each such referral, and whether such referral re-
8 sulted in an arrest.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of this Act, and annually
12 thereafter, the Secretary, acting through the Assist-
13 ant Secretary for Civil Rights, shall submit to Con-
14 gress a report on the data collected under subsection
15 (a).

16 (2) REQUIREMENTS.—The report required
17 under paragraph (1) shall—

18 (A) identify, with respect to the data col-
19 lected under subsection (a), schools, local edu-
20 cational agencies, and States that demonstrate,
21 in the opinion of the Secretary, the overuse and
22 discriminatory use of exclusionary disciplinary
23 practices;

24 (B) be disaggregated and cross tabulated
25 by—

1 (i) enrollment in a preschool or in an
2 elementary school and secondary school by
3 grade level;

4 (ii) race;

5 (iii) ethnicity;

6 (iv) sex (including, to the extent pos-
7 sible, sexual orientation and gender iden-
8 tity);

9 (v) low-income status;

10 (vi) disability status (including stu-
11 dents eligible for disability under the Indi-
12 viduals with Disabilities Education Act (20
13 U.S.C. 1401 et. seq.) or section 504 of the
14 Rehabilitation Act of 1973 (29 U.S.C.
15 794));

16 (vii) English learner status;

17 (viii) Tribal citizenship or descent, in
18 the first or second degree, of an Indian
19 Tribe; and

20 (ix) if applicable, pregnant and par-
21 enting student status;

22 (C) be publicly accessible in multiple lan-
23 guages, accessibility formats, and provided in a
24 language that parents, family, and community
25 members can understand; and

1 (D) be presented in a manner that protects
2 the privacy of individuals consistent with the re-
3 quirements of section 444 of the General Edu-
4 cation Provisions Act (20 U.S.C. 1232g), com-
5 monly known as the “Family Educational
6 Rights and Privacy Act of 1974”.

7 **SEC. 54004. GRANTS TO REDUCE EXCLUSIONARY SCHOOL**
8 **DISCIPLINE PRACTICES.**

9 (a) IN GENERAL.—The Secretary shall award grants
10 (which shall be known as the “Healing School Climate
11 Grants”), on a competitive basis, to eligible entities for
12 the purpose of reducing the overuse and discriminatory
13 use of exclusionary discipline practices in schools.

14 (b) APPLICATION.—An eligible entity seeking a grant
15 under this section shall submit an application to the Sec-
16 retary at such time, in such manner, and containing such
17 information as the Secretary may require, including an as-
18 surance that the eligible entity shall prioritize schools with
19 the highest rates of suspensions and expulsions.

20 (c) PROGRAM REQUIREMENT.—An eligible entity
21 that receives a grant under subsection (a) shall prohibit
22 the use of—

23 (1) out-of-school suspension or expulsion for
24 any student in preschool through grade 5 for inci-
25 dents that do not involve serious bodily injury;

1 (2) out-of-school suspension or expulsion for
2 any student in preschool through grade 12 for insub-
3 ordination, willful defiance, vulgarity, truancy, tardi-
4 ness, chronic absenteeism, or as a result of a viola-
5 tion of a grooming or appearance policy;

6 (3) corporal punishment;

7 (4) mechanical and chemical restraints of stu-
8 dents;

9 (5) physical restraints of students, except in sit-
10 uations involving imminent danger of serious phys-
11 ical harm; and

12 (6) seclusion.

13 (d) USE OF FUNDS.—

14 (1) REQUIRED USES.—An eligible entity that
15 receives a grant under this section shall use funds
16 to—

17 (A) evaluate the current discipline policies
18 of a school and, in partnership with students
19 (including girls of color), the family members of
20 students, and the local community of such
21 school, develop discipline policies for such school
22 to ensure that such policies are not exclusionary
23 or discriminately applied toward students;

24 (B) provide training and professional de-
25 velopment for teachers, principals, school lead-

1 ers, and other school personnel to avoid or ad-
2 dress the overuse and discriminatory dispropor-
3 tionate use of exclusionary discipline practices
4 in schools and to create awareness of implicit
5 and explicit bias and use culturally affirming
6 practices, including training in—

7 (i) identifying and providing support
8 to students who may have experienced or
9 are at risk of experiencing trauma or have
10 other mental health needs;

11 (ii) administering and responding to
12 assessments on adverse childhood experi-
13 ences;

14 (iii) providing student-centered, trau-
15 ma-informed positive behavior management
16 intervention and support that creates safe
17 and supportive school climates;

18 (iv) using restorative practices;

19 (v) using culturally and linguistically
20 responsive intervention strategies;

21 (vi) developing social and emotional
22 learning competencies; and

23 (vii) increasing student engagement
24 and improving dialogue between students
25 and teachers;

1 (C) implement evidence-based alternatives
2 to suspension or expulsion, including—

3 (i) multi-tier systems of support, such
4 as schoolwide positive behavioral interven-
5 tions and supports;

6 (ii) social, emotional, and academic
7 learning strategies designed to engage stu-
8 dents and avoid escalating conflicts; and

9 (iii) other data-driven approaches to
10 improving school environments;

11 (D) improve behavioral and academic out-
12 comes for students by creating a safe and sup-
13 portive learning environment and school cli-
14 mate, which may include—

15 (i) restorative practices with respect
16 to improving relationships among students,
17 school officials, and members of the local
18 community, which may include partnering
19 with local mental health agencies or non-
20 profit organizations;

21 (ii) access to mentors and peer-based
22 support programs;

23 (iii) extracurricular programs, includ-
24 ing sports and art programs;

1 (iv) social and emotional learning
2 strategies designed to engage students and
3 avoid escalating conflicts;

4 (v) access to counseling, mental health
5 programs, and trauma-informed care pro-
6 grams, including suicide prevention pro-
7 grams; and

8 (vi) access to culturally responsive
9 curricula that affirms the history and con-
10 tributions of traditionally marginalized
11 people and communities;

12 (E) hire social workers, school counselors,
13 trauma-informed care personnel, and other
14 mental health personnel; and

15 (F) support the development, delivery, and
16 analysis of school climate surveys.

17 (2) PROHIBITED USES.—An eligible entity that
18 receives a grant under this section may not use
19 funds to—

20 (A) hire or retain law enforcement per-
21 sonnel, including school resource officers;

22 (B) purchase, maintain, or install surveil-
23 lance equipment, including metal detectors or
24 software programs that monitor or mine the so-
25 cial media use or technology use of students;

1 (C) arm teachers, principals, school lead-
2 ers, or other school personnel; and

3 (D) enter into formal or informal partner-
4 ships or data and information sharing agree-
5 ments with—

6 (i) the Secretary of Homeland Secu-
7 rity, including agreements with U.S. Immi-
8 gration and Customs Enforcement or U.S.
9 Customs and Border Protection; or

10 (ii) local law enforcement agencies, in-
11 cluding partnerships that allow for hiring
12 of school-based police and school resource
13 officers.

14 (e) TECHNICAL ASSISTANCE.—The Secretary, in car-
15 rying out subsection (a), may reserve not more than 2 per-
16 cent of funds to provide technical assistance to eligible en-
17 tities, which may include—

18 (1) support for data collection, compliance, and
19 analysis of the activities of the program authorized
20 under subsection (a); and

21 (2) informational meetings and seminars with
22 respect to the application process under subsection
23 (b).

24 (f) ELIGIBLE ENTITIES.—In this section, the term
25 “eligible entity” means—

1 (1) 1 or more local educational agencies (who
 2 may be partnered with a State educational agency),
 3 including a public charter school that is a local edu-
 4 cational agency under State law or local educational
 5 agency operated by the Bureau of Indian Education;
 6 or

7 (2) a nonprofit organization (defined as an or-
 8 ganization described in section 501(c)(3) of the In-
 9 ternal Revenue Code, which is exempt from taxation
 10 under section 501(a) of such Code) with a track
 11 record of success in improving school climates and
 12 supporting students.

13 **SEC. 54005. JOINT TASK FORCE TO END SCHOOL PUSHOUT**
 14 **OF GIRLS OF COLOR.**

15 (a) **ESTABLISHMENT.**—The Secretary and the Sec-
 16 retary of Health and Human Services shall establish and
 17 operate a joint task force to end school pushout (in this
 18 section referred to as the “Joint Task Force”).

19 (b) **COMPOSITION.**—

20 (1) **CHAIRS.**—The Secretary and the Secretary
 21 of Health and Human Services shall chair the Joint
 22 Task Force.

23 (2) **MEMBERS.**—The Joint Task Force shall be
 24 composed of—

25 (A) Native American girls;

1 (B) students, including Black and brown
2 girls;

3 (C) teachers;

4 (D) parents with children in school;

5 (E) school officials;

6 (F) representatives from civil rights and
7 disability organizations;

8 (G) psychologists, social workers, trauma-
9 informed personnel, and other mental health
10 professionals; and

11 (H) researchers with experience in behav-
12 ioral intervention.

13 (3) ADVISORY MEMBERS.—In addition to the
14 members under paragraph (2), the Assistant Attor-
15 ney General of the Civil Rights Division of the De-
16 partment of Justice and the Director of the Bureau
17 of Indian Education shall be advisory members of
18 the Joint Task Force.

19 (4) MEMBER APPOINTMENT.—Not later than
20 60 days after the date of the enactment of this Act,
21 the Secretary and the Secretary of Health and
22 Human Services shall appoint the members of the
23 Joint Task Force—

24 (A) in accordance with paragraph (2);

1 (B) using a competitive application proc-
2 ess; and

3 (C) with consideration to the racial, ethnic,
4 gender, and geographic diversity of the Joint
5 Task Force.

6 (c) STUDY AND RECOMMENDATIONS.—The Joint
7 Task Force shall—

8 (1) conduct a study to—

9 (A) identify best practices for reducing the
10 overuse and discriminatory use of exclusionary
11 discipline practices; and

12 (B) determine to what extent exclusionary
13 discipline practices contribute to the criminal-
14 ization of—

15 (i) girls of color;

16 (ii) English learners;

17 (iii) Native American girls;

18 (iv) students who identify as lesbian,
19 gay, bisexual, transgender, queer, or ques-
20 tioning; and

21 (v) students with disabilities; and

22 (2) develop recommendations based on the
23 study conducted under paragraph (1).

24 (d) REPORT.—Not later than 360 days after the date
25 of the enactment of this Act, and biannually thereafter,

1 the Secretary and the Secretary of Health and Human
2 Services shall submit to Congress a report on the rec-
3 ommendations under subsection (c)(2).

4 **SEC. 54006. AUTHORIZATION OF APPROPRIATION.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated \$500,000,000 for each of fiscal years 2022
7 through 2026 to carry out sections 54004 and 54005.

8 (b) ADDITIONAL FUNDING TO THE OFFICE FOR
9 CIVIL RIGHTS.—There is authorized to be appropriated
10 \$500,000,000 for fiscal year 2022 through 2026, and each
11 fiscal year thereafter, to carry out section 54003.

12 **SEC. 54007. DEFINITIONS.**

13 In this subtitle:

14 (1) ACT OF INSUBORDINATION.—The term “act
15 of insubordination” means an act that disrupts a
16 school activity or instance when a student willfully
17 defies the valid authority of a school official.

18 (2) APPEARANCE OR GROOMING POLICY.—The
19 term “appearance or grooming policy” means any
20 practice, policy, or portion of a student conduct code
21 that governs or restricts the appearance of students,
22 including policies that—

23 (A) restrict or prescribe clothing that a
24 student may wear (such as hijabs, headwraps,
25 or bandanas);

1 (B) restrict specific hair styles (such as
2 braids, locks, twists, bantu knots, cornrows, ex-
3 tensions, or afros); or

4 (C) restrict whether or how a student may
5 apply make-up, nail polish, or other cosmetics.

6 (3) CHEMICAL RESTRAINT.—The term “chem-
7 ical restraint” means a drug or medication used on
8 a student to control behavior or restrict freedom of
9 movement that is not—

10 (A) prescribed by a licensed physician, or
11 other qualified health professional acting under
12 the scope of the professional’s authority under
13 State law, for the standard treatment of a stu-
14 dent’s medical or psychiatric condition; and

15 (B) administered as prescribed by a li-
16 censed physician or other qualified health pro-
17 fessional acting under the scope of the author-
18 ity of a health professional under State law.

19 (4) DIRECT SUPERVISION.—The term “direct
20 supervision” means a student is physically in the
21 same location as a school official and such student
22 is under the care of the school official or school.

23 (5) DISABILITY.—The term “disability” means
24 a mental or physical disability that meets the condi-
25 tions set forth in clauses (i) and (ii) of section

1 602(3)(A) of the Individuals with Disabilities Edu-
2 cation Act (20 U.S.C. 1401(3)(A)(i) and (ii)).

3 (6) ELEMENTARY AND SECONDARY EDUCATION
4 ACT TERMS.—The terms “elementary school”,
5 “English learner”, “local educational agency”, “sec-
6 ondary school”, and “State educational agency” has
7 the meanings given such terms in section 8101 of
8 the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 7801).

10 (7) GENDER IDENTITY.—The term “gender
11 identity” means the gender-related identity, appear-
12 ance, mannerisms, or other gender-related character-
13 istics of an individual regardless of the designated
14 sex at birth of the individual.

15 (8) INDIAN TRIBE.—The term “Indian tribe”
16 has the meaning given the term in section 4(e) of
17 the Indian Self-Determination and Education Assist-
18 ance Act (25 U.S.C. 5304(e)).

19 (9) IN-SCHOOL SUSPENSION.—The term “in-
20 school suspension” means an instance in which a
21 student is temporarily removed from a regular class-
22 room for at least half a day but remains under the
23 direct supervision of a school official.

24 (10) MECHANICAL RESTRAINT.—The term
25 “mechanical restraint” has the meaning given the

1 term in section 595(d)(1) of the Public Health Serv-
2 ice Act (42 U.S.C. 290jj(d)(1)), except that the
3 meaning shall be applied by substituting “student”
4 for “resident”.

5 (11) MULTI-TIER SYSTEM OF SUPPORTS.—The
6 term “multi-tier system of supports” means a com-
7 prehensive continuum of evidence-based, systemic
8 practices to support a rapid response to the needs of
9 students, with regular observation to facilitate data-
10 based instructional decision making.

11 (12) OUT-OF-SCHOOL SUSPENSION.—The term
12 “out-of-school suspension” means an instance in
13 which a student is excluded from school for discipli-
14 nary reasons by temporarily being removed from
15 regular classes to another setting, including a home
16 or behavior center, regardless of whether such dis-
17 ciplinary removal is deemed as a suspension by
18 school officials.

19 (13) PHYSICAL ESCORT.—The term “physical
20 escort” has the meaning given the term in section
21 595(d)(2) of the Public Health Service Act (42
22 U.S.C. 290jj(d)(2)), except that the meaning shall
23 be applied by substituting “student” for “resident”.

24 (14) PHYSICAL RESTRAINT.—The term “phys-
25 ical restraint” means a personal restriction that im-

1 mobilizes or reduces the ability of an individual to
2 move the individual's arms, legs, torso, or head free-
3 ly, except that such term does not include a physical
4 escort, mechanical restraint, or chemical restraint.

5 (15) POSITIVE BEHAVIOR INTERVENTION AND
6 SUPPORT.—The term “positive behavior intervention
7 and support” means using a systematic and evi-
8 dence-based approach to achieve improved academic
9 and social outcomes for students.

10 (16) PUSHOUT.—The term “pushout” means
11 an instance when a student leaves elementary, mid-
12 dle or secondary school, including a forced transfer
13 to another school, prior to graduating secondary
14 school due to overuse of exclusionary discipline prac-
15 tices, failure to address trauma or other mental
16 health needs, discrimination, or other educational
17 barriers that do not support or promote the success
18 of a student.

19 (17) SCHOOL OFFICIAL.—The term “school of-
20 ficial” means a teacher, school principal, adminis-
21 trator, or other personnel engaged in the perform-
22 ance of duties with respect to a school.

23 (18) SECLUSION.—The term “seclusion” means
24 the involuntary confinement of a student alone in a
25 room or area where the student is physically pre-

1 vented from leaving, and does not include a time
2 out.

3 (19) SECRETARY.—The term “Secretary”
4 means the Secretary of Education.

5 (20) SERIOUS BODILY INJURY.—The term “se-
6 rious bodily injury” has the meaning given that term
7 in section 1365(h)(3) of title 18, United States
8 Code.

9 (21) SEXUAL ORIENTATION.—The term “sexual
10 orientation” means homosexuality, heterosexuality,
11 or bisexuality.

12 (22) SPECIAL EDUCATION SCHOOL.—The term
13 “special education school” means a school that fo-
14 cuses primarily on serving the needs of students who
15 qualify as “a child with a disability” as that term
16 is defined under section 602(3)(A)(i) of the Individ-
17 uals with Disabilities Education Act (20 U.S.C.
18 1401(3)(A)(i)) or are subject to section 504 of the
19 Rehabilitation Act of 1973 (29 U.S.C. 794).

20 (23) TIME OUT.—The term “time out” has the
21 meaning given the term in section 595(d)(5) of the
22 Public Health Service Act (42 U.S.C. 290jj(d)(5)),
23 except that the meaning shall be applied by sub-
24 stituting “student” for “resident”.

8 SEC. 54101. SHORT TITLE.

12 SEC. 54102. ESTABLISHMENT OF PROGRAM.

16 **“PART D—DIGITAL NETWORK TECHNOLOGY**
17 **PROGRAM**

19 “The Secretary shall establish, within the Technology
20 Opportunities Program of the NTIA, a digital network
21 technology program through which the Secretary awards
22 grants, cooperative agreements, and contracts to eligible
23 institutions to assist such institutions in acquiring, and
24 augmenting use by such institutions of, broadband inter-

1 net access service to improve the quality and delivery of
2 educational services provided by such institutions.

3 **“SEC. 172. ACTIVITIES SUPPORTED.**

4 “An eligible institution shall use a grant, contract,
5 or cooperative agreement awarded under this part—

6 “(1) to acquire broadband internet access serv-
7 ice, digital network technology, and infrastructure to
8 further the objective of the program described in
9 section 171;

10 “(2) to develop and provide training, education,
11 and professional development programs, including
12 faculty development, to increase the use of, and use-
13 fulness of, broadband internet access service;

14 “(3) to provide teacher education, including the
15 provision of preservice teacher training and in-serv-
16 ice professional development at eligible institutions,
17 library and media specialist training, and preschool
18 and teacher aid certification to individuals who seek
19 to acquire or enhance technology skills in order to
20 use broadband internet access service in the class-
21 room or instructional process, including instruction
22 in science, mathematics, engineering, and technology
23 subjects;

24 “(4) to obtain capacity-building technical assist-
25 ance, including through remote technical support,

1 technical assistance workshops, and distance learn-
2 ing services;

3 “(5) to foster the use of broadband internet ac-
4 cess service to improve research and education, in-
5 cluding scientific, mathematics, engineering, and
6 technology instruction; or

7 “(6) to create or support centers at the eligible
8 institution designed to support innovation, oppor-
9 tunity, and advancement for entrepreneurs and
10 start-ups.

11 **“SEC. 173. APPLICATION AND REVIEW PROCEDURES.**

12 “(a) IN GENERAL.—To be eligible to receive a grant,
13 contract, or cooperative agreement under this part, an eli-
14 gible institution shall submit an application to the Sec-
15 retary at such time, in such manner, and containing such
16 information as the Secretary may require. Such applica-
17 tion, at a minimum, shall include a description of how the
18 funds will be used, including a description of any digital
19 network technology to be acquired, and a description of
20 how the institution will ensure that broadband internet ac-
21 cess service will be made accessible to, and employed by,
22 students, faculty, and administrators. The Secretary, in
23 consultation with the advisory council established under
24 subsection (b) and consistent with subsection (c), shall es-
25 tablish procedures to review such applications. The Sec-

1 retary shall publish the application requirements and re-
2 view criteria in the Federal Register, along with a state-
3 ment describing the availability of funds.

4 “(b) ADVISORY COUNCIL.—The Secretary shall es-
5 tablish an advisory council to advise the Secretary on the
6 best approaches to encourage maximum participation by
7 eligible institutions in the program established under this
8 part, and on the procedures to review applications sub-
9 mitted to the program. In selecting the members of the
10 advisory council, the Secretary shall consult with rep-
11 resentatives of appropriate organizations, including rep-
12 resentatives of eligible institutions, to ensure that the
13 membership of the advisory council includes representa-
14 tives of minority businesses and eligible institution com-
15 munities. The Secretary shall also consult with experts in
16 digital network technology to ensure that such expertise
17 is represented on the advisory council.

18 “(c) REVIEW PANEL.—Each application submitted
19 under this part by an eligible institution shall be reviewed
20 by a panel of individuals selected by the Secretary to judge
21 the quality and merit of the proposal, including the extent
22 to which the eligible institution can effectively and success-
23 fully utilize the proposed grant, cooperative agreement, or
24 contract to carry out the objective of the program de-
25 scribed in section 171. The Secretary shall ensure that

1 the review panels include representatives of eligible insti-
2 tutions and others who are knowledgeable about eligible
3 institutions and technology issues. The Secretary shall en-
4 sure that no individual assigned under this subsection to
5 review any application has a conflict of interest with re-
6 gard to that application. The Secretary shall take into con-
7 sideration the recommendations of the review panel in de-
8 termining whether to award a grant, cooperative agree-
9 ment, or contract to an eligible institution.

10 **“SEC. 174. AWARDS.**

11 “(a) LIMITATION.—An eligible institution that re-
12 ceives a grant, cooperative agreement, or contract under
13 this part that exceeds \$2,500,000 shall not be eligible to
14 receive another grant, cooperative agreement, or contract
15 under this part.

16 “(b) CONSORTIA.—Grants, cooperative agreements,
17 and contracts under this part may only be awarded to eli-
18 gible institutions. Eligible institutions may seek funding
19 under this part for consortia, which may include other eli-
20 gible institutions, States or State educational agencies,
21 local educational agencies, institutions of higher edu-
22 cation, community-based organizations, national nonprofit
23 organizations, or businesses, including minority busi-
24 nesses.

1 “(c) COORDINATION AND PARTNERSHIP WITH PRI-
2 VATE PROVIDERS.—In seeking funding under this part,
3 eligible institutions are encouraged, where feasible, to co-
4 ordinate and partner with qualified private providers of
5 the services and activities supported under section 172.

6 “(d) INSTITUTIONAL DIVERSITY.—In awarding
7 grants, cooperative agreements, and contracts under this
8 part to eligible institutions, the Secretary shall ensure, to
9 the extent practicable, that awards are made to all types
10 of institutions eligible for assistance under this part.

11 “(e) NEED.—In awarding grants, cooperative agree-
12 ments, and contracts under this part, the Secretary shall
13 give priority to the eligible institution with the greatest
14 demonstrated need for assistance.

15 **“SEC. 175. INFORMATION DISSEMINATION.**

16 “The Secretary shall convene an annual meeting of
17 eligible institutions receiving grants, cooperative agree-
18 ments, or contracts under this part to foster collaboration
19 and capacity-building activities among eligible institutions.

20 **“SEC. 176. MATCHING REQUIREMENT.**

21 “The Secretary may not award a grant, contract, or
22 cooperative agreement to an eligible institution under this
23 part unless such institution agrees that, with respect to
24 the costs to be incurred by the institution in carrying out
25 the program for which the grant, contract, or cooperative

1 agreement was awarded, such institution will make avail-
2 able (directly or through donations from public or private
3 entities) non-Federal contributions in an amount equal to
4 25 percent of the amount of the grant, contract, or cooper-
5 ative agreement awarded by the Secretary, or \$500,000,
6 whichever is the lesser amount. The Secretary shall waive
7 the matching requirement for any institution or consor-
8 tium that, as of the date of the submission of the applica-
9 tion for the grant, contract, or cooperative agreement, has
10 no endowment or an endowment the value of which is less
11 than \$50,000,000.

12 **“SEC. 177. ANNUAL REPORT AND EVALUATION.**

13 “(a) ANNUAL REPORT REQUIRED FROM RECIPI-
14 ENTS.—Each eligible institution that receives a grant,
15 contract, or cooperative agreement under this part shall
16 provide an annual report to the Secretary on its use of
17 the grant, contract, or cooperative agreement.

18 “(b) INDEPENDENT ASSESSMENTS.—

19 “(1) CONTRACT TO CONDUCT ASSESSMENTS.—
20 Not later than 6 months after the date of the enact-
21 ment of this part, the Secretary shall enter into a
22 contract with the National Academy of Public Ad-
23 ministration to conduct periodic assessments of the
24 program established under this part. The assess-
25 ments shall be conducted once every 3 years during

1 the 10-year period following the date of the enact-
2 ment of this part.

3 “(2) EVALUATIONS AND RECOMMENDATIONS.—
4 The assessments described in paragraph (1) shall in-
5 clude—

6 “(A) an evaluation of the effectiveness of
7 the program established under this part in im-
8 proving the education and training of students,
9 faculty, and staff at eligible institutions that
10 have been awarded grants, cooperative agree-
11 ments, or contracts under this part;

12 “(B) an evaluation of the effectiveness of
13 the program in improving access to, and famili-
14 arity with, digital network technology and
15 broadband internet access service for students,
16 faculty, and staff at all eligible institutions;

17 “(C) an evaluation of the procedures estab-
18 lished under section 173(a); and

19 “(D) recommendations for improving the
20 program, including recommendations con-
21 cerning the continuing need for Federal sup-
22 port.

23 “(3) REVIEW OF REPORTS.—In carrying out
24 the assessments under this subsection, the National
25 Academy of Public Administration shall review the

1 reports submitted to the Secretary under subsection
2 (a).

3 “(c) REPORT TO CONGRESS.—Upon completion of
4 each assessment under subsection (b), the Secretary shall
5 transmit the assessment to Congress along with a sum-
6 mary of the plans of the Secretary, if any, to implement
7 the recommendations of the National Academy of Public
8 Administration.”.

9 **SEC. 54103. DEFINITIONS.**

10 Section 102(a) of the National Telecommunications
11 and Information Administration Organization Act (47
12 U.S.C. 901(a)) is amended by adding at the end the fol-
13 lowing:

14 “(6) The term ‘eligible institution’ means—

15 “(A) an institution of higher education
16 that is—

17 “(i) an institution described in section
18 371(a) of the Higher Education Act of
19 1965 (20 U.S.C. 1067q(a));

20 “(ii) an institution described in sec-
21 tion 326(e)(1) of such Act (20 U.S.C.
22 1063b(e)(1));

23 “(iii) a minority institution (as de-
24 fined in section 365 of such Act (20
25 U.S.C. 1067k)) that has an enrollment of

1 needy students (as defined in section
2 312(d) of such Act (20 U.S.C. 1058(d)));
3 or

4 “(iv) an institution determined by the
5 Secretary, in consultation with the Sec-
6 retary of Education, to have a substantial
7 enrollment of minority students who are el-
8 igible to receive Federal Pell Grants under
9 subpart 1 of part A of title IV of such Act
10 (20 U.S.C. 1070a et seq.); or

11 “(B) a consortium of institutions described
12 in subparagraph (A).

13 “(7) The term ‘digital network technology’
14 means computer and communications equipment and
15 software that facilitates the transmission of informa-
16 tion in a digital format.

17 “(8) The term ‘minority’ means an American
18 Indian, Alaskan Native, Black (not of Hispanic ori-
19 gin), Hispanic (including persons of Mexican, Puerto
20 Rican, Cuban, and Central or South American ori-
21 gin), or Pacific Islander individual.

22 “(9) The term ‘State’ has the meaning given
23 such term in section 8101 of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 7801).

1 “(10) The term ‘State educational agency’ has
2 the meaning given such term in section 8101 of the
3 Elementary and Secondary Education Act of 1965
4 (20 U.S.C. 7801).

5 “(11) The term ‘institution of higher education’
6 has the meaning given such term in section 101 of
7 the Higher Education Act of 1965 (20 U.S.C.
8 1001).

9 “(12) The term ‘local educational agency’ has
10 the meaning given such term in section 8101 of the
11 Elementary and Secondary Education Act of 1965
12 (20 U.S.C. 7801).

13 “(13) The term ‘broadband internet access
14 service’ means a mass-market retail service by wire
15 or radio that provides the capability to transmit data
16 to, and receive data from, all or substantially all
17 internet endpoints, including any capabilities that
18 are incidental to, and enable the operation of, the
19 communications service, but excluding dial-up inter-
20 net access service. Such term also includes any serv-
21 ice the Commission finds to be providing a func-
22 tional equivalent of such service.”.

1 **Subtitle MM—Supporting Trauma-**
2 **Informed Education Practices**

3 **SEC. 54301. SHORT TITLE.**

4 This subtitle may be cited as the “Supporting Trau-
5 ma-Informed Education Practices Act of 2020”.

6 **SEC. 54302. GRANTS TO IMPROVE TRAUMA SUPPORT SERV-**
7 **ICES AND MENTAL HEALTH CARE FOR CHIL-**
8 **DREN AND YOUTH IN EDUCATIONAL SET-**
9 **TINGS.**

10 (a) GRANTS, CONTRACTS, AND COOPERATIVE
11 AGREEMENTS AUTHORIZED.—The Secretary, in coordina-
12 tion with the Assistant Secretary for Mental Health and
13 Substance Use, is authorized to award grants to, or enter
14 into contracts or cooperative agreements with, State edu-
15 cational agencies, local educational agencies, Indian Tribes
16 (as defined in section 4 of the Indian Self-Determination
17 and Education Assistance Act) or their tribal educational
18 agencies, a school operated by the Bureau of Indian Edu-
19 cation, a Regional Corporation, or a Native Hawaiian edu-
20 cational organization, for the purpose of increasing stu-
21 dent access to evidence-based trauma support services and
22 mental health care by developing innovative initiatives, ac-
23 tivities, or programs to link local school systems with local
24 trauma-informed support and mental health systems, in-
25 cluding those under the Indian Health Service.

1 (b) DURATION.—With respect to a grant, contract,
2 or cooperative agreement awarded or entered into under
3 this section, the period during which payments under such
4 grant, contract, or agreement are made to the recipient
5 may not exceed 4 years.

6 (c) USE OF FUNDS.—An entity that receives a grant,
7 contract, or cooperative agreement under this section shall
8 use amounts made available through such grant, contract,
9 or cooperative agreement for evidence-based activities,
10 which shall include any of the following:

11 (1) Collaborative efforts between school-based
12 service systems and trauma-informed support and
13 mental health service systems to provide, develop, or
14 improve prevention, screening, referral, and treat-
15 ment and support services to students, such as pro-
16 viding trauma screenings to identify students in
17 need of specialized support.

18 (2) To implement schoolwide positive behavioral
19 interventions and supports, or other trauma-in-
20 formed models of support.

21 (3) To provide professional development to
22 teachers, teacher assistants, school leaders, special-
23 ized instructional support personnel, and mental
24 health professionals that—

1 (A) fosters safe and stable learning envi-
2 ronments that prevent and mitigate the effects
3 of trauma, including through social and emo-
4 tional learning;

5 (B) improves school capacity to identify,
6 refer, and provide services to students in need
7 of trauma support or behavioral health services;
8 or

9 (C) reflects the best practices for trauma-
10 informed identification, referral, and support
11 developed by the Interagency Task Force on
12 Trauma-Informed Care.

13 (4) Services at a full-service community school
14 that focuses on trauma-informed supports, which
15 may include a full-time site coordinator, or other ac-
16 tivities consistent with section 4625 of the Elemen-
17 tary and Secondary Education Act of 1965 (20
18 U.S.C. 7275).

19 (5) Engaging families and communities in ef-
20 forts to increase awareness of child and youth trau-
21 ma, which may include sharing best practices with
22 law enforcement regarding trauma-informed care
23 and working with mental health professionals to pro-
24 vide interventions, as well as longer term coordi-
25 nated care within the community for children and

1 youth who have experienced trauma and their fami-
2 lies.

3 (6) To provide technical assistance to school
4 systems and mental health agencies.

5 (7) To evaluate the effectiveness of the program
6 carried out under this section in increasing student
7 access to evidence-based trauma support services
8 and mental health care.

9 (8) To establish partnerships with or provide
10 subgrants to Head Start agencies (including Early
11 Head Start agencies), public and private preschool
12 programs, child care programs (including home-
13 based providers), or other entities described in sub-
14 section (a), to include such entities described in this
15 paragraph in the evidence-based trauma initiatives,
16 activities, support services, and mental health sys-
17 tems established under this section in order to pro-
18 vide, develop, or improve prevention, screening, re-
19 ferral, and treatment and support services to young
20 children and their families.

21 (d) APPLICATIONS.—To be eligible to receive a grant,
22 contract, or cooperative agreement under this section, an
23 entity described in subsection (a) shall submit an applica-
24 tion to the Secretary at such time, in such manner, and

1 containing such information as the Secretary may reason-
2 ably require, which shall include the following:

3 (1) A description of the innovative initiatives,
4 activities, or programs to be funded under the grant,
5 contract, or cooperative agreement, including how
6 such program will increase access to evidence-based
7 trauma support services and mental health care for
8 students, and, as applicable, the families of such stu-
9 dents.

10 (2) A description of how the program will pro-
11 vide linguistically appropriate and culturally com-
12 petent services.

13 (3) A description of how the program will sup-
14 port students and the school in improving the school
15 climate in order to support an environment condu-
16 cive to learning.

17 (4) An assurance that—

18 (A) persons providing services under the
19 grant, contract, or cooperative agreement are
20 adequately trained to provide such services; and

21 (B) teachers, school leaders, administra-
22 tors, specialized instructional support personnel,
23 representatives of local Indian Tribes or tribal
24 organizations as appropriate, other school per-
25 sonnel, and parents or guardians of students

1 participating in services under this section will
2 be engaged and involved in the design and im-
3 plementation of the services.

4 (5) A description of how the applicant will sup-
5 port and integrate existing school-based services
6 with the program in order to provide mental health
7 services for students, as appropriate.

8 (6) A description of the entities in the commu-
9 nity with which the applicant will partner or to
10 which the applicant will provide subgrants in accord-
11 ance with subsection (c)(8).

12 (e) INTERAGENCY AGREEMENTS.—

13 (1) LOCAL INTERAGENCY AGREEMENTS.—To
14 ensure the provision of the services described in sub-
15 section (c), a recipient of a grant, contract, or coop-
16 erative agreement under this section, or their des-
17 ignee, shall establish a local interagency agreement
18 among local educational agencies, agencies respon-
19 sible for early childhood education programs, Head
20 Start agencies (including Early Head Start agen-
21 cies), juvenile justice authorities, mental health
22 agencies, child welfare agencies, and other relevant
23 agencies, authorities, or entities in the community
24 that will be involved in the provision of such serv-
25 ices.

1 (2) CONTENTS.—In ensuring the provision of
2 the services described in subsection (c), the local
3 interagency agreement shall specify with respect to
4 each agency, authority, or entity that is a party to
5 such agreement—

6 (A) the financial responsibility for the serv-
7 ices;

8 (B) the conditions and terms of responsi-
9 bility for the services, including quality, ac-
10 countability, and coordination of the services;
11 and

12 (C) the conditions and terms of reimburse-
13 ment among such agencies, authorities, or enti-
14 ties, including procedures for dispute resolution.

15 (f) EVALUATION.—The Secretary shall reserve not
16 more than 3 percent of the funds made available under
17 subsection (l) for each fiscal year to—

18 (1) conduct a rigorous, independent evaluation
19 of the activities funded under this section; and

20 (2) disseminate and promote the utilization of
21 evidence-based practices regarding trauma support
22 services and mental health care.

23 (g) DISTRIBUTION OF AWARDS.—The Secretary shall
24 ensure that grants, contracts, and cooperative agreements
25 awarded or entered into under this section are equitably

1 distributed among the geographical regions of the United
2 States and among tribal, urban, suburban, and rural pop-
3 ulations.

4 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed—

6 (1) to prohibit an entity involved with a pro-
7 gram carried out under this section from reporting
8 a crime that is committed by a student to appro-
9 priate authorities; or

10 (2) to prevent Federal, State, and tribal law en-
11 forcement and judicial authorities from exercising
12 their responsibilities with regard to the application
13 of Federal, tribal, and State law to crimes com-
14 mitted by a student.

15 (i) SUPPLEMENT, NOT SUPPLANT.—Any services
16 provided through programs carried out under this section
17 shall supplement, and not supplant, existing mental health
18 services, including any special education and related serv-
19 ices provided under the Individuals with Disabilities Edu-
20 cation Act (20 U.S.C. 1400 et seq.).

21 (j) CONSULTATION WITH INDIAN TRIBES.—In car-
22 rying out subsection (a), the Secretary shall, in a timely
23 manner, meaningfully consult with Indian Tribes and their
24 representatives to ensure notice of eligibility.

25 (k) DEFINITIONS.—In this section:

1 (1) ELEMENTARY SCHOOL.—The term “elemen-
2 tary school” has the meaning given such term in
3 section 8101 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7801).

5 (2) EVIDENCE-BASED.—The term “evidence-
6 based” has the meaning given such term in section
7 8101(21)(A)(i) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 7801(21)(A)(i)).

9 (3) NATIVE HAWAIIAN EDUCATIONAL ORGANI-
10 ZATION.—The term “Native Hawaiian educational
11 organization” has the meaning given such term in
12 section 6207 of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 7517).

14 (4) LOCAL EDUCATIONAL AGENCY.—The term
15 “local educational agency” has the meaning given
16 such term in section 8101 of the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C. 7801).

18 (5) REGIONAL CORPORATION.—The term “Re-
19 gional Corporation” has the meaning given the term
20 in section 3 of the Alaska Native Claims Settlement
21 Act (43 U.S.C. 1602).

22 (6) SCHOOL.—The term “school” means a pub-
23 lic elementary school or public secondary school.

24 (7) SCHOOL LEADER.—The term “school lead-
25 er” has the meaning given such term in section

1 8101 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7801).

3 (8) SECONDARY SCHOOL.—The term “sec-
4 ondary school” has the meaning given such term in
5 section 8101 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 7801).

7 (9) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

9 (10) SPECIALIZED INSTRUCTIONAL SUPPORT
10 PERSONNEL.—The term “specialized instructional
11 support personnel” has the meaning given such term
12 in section 8101 of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 7801).

14 (11) STATE EDUCATIONAL AGENCY.—The term
15 “State educational agency” has the meaning given
16 such term in section 8101 of the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C. 7801).

18 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated, and there shall be appro-
20 priated, out of any money in the Treasury not otherwise
21 appropriated, to carry out this section, \$50,000,000 for
22 each of fiscal years 2022 through 2026.

1 **Subtitle NN—Preparing and**
 2 **Resourcing Our Student Par-**
 3 **ents and Early Childhood**
 4 **Teachers**

5 **SEC. 54401. SHORT TITLE.**

6 This subtitle may be cited as the “Preparing and
 7 Resourcing Our Student Parents and Early Childhood
 8 Teachers Act” or the “PROSPECT Act”.

9 **SEC. 54402. TABLE OF CONTENTS.**

10 The table of contents of this subtitle is as follows:

Sec. 54401. Short title.
 Sec. 54402. Table of contents.
 Sec. 54403. Findings.

PART 1—ESTABLISHMENT OF INFANT AND TODDLER CHILD CARE
LEADERSHIP GRANTS

Sec. 54411. Purpose.
 Sec. 54412. Definitions.
 Sec. 54413. Authorization of appropriations.

SUBPART A—GENERAL PROVISIONS

Sec. 54421. Program authorized.
 Sec. 54422. Application; selection criteria.
 Sec. 54423. Amount, duration, and administration of grants.

SUBPART B—PLANNING AND IMPLEMENTATION GRANTS

Sec. 54431. Grants authorized.
 Sec. 54432. Planning grants.
 Sec. 54433. Access grants providing infant and toddler child care for commu-
 nity college or minority-serving institution student parents.
 Sec. 54434. Impact grants.
 Sec. 54435. Pipeline grants.
 Sec. 54436. Evaluation criteria for grants.
 Sec. 54437. Report to Congress.
 Sec. 54438. Nondiscrimination in programs and activities.

PART 2—CHILD CARE AND DEVELOPMENT BLOCK GRANT PROGRAM

Sec. 54441. Eligibility.
 Sec. 54442. Conforming amendments.
 Sec. 54443. Increased Federal matching payments for child care.

PART 3—OUTREACH REGARDING THE DEPENDENT CARE ALLOWANCE FOR
FEDERAL STUDENT AID

Sec. 54451. Sharing dependent care allowance information for Federal student aid.

1 **SEC. 54403. FINDINGS.**

2 Congress finds the following:

3 (1) A child's brain grows at a faster rate be-
4 tween birth and age 3 than at any later point in the
5 child's lifetime.

6 (2) Decades of research shows that children
7 under age 3 that receive quality child care are more
8 likely to have the behavioral, cognitive, and language
9 skills development necessary for success in school,
10 college, and life.

11 (3) According to a 2018 survey, 83 percent of
12 parents with a child under age 5 responded that
13 finding quality, affordable child care was a serious
14 problem in their area.

15 (4) In 2017, on average, center-based child care
16 for an infant cost 61 percent more than for a pre-
17 schooler, over \$11,000 annually per child, and in 28
18 States, more than the cost of public college tuition.

19 (5) In the 2015–2016 academic year, approxi-
20 mately 4,300,000 postsecondary education students
21 were raising children while in college, and over half
22 of those students had children preschool-aged or
23 younger.

1 (6) According to a 2016 survey, 95 percent of
2 child care centers at 2-year and 4-year colleges
3 across the United States had a waiting list, with the
4 average list containing 82 children.

5 (7) Student parents were 20 percent more likely
6 to leave college without a degree than students with-
7 out children.

8 (8) The Child Care Access Means Parents in
9 School Federal Grant program under subpart 7 of
10 part A of title IV of the Higher Education Act of
11 1965 (20 U.S.C. 1070e et seq.) helps over 3,300
12 students at institutions of higher education afford
13 child care each year, but this program impacts just
14 0.5 percent of the entire student parent population,
15 and many institutions of higher education do not
16 open their subsidized child care programs to children
17 under age 3.

18 (9) The share of community colleges and 4-year
19 institutions of higher education with on-campus
20 child care has been in decline. Community colleges
21 saw a 10 percent decrease in the number of cam-
22 puses with child care between 2002 and 2017.

23 (10) Student parents are more likely to be en-
24 rolled at community colleges and minority-serving
25 institutions than other institutions of higher edu-

1 cation. Over a quarter of all community college stu-
2 dents are parents, and in the 2015–2016 academic
3 year, 40 percent of Black women attending college
4 were parents, 3 times the rate for White male col-
5 lege students.

6 (11) Community colleges and minority-serving
7 institutions lead the higher education sector in edu-
8 cating infant and toddler child care providers, espe-
9 cially child care providers of color, so they are the
10 optimal actors for driving quality infant and toddler
11 child care access in their regions.

12 **PART 1—ESTABLISHMENT OF INFANT AND**
13 **TODDLER CHILD CARE LEADERSHIP GRANTS**

14 **SEC. 54411. PURPOSE.**

15 The purposes of this part are to expand access to in-
16 fant and toddler child care for children of students at pub-
17 lic community colleges and at minority-serving institutions
18 and to grow, diversify, and strengthen the workforce pipe-
19 line of highly effective infant and toddler child care pro-
20 viders, especially in communities of color and infant and
21 toddler child care deserts.

22 **SEC. 54412. DEFINITIONS.**

23 In this part:

24 (1) **COMMUNITY COLLEGE.**—The term “commu-
25 nity college” means a public institution of higher

1 education, as defined in section 101(a) of the Higher
2 Education Act of 1965 (20 U.S.C. 1001(a)), that
3 provides an educational program of not less than 2
4 years that culminates in an associate degree and is
5 acceptable for full credit toward a baccalaureate de-
6 gree.

7 (2) COMMUNITY COLLEGE OR MINORITY-SERV-
8 ING INSTITUTION STUDENT PARENT.—The term
9 “community college or minority-serving institution
10 student parent” means an individual who—

11 (A) is a parent or legal guardian of a child
12 who qualifies for infant and toddler child care;
13 and

14 (B) is a full-time or part-time student at
15 a community college or minority-serving institu-
16 tion participating in an eligible entity.

17 (3) CULTURALLY RESPONSIVE TEACHING.—The
18 term “culturally responsive teaching” means teach-
19 ing—

20 (A) using the cultural characteristics, expe-
21 riences, and perspectives of ethnically diverse
22 students as conduits for teaching them more ef-
23 fectively; and

24 (B) based on understanding the influences
25 of race, culture, and ethnicity in teaching and

1 learning and using the cultural experiences and
2 contributions of different ethnic groups as in-
3 strumental tools for teaching academic and so-
4 cial knowledge and skills.

5 (4) DROP-IN.—The term “drop-in”, when used
6 with respect to child care—

7 (A) means child care that—

8 (i) does not require prescheduling a
9 definite number of scheduled days or hours
10 per week; or

11 (ii) is short term, such as less than 5
12 hours per day; and

13 (B) includes child care described in sub-
14 paragraph (A) that requires parents to provide
15 24-hour notice before using the child care or
16 provides child care subject to availability.

17 (5) DUAL LANGUAGE LEARNER.—The term
18 “dual language learner” means a child who—

19 (A) is acquiring 2 or more languages at
20 the same time; or

21 (B) is learning a second language while
22 continuing to develop the child’s first language,
23 including a child who may also be identified by
24 a State or locality as bilingual or limited
25 English proficient or as an English language

1 learner, an English learner, or a child who
2 speaks a language other than English.

3 (6) EARLY CHILDHOOD EDUCATOR PREPARA-
4 TION PROGRAM.—The term “early childhood educa-
5 tor preparation program” means a postsecondary
6 course of study that—

7 (A) is designed to prepare individuals to
8 teach in early childhood settings serving chil-
9 dren between birth and age 5; and

10 (B) leads to a degree (including an associ-
11 ate’s, bachelor’s, or graduate degree) or a State
12 or nationally recognized credential enabling in-
13 dividuals to teach in early childhood settings,
14 including a child development associate creden-
15 tial or a State teaching license.

16 (7) ELIGIBLE ENTITY.—The term “eligible enti-
17 ty” means—

18 (A) a community college;

19 (B) a minority-serving institution; or

20 (C) a consortium of 2 or more community
21 colleges or minority-serving institutions.

22 (8) FLEX INFANT AND TODDLER CHILD
23 CARE.—The term “flex infant and toddler child
24 care” means infant and toddler child care for which

1 a child is registered to attend weekly, but for a total
2 of less than five days per week.

3 (9) HIGH SCHOOL.—The term “high school”
4 has the meaning given the term in section 8101 of
5 the Elementary and Secondary Education Act of
6 1965 (20 U.S.C. 7801).

7 (10) INFANT AND TODDLER CHILD CARE.—The
8 term “infant and toddler child care” means child
9 care for children who are under the age of 3 as of
10 the first day of the academic year of the applicable
11 community college or minority-serving institution.

12 (11) INFANT AND TODDLER CHILD CARE
13 DESERT.—The term “infant and toddler child care
14 desert” means a community that the State or tribal
15 entity involved determines has a low supply of qual-
16 ity, affordable infant and toddler child care.

17 (12) INFANT OR TODDLER WITH A DIS-
18 ABILITY.—The term “infant or toddler with a dis-
19 ability” has the meaning given the term in section
20 632 of the Individuals with Disabilities Education
21 Act (20 U.S.C. 1432).

22 (13) LOW-INCOME.—The term “low-income”
23 means an individual from a family with an income
24 at or below 150 percent of the poverty line (as de-
25 fined by the Office of Management and Budget and

1 revised annually in accordance with section 673(2)
2 of the Community Services Block Grant Act) appli-
3 cable to a family of the size involved.

4 (14) MINORITY-SERVING INSTITUTION.—The
5 term “minority-serving institution” means an insti-
6 tution described in section 371(a) of the Higher
7 Education Act of 1965 (20 U.S.C. 1067q(a)).

8 (15) NONTRADITIONAL HOURS.—The term
9 “nontraditional hours” means—

10 (A) the hours before 9 a.m. and after 4
11 p.m.; and

12 (B) any hours during weekends, breaks
13 during the academic year, and holidays.

14 (16) ON-CAMPUS.—The term “on-campus”,
15 when used with respect to a childcare center, means
16 a childcare center that is located on the campus of
17 a community college or minority-serving institution.

18 (17) SECRETARY.—The term “Secretary”
19 means the Secretary of Education.

20 (18) SERVICE AREA.—The term “service area”,
21 when used with respect to an eligible entity, means
22 the area served by the eligible entity.

23 (19) STATE.—The term “State” has the mean-
24 ing given the term in section 103 of the Higher
25 Education Act of 1965 (20 U.S.C. 1003).

1 **SEC. 54413. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this part a total of \$9,000,000,000 for fiscal years 2022
4 through 2026.

5 **Subpart A—General Provisions**

6 **SEC. 54421. PROGRAM AUTHORIZED.**

7 (a) IN GENERAL.—From amounts made available
8 under section 54413, the Secretary shall award to eligible
9 entities—

10 (1) planning grants under section 54432;

11 (2) access grants under section 54433, which
12 will provide free high-quality child care for as many
13 as 500,000 infants and toddlers who have a commu-
14 nity college or minority-serving institution student
15 parent, helping to reduce barriers that impact the
16 ability of community college or minority-serving in-
17 stitution student parents attending community col-
18 lege or a minority-serving institution to graduate,
19 and reducing their postgraduation debt;

20 (3) impact grants under section 54434, which
21 will expand the supply and quality of child care in
22 the community by providing training, mentorship,
23 technical support, and expansion funding to new and
24 existing child care providers in the service area of
25 the eligible entity; and

1 (4) pipeline grants under section 54435, which
2 will fund eligible entities to—

3 (A) launch and expand early childhood ed-
4 ucator preparation programs; and

5 (B) form strategic partnerships with re-
6 gional institutions to expand, diversify, and
7 strengthen the workforce pipeline for infant and
8 toddler care providers.

9 (b) ADMINISTRATION.—In administering this part,
10 the Secretary shall—

11 (1) consult with the Secretary of Health and
12 Human Services with respect to all grants carried
13 out under this subpart; and

14 (2) consult with the Administrator of the Small
15 Business Administration with respect to impact
16 grants carried out under section 54434.

17 **SEC. 54422. APPLICATION; SELECTION CRITERIA.**

18 (a) APPLICATION.—

19 (1) IN GENERAL.—An eligible entity desiring a
20 grant under subpart B shall submit an application
21 to the Secretary at such time, in such manner, and
22 containing such information as the Secretary may
23 require.

24 (2) CONTENTS.—An application submitted
25 under paragraph (1) shall include—

1 (A) a landscape review on the need for in-
2 fant and toddler child care within the current
3 and prospective student populations of the eligi-
4 ble entity and in the broader service area of the
5 eligible entity, with an emphasis on community
6 college or minority-serving institution student
7 parents in communities of color and low-income
8 parents;

9 (B) a landscape review of the infant and
10 toddler care workforce within the service area of
11 the eligible entity;

12 (C) a high-level vision (which, in the case
13 of an eligible entity desiring a planning grant
14 under section 54432, will be clarified and ad-
15 justed through the needs assessment and activi-
16 ties carried out under the grant) for how to le-
17 verage 1 or more access, impact, or pipeline
18 grants under subpart B to enhance access and
19 quality in the infant and toddler child care
20 landscape of the service area of the eligible enti-
21 ty;

22 (D) a description of how the eligible entity
23 will advance child development (including social
24 and emotional development), family engage-
25 ment, and culturally responsive and linguis-

1 tically responsive pedagogy for infant and tod-
2 dler child care within its child care center or
3 early childhood education programs (as applica-
4 ble), through professional development, required
5 coursework, or targeted outreach and enroll-
6 ment;

7 (E) an assurance that the eligible entity
8 will submit annual reports that document how
9 funds were allocated and the impact of the
10 grant;

11 (F) a commitment that wages for child
12 care staff at each on-campus child care center
13 of a participating community college or minor-
14 ity-serving institution during the grant period
15 shall be—

16 (i) comparable to wages for elemen-
17 tary educators with similar credentials and
18 experience in the State; and

19 (ii) at a minimum, at a rate that is
20 enough to provide a living wage for all
21 child care staff; and

22 (G) in the case of an impact, access, or
23 pipeline grant under subpart B, an assurance
24 that the eligible entity will continue to convene

1 and consult an infant and toddler care com-
2 mittee described in section 54432(a)(1).

3 (b) SELECTION CRITERIA.—

4 (1) IN GENERAL.—The Secretary shall award
5 grants under subpart B on a competitive basis, in
6 accordance with the priorities described in para-
7 graph (2), and in a manner that supports eligible
8 entities that—

9 (A) enroll a high percentage of students
10 who are eligible for a Federal Pell Grant under
11 section 401 of the Higher Education Act of
12 1965 (20 U.S.C. 1070a) and who have children
13 under age 3;

14 (B) are located within or in the immediate
15 vicinity of an infant and toddler child care
16 desert; or

17 (C) have a clear and compelling plan for—

18 (i) in the case of a planning grant
19 under section 54432, carrying out the ac-
20 tivities of the planning grant;

21 (ii) in the case of an access grant
22 under section 54433, expanding access to
23 free infant and toddler child care for com-
24 munity college or minority-serving institu-
25 tion student parents;

1 (iii) in the case of an impact grant
2 under section 54434, expanding the supply
3 and quality of child care in the community
4 by providing training, mentorship, tech-
5 nical support, and startup funding, in col-
6 laboration with existing child care agencies
7 and organizations; or

8 (iv) in the case of a pipeline grant
9 under section 54435, growing and
10 strengthening the workforce pipeline of
11 highly effective infant and toddler child
12 care providers, especially such providers
13 serving infant and toddler child care
14 deserts, by expanding early childhood edu-
15 cation programs or upgrading an on-cam-
16 pus child care center into a lab school.

17 (2) PRIORITIES IN AWARDING GRANTS.—In
18 awarding grants under subpart B, the Secretary
19 shall, to the extent practicable based on the strength
20 of the applications and the availability of appropria-
21 tions—

22 (A) first, ensure that not less than 80 per-
23 cent of the funds appropriated for grants under
24 subpart B are awarded to eligible entities that
25 are eligible institutions, as defined in section

1 312(b) of the Higher Education Act of 1965
2 (20 U.S.C. 1058(b));

3 (B) second, ensure that not less than 1 eli-
4 gible entity in each State is awarded a grant;
5 and

6 (C) third, provide special consideration to
7 applications described in paragraph (3).

8 (3) ADDITIONAL CONSIDERATION AND FUND-
9 ING.—In awarding grants under subpart B and sub-
10 ject to paragraph (2), the Secretary shall provide
11 special consideration, and may provide additional
12 funding as needed, including funding to exceed the
13 limits described in section 54423(a), for—

14 (A) applications for access grants under
15 section 54433 that will provide—

16 (i) infant and toddler child care for
17 children of all ages between birth and age
18 3;

19 (ii) infant and toddler child care avail-
20 able during nontraditional hours;

21 (iii) infant and toddler child care that
22 has the supports and staffing needed for
23 children who are dual language learners;

24 (iv) infant and toddler child care that
25 has the supports and staffing needed for

1 children in need of trauma-informed care
2 and infants and toddlers with disabilities,
3 which may include providing training for
4 infant and toddler child care staff to sup-
5 port the needs of infants and toddlers with
6 disabilities or coordinating with service
7 providers to deliver services under section
8 619 or part C of the Individuals with Dis-
9 abilities Education Act (20 U.S.C. 1419;
10 1431 et seq.); and

11 (v) child care and aftercare for chil-
12 dren age 3 and older, especially for chil-
13 dren that age out of the infant and toddler
14 child care program supported under this
15 part, and for siblings of children enrolled
16 in campus-sponsored infant and toddler
17 care; and

18 (B) applications for pipeline grants under
19 section 54435 that propose to—

20 (i) develop and teach courses on cul-
21 turally responsive and linguistically respon-
22 sive teaching in early childhood education;
23 and

1 (ii) develop and teach courses on sup-
2 porting infants and toddlers with disabil-
3 ities who are under age 3.

4 (c) PREREQUISITES FOR ACCESS, IMPACT, AND PIPE-
5 LINE GRANTS.—An eligible entity shall receive and timely
6 complete all requirements of a planning grant under sec-
7 tion 54432 before receiving an access, impact, or pipeline
8 grant under section 54433, 54434, or 54435.

9 **SEC. 54423. AMOUNT, DURATION, AND ADMINISTRATION OF**
10 **GRANTS.**

11 (a) AMOUNT OF GRANTS.—Each grant awarded
12 under subpart B to an eligible entity shall be in an amount
13 of—

14 (1) in the case of a grant awarded to an indi-
15 vidual community college or minority-serving institu-
16 tion, not more than \$20,000,000; and

17 (2) in the case of a grant to a consortium of
18 community colleges or minority-serving institutions,
19 not more than \$220,000,000.

20 (b) DURATION OF GRANTS.—A grant awarded under
21 subpart B shall be for a period of 4 years, except that
22 a planning grant awarded under section 54432 shall be
23 for a period of 1 year.

24 (c) NUMBER OF GRANTS.—

1 (1) PLANNING GRANTS.—No eligible entity
2 shall receive more than 1 planning grant under sec-
3 tion 54432.

4 (2) IMPACT, ACCESS, AND PIPELINE GRANTS.—
5 An eligible entity may receive multiple grants under
6 sections 54433, 54434, and 54435, including 2 or
7 more grants under different sections for the same
8 grant period or for overlapping grant periods.

9 (d) ANNUAL GRANT COMPETITIONS.—The Secretary
10 shall conduct annual grant competitions for the grants
11 under subpart B.

12 (e) RULE OF CONSTRUCTION.—Nothing in this part
13 shall be construed to limit any program or grant estab-
14 lished under any other Federal law, including the Higher
15 Education Act of 1965 (20 U.S.C. 1001 et seq.), the Ele-
16 mentary and Secondary Education Act of 1965 (20 U.S.C.
17 6301 et seq.), or the Individuals with Disabilities Edu-
18 cation Act (20 U.S.C. 1400 et seq.).

19 **Subpart B—Planning and Implementation Grants**

20 **SEC. 54431. GRANTS AUTHORIZED.**

21 From amounts made available under section 54413,
22 the Secretary shall award to eligible entities—

23 (1) planning grants under section 54432, to en-
24 able the eligible entities to assess the infant and tod-
25 dler care needs of current and prospective commu-

1 nity college or minority-serving institution student
2 parents and the surrounding community and develop
3 a detailed proposal to address such needs;

4 (2) access grants under section 54433, which
5 will provide free high-quality child care for up to
6 500,000 children under the age of 3 of community
7 college or minority-serving institution student par-
8 ents, helping to reduce barriers that impact the abil-
9 ity of community college or minority-serving institu-
10 tion student parents to graduate, and reducing their
11 postgraduation debt;

12 (3) impact grants under section 54434, which
13 will expand the supply and quality of child care in
14 the community by providing training, mentorship,
15 technical support, and expansion funding to new and
16 existing child care providers in the service area of
17 the eligible entities; and

18 (4) pipeline grants under section 54435, which
19 will fund eligible entities to—

20 (A) launch and expand early childhood ed-
21 ucator preparation programs; and

22 (B) form strategic partnerships with re-
23 gional institutions to expand, diversify, and
24 strengthen the workforce pipeline for infant and
25 toddler child care providers.

1 **SEC. 54432. PLANNING GRANTS.**

2 (a) USE OF FUNDS.—An eligible entity receiving a
3 grant under this section shall use grant funds to—

4 (1) establish an infant and toddler child care
5 committee that is reflective and inclusive of the com-
6 munity being served and composed of members who
7 are—

8 (A) student parents at the participating
9 community college or minority-serving institu-
10 tion;

11 (B) faculty of any participating community
12 college or minority-serving institution;

13 (C) representatives of a local educational
14 agency (as defined in section 8101 of the Ele-
15 mentary and Secondary Education Act of 1965
16 (20 U.S.C. 7801)) serving the service area of
17 the eligible entity;

18 (D) where applicable, a local public charter
19 school provider;

20 (E) representatives of a local child care re-
21 source and referral agency; and

22 (F) infant and toddler child care profes-
23 sionals (such as representatives from a local
24 Head Start or Early Head Start program,
25 home-based infant and toddler child care pro-
26 viders, and child care providers with expertise

1 working with infants or toddlers with disabil-
2 ities);

3 (2) conduct an infant and toddler child care
4 needs assessment of current and prospective commu-
5 nity college or minority-serving institution student
6 parents, the infant and toddler child care workforce,
7 and the service area of the eligible entity, that in-
8 cludes information on the level of need for—

9 (A) infant and toddler child care during
10 nontraditional hours;

11 (B) 3-year-old child care, toddler care, and
12 infant care;

13 (C) care for infants and toddlers with dis-
14 abilities;

15 (D) care for children from households that
16 speak a language other than English; and

17 (E) child care in specific communities, es-
18 pecially infant and toddler child care deserts;

19 (3) begin research, outreach, and planning for
20 expanding access to free infant and toddler child
21 care for community college or minority-serving insti-
22 tution student parents, which may include drafting
23 a delivery agreement with infant and toddler child
24 care providers in the community to provide infant

1 and toddler child care to community college or mi-
2 nority-serving institution student parents; and

3 (4) develop a detailed proposal, with a focus on
4 the needs of parents of children under age 3, to ad-
5 dress those needs, which may include applying for
6 an impact, access, or pipeline grant under section
7 54433, 54434, or 54435.

8 (b) REPORTING REQUIREMENTS.—Not later than 30
9 days after the end of a grant period under this section,
10 the eligible entity that received the grant shall prepare and
11 submit a report to the Secretary that includes—

12 (1) the results of the needs assessment con-
13 ducted under subsection (a)(2);

14 (2) the detailed proposal developed under sub-
15 section (a)(4); and

16 (3) in the case of an eligible entity that desires
17 an impact, access, or pipeline grant under section
18 54433, 54434, or 54435, an application for the
19 grant.

20 **SEC. 54433. ACCESS GRANTS PROVIDING INFANT AND TOD-**
21 **DLER CHILD CARE FOR COMMUNITY COL-**
22 **LEGE OR MINORITY-SERVING INSTITUTION**
23 **STUDENT PARENTS.**

24 (a) USE OF GRANTS.—An eligible entity receiving a
25 grant under this section shall use grant funds to expand

1 access to free infant and toddler child care for community
2 college or minority-serving institution student parents by
3 carrying out 1 or more of the following:

4 (1) Paying the infant and toddler child care
5 costs of community college or minority-serving insti-
6 tution student parents at an on-campus child care
7 center, State licensed off-campus child care center,
8 or State licensed or registered home-based child care
9 provider.

10 (2)(A) Operating an on-campus child care cen-
11 ter that provides infant and toddler child care; or

12 (B) contracting with a child care provider that
13 is operating 1 or more child care centers (as of the
14 date of the contract) to operate an on-campus child
15 care center that provides infant and toddler child
16 care.

17 (3) Coordinating with local child care resource
18 and referral agencies for services such as helping
19 community college or minority-serving institution
20 student parents find infant and toddler child care.

21 (4) Expanding the resources for existing on-
22 campus child care centers, as of the date of the ap-
23 plication for the grant, by—

24 (A) expanding the space of the center for
25 infant and toddler child care;

1 (B) purchasing equipment to be used for
2 infant and toddler child care; or

3 (C) hiring staff to accommodate additional
4 children under the age of 3.

5 (5) Lengthening the hours of an existing on-
6 campus infant and toddler child care center or keep-
7 ing the on-campus infant and toddler child care cen-
8 ter open during breaks (including summer).

9 (6) Establishing capacity for drop-in infant and
10 toddler child care or flex infant and toddler child
11 care for the children of community college or minor-
12 ity-serving institution student parents.

13 (7) Renovating campus facilities to allow for the
14 operation of an on-campus child care center that—

15 (A) satisfies the standards that apply to
16 alterations or (as applicable) new construction
17 under title II or III of the Americans with Dis-
18 abilities Act of 1990 (42 U.S.C. 12131 et seq.,
19 12181 et seq.), as the case may be; and

20 (B)(i) meets a high-quality standard, ac-
21 cording to a State quality rating and improve-
22 ment system or the standards applicable to an
23 Early Head Start program under the Head
24 Start Act (42 U.S.C. 9831 et seq.); or

1 (ii) is accredited through the National As-
2 sociation for the Education of Young Children
3 or another organization of similar expertise, as
4 determined by the Secretary.

5 (b) REQUIREMENTS OF ON-CAMPUS CHILD CARE
6 CENTERS.—In order for an on-campus child care center
7 of a community college or minority-serving institution par-
8 ticipating in an eligible entity to be supported with funds
9 from a grant under this section, the on-campus child care
10 center shall meet the following requirements:

11 (1) The child care center shall be licensed by
12 the State and shall meet a high-quality standard de-
13 scribed in subsection (a)(7)(B)(i) or be accredited in
14 accordance with subsection (a)(7)(B)(ii).

15 (2) Children of community college or minority-
16 serving institution student parents shall receive pri-
17 ority enrollment in the child care center, with pri-
18 ority going first to low-income community college or
19 minority-serving institution student parents, al-
20 though dependents of faculty and staff of the com-
21 munity college or minority-serving institution and
22 community members may be enrolled once the en-
23 rollment needs of all requesting community college
24 or minority-serving institution student parents are
25 fulfilled.

1 (3) The child care center shall provide infant
2 and toddler child care to children of community col-
3 lege or minority-serving institution student parents,
4 without regard as to whether the parent is a full-
5 time or part-time student.

6 (4) Not less than 85 percent of the community
7 college or minority-serving institution student par-
8 ents using the on-campus child care center for infant
9 and toddler child care shall be eligible to receive
10 Federal Pell Grants under section 401 of the Higher
11 Education Act of 1965 (20 U.S.C. 401), except that
12 the Secretary may grant a waiver from this require-
13 ment if the Secretary determines necessary.

14 (5) The child care center shall provide drop-in
15 infant and toddler child care for community college
16 and minority-serving institution student parents and
17 may not impose minimum enrollment requirements
18 for children of community college or minority-serving
19 institution student parents. The Secretary shall pro-
20 mulgate regulations that specify the percentage of
21 infant and toddler child care slots that must be re-
22 served for drop-in infant and toddler child care
23 under this paragraph.

24 (6) The child care center—

1 (A) shall provide infant and toddler child
2 care for children under the age of 3 (as of the
3 first day of the academic year of the community
4 college or minority-serving institution sup-
5 porting the child care center) of community col-
6 lege and minority-serving institution student
7 parents for free;

8 (B) may charge faculty and staff of the
9 community college or minority institution and
10 community members fees, using a sliding scale
11 based on family income, to enroll their children
12 in the child care center; and

13 (C) shall comply with the suspension and
14 expulsion performance standard for Head Start
15 programs under section 1302.17 of title 45,
16 Code of Federal Regulations, or any successor
17 standard.

18 (7)(A) The child care center shall maintain a
19 continuity of care for the children of parents who—

20 (i) were community college or minority-
21 serving institution student parents during any
22 reasonable or unavoidable break in the parents'
23 enrollment; or

24 (ii) transferred from a community college
25 to a 4-year minority-serving institution during

1 the student's enrollment at the 4-year institu-
2 tion.

3 (B) The child care center may charge a parent
4 described in subparagraph (A) a fee for the child
5 care services provided during the period when the
6 parent is not enrolled in the community college or
7 minority-serving institution, using a sliding scale
8 based on family income during this period, as long
9 as the fee does not exceed 7 percent of the family's
10 income.

11 (8) The child care center shall pay its child care
12 staff a wage that—

13 (A) is comparable to wages for elementary
14 educators with similar credentials and experi-
15 ence in the State; and

16 (B) at a minimum, provides a living wage
17 for all child care staff of the child care center.

18 (9) The child care center, if not a child care
19 provider covered by subsection (c) of section 658H
20 of the Child Care and Development Block Grant Act
21 of 1990 (42 U.S.C. 9858f), shall comply with that
22 section in the same manner and to the same extent
23 as such a child care provider, with respect to back-
24 ground checks for child care staff members (includ-

1 ing prospective child care staff members) for the
2 center.

3 (c) CONSULTATION AND REPORTS.—

4 (1) CONSULTATION.—An eligible entity receiv-
5 ing a grant under this section shall, for each year
6 of the grant, consult with an infant and toddler child
7 care committee described in section 54432(a)(2) re-
8 garding the results of the grant and the contents of
9 the annual report submitted to the Secretary.

10 (2) REPORTS.—An eligible entity receiving a
11 grant under this section shall, for each year of the
12 grant, prepare and submit a report to the Secretary
13 that includes—

14 (A) the number of community college or
15 minority-serving institution student parents
16 that received access to State licensed or reg-
17 istered child care because of the grant, in the
18 aggregate and disaggregated by age, gender,
19 race and ethnicity, family income, disability sta-
20 tus, and full-time or part-time enrollment sta-
21 tus in the community college or minority-serv-
22 ing institution;

23 (B) the number of children under age 3
24 enrolled in each on-campus child care center
25 supported under the grant, disaggregated by

1 age, gender, disability status, marital status of
2 parents, and race and ethnicity;

3 (C) for each on-campus child care center
4 supported under the grant, the number of sus-
5 pensions of children enrolled in the child care
6 center, in the aggregate and disaggregated by
7 race and ethnicity, gender, and disability status;

8 (D) the demographics, including race, eth-
9 nicity, and gender of the staff and leadership of
10 all child care centers supported under the
11 grant;

12 (E) the most frequent times of the day and
13 days of the week, and the average number of
14 hours per week, that on-campus child care cen-
15 ters were used by community college or minor-
16 ity-serving institution student parents, and the
17 child care hours per week provided to commu-
18 nity college or minority-serving institution stu-
19 dent parents, disaggregated by child care pro-
20 vided at nontraditional hours and traditional
21 daytime, weekday child care;

22 (F) semester-to-semester persistence and
23 fall-to-fall persistence rates of community col-
24 lege or minority-serving institution student par-
25 ents with children enrolled in infant and toddler

1 child care sponsored by the community college
2 or minority-serving institution, compared to the
3 persistence rate of community college or minor-
4 ity-serving institution student parents with chil-
5 dren under 3 who are not enrolled in commu-
6 nity college or minority-serving institution spon-
7 sored child care—

8 (i) collected in accordance with regu-
9 lations promulgated by the Secretary; and

10 (ii) in the aggregate and
11 disaggregated as described in subpara-
12 graph (A) and by the age of the children
13 of the community college or minority-serv-
14 ing institution students;

15 (G) the degree or certificate completion
16 rate of community college minority-serving in-
17 stitution student parents with children enrolled
18 in child care that is sponsored by the commu-
19 nity college or minority-serving institution and
20 is not infant and toddler child care, in the ag-
21 gregate and disaggregated as described in such
22 subparagraph and by the age of the children of
23 the community college or minority-serving insti-
24 tution student parents; and

1 (H) if grant funds are used to renovate
2 campus facilities under subsection (a)(7), proof
3 of the on-campus child care center's compliance
4 with the standards that apply to alterations or
5 (as applicable) new construction under title II
6 or III of the Americans with Disabilities Act of
7 1990 (42 U.S.C. 12131 et seq., 12181 et seq.),
8 as the case may be.

9 (3) CROSS-TABULATION.—In each report sub-
10 mitted by an eligible entity under paragraph (2), the
11 eligible entity shall also provide the information de-
12 scribed in subparagraphs (A), (B), (C), and (F)(ii)
13 of such paragraph cross-tabulated by, at a min-
14 imum, gender, disability status, and each major ra-
15 cial and ethnic group, which shall be presented in a
16 manner that—

17 (A) is first anonymized and does not reveal
18 personally identifiable information about an in-
19 dividual community college or minority-serving
20 institution student parent or child enrolled in
21 the child care center;

22 (B) does not include a number of individ-
23 uals in any subgroup of community college or
24 minority-serving institution student parents or
25 children enrolled in the child care center that is

1 insufficient to yield statistically reliable infor-
2 mation or that would reveal personally identifi-
3 able information about an individual; and

4 (C) is consistent with the requirements of
5 section 444 of the General Education Provi-
6 sions Act (20 U.S.C. 1232g, commonly known
7 as the “Family Educational Rights and Privacy
8 Act of 1974”).

9 (d) DEFINITION.—In subsection (b)(9), the term
10 “child care staff member” means an individual—

11 (1) who is employed by a child care center cov-
12 ered by subsection (b) for compensation; or

13 (2) whose activities involve the care or super-
14 vision of children for, or unsupervised access to chil-
15 dren who are cared for or supervised by, such a
16 child care center.

17 **SEC. 54434. IMPACT GRANTS.**

18 (a) USE OF FUNDS.—Grants awarded under this sec-
19 tion shall be used by eligible entities to expand the supply
20 and quality of child care in the community by providing
21 training, mentorship, technical support, and startup fund-
22 ing, in collaboration with existing (as of the date of appli-
23 cation for the grant) child care agencies and organiza-
24 tions, through carrying out 1 or more of the following ac-
25 tivities:

1 (1) Contracting with local child care resource
2 and referral organizations to support onsite technical
3 assistance for child care providers, and training,
4 mentorships, and business technical assistance re-
5 lated to existing (as of the date of the grant) or new
6 start-up child care programs.

7 (2) Contracting with local child care resource
8 and referral organizations to provide staffed family
9 child care networks, such as a hub that supports a
10 group of home-based care providers to promote high-
11 quality care.

12 (3) Establishing a network of child care pro-
13 viders in the community, or partnering with an ex-
14 isting, as of the date of application, provider or net-
15 work (such as an Early Head Start program oper-
16 ating in the community) to facilitate provider access
17 to training, coaching, mentorship, licensure, tech-
18 nical support, and expansion funding.

19 (4) Developing content for training for commu-
20 nity child care providers (including home-based pro-
21 viders and unlicensed providers) on strong child care
22 business practices and other supports and training
23 the providers may require.

1 (5) Compensating qualified individuals to de-
2 liver training for community members on providing
3 high-quality child care.

4 (6) Awarding microenterprise grants for State
5 licensed, qualified early childhood education profes-
6 sionals, State licensed child care centers, and State
7 licensed or registered home-based child care pro-
8 viders to open a child care program that provides in-
9 fant and toddler child care, or to expand infant and
10 toddler child care (including expanding access to
11 serve infants or toddlers with disabilities) at a child
12 care program in areas with low access to affordable,
13 quality infant and toddler child care.

14 (7) Developing and communicating clear path-
15 ways for community child care providers and current
16 and prospective students of infant and toddler child
17 care education, particularly individuals with low in-
18 comes and from historically underrepresented
19 groups, to take advantage of professional develop-
20 ment, certificate, and associate degree offerings, for
21 the purpose of advancing their skills and careers.

22 (8) Prioritizing child care programs, pathways,
23 and resources in communities of color and low-in-
24 come communities.

1 (9) Developing and delivering child care profes-
2 sional development and courses in languages other
3 than English.

4 (b) RULE REGARDING PROFESSIONAL DEVELOP-
5 MENT.—If an eligible entity elects to use grant funds
6 under this section for professional development, the eligi-
7 ble entity shall ensure that—

8 (1) a portion of the professional development is
9 open, available, and easily accessible to unlicensed
10 child care providers and a portion of the professional
11 development is available to State licensed or reg-
12 istered child care providers; and

13 (2) not more than 30 percent of the funds pro-
14 vided through the grant under this section are allo-
15 cated toward professional development.

16 (c) CONSULTATION AND REPORTS.—

17 (1) CONSULTATION.—An eligible entity receiv-
18 ing a grant under this section shall, for each year
19 of the grant, consult with an infant and toddler child
20 care committee described in section 54432(a)(2) and
21 the lead agency for the applicable State designated
22 under section 658D of the Child Care Development
23 and Block Grant Act of 1990 (42 U.S.C. 9858b) re-
24 garding the results of the grant and the contents of
25 the annual report submitted to the Secretary.

1 (2) REPORTS.—An eligible entity receiving a
2 grant under this section shall, for each year of the
3 grant, prepare and submit a report to the Secretary
4 that includes—

5 (A) the number of child care providers that
6 attended child care professional development
7 sessions coordinated by the eligible entity under
8 the grant, and the type of training received;

9 (B)(i) the number of child care providers
10 fluent in a language other than English that re-
11 ceived professional development through the
12 grant, including the number of such child care
13 providers reached through the development and
14 delivery of coursework in languages other than
15 English; and

16 (ii) the number of such child care providers
17 that received professional development through
18 the grant and graduated with an infant toddler
19 credential, a child development associate cre-
20 dential, or associate degree related to early
21 childhood development;

22 (C) the number of community colleges or
23 minority-serving institutions that joined or es-
24 tablished networks of child care providers;

1 (D) the number of State licensed child care
2 spots created for children under 3 as a result
3 of the training or microenterprise grants pro-
4 vided, in the aggregate and disaggregated by lo-
5 cation in an infant and toddler child care
6 desert, location in a community of color, and,
7 for recipients of microenterprise grants under
8 subsection (a)(6), race, ethnicity, and gender of
9 recipient;

10 (E) the number of participants in
11 mentorship programs supported under the
12 grant, in the aggregate and disaggregated by
13 race, ethnicity, and gender; and

14 (F) the number of community child care
15 providers receiving technical support from the
16 on-campus child care center or network or the
17 child care resource and referral agency under
18 the grant.

19 (3) CROSS-TABULATION.—In each report sub-
20 mitted by an eligible entity under paragraph (2), the
21 eligible entity shall also provide the information de-
22 scribed in paragraph (2)(E) cross-tabulated by, at a
23 minimum, gender and each major racial and ethnic
24 group, which shall be presented in a manner that—

1 (A) is first anonymized and does not reveal
2 personally identifiable information about an in-
3 dividual participant in a mentorship program;

4 (B) does not include a number of individ-
5 uals in any subgroup of mentorship program
6 participants that is insufficient to yield statis-
7 tically reliable information or that would reveal
8 personally identifiable information about an in-
9 dividual; and

10 (C) is consistent with the requirements of
11 section 444 of the General Education Provi-
12 sions Act (20 U.S.C. 1232g, commonly known
13 as the “Family Educational Rights and Privacy
14 Act of 1974”).

15 **SEC. 54435. PIPELINE GRANTS.**

16 (a) USE OF FUNDS.—Grants awarded under this sec-
17 tion shall be used by eligible entities to grow and strength-
18 en the workforce pipeline of highly effective infant and
19 toddler child care providers, especially such providers serv-
20 ing infant and toddler child care deserts, through carrying
21 out 1 or more of the following activities:

22 (1) Establishing—

23 (A) an associate degree program that in-
24 cludes not less than 2 courses specifically on in-
25 fants and toddlers; or

1 (B) a stackable child development associate
2 credential, infant toddler credential, or early
3 childhood education certificate, that can be in-
4 corporated into a higher-level credential or cer-
5 tificate.

6 (2) Hiring faculty to adopt and teach previously
7 developed competency-based high-quality infant-tod-
8 dler courses, or to develop and teach infant-toddler
9 courses, which may include courses required for an
10 infant or toddler care certificate, such as courses on
11 child growth and development, the physical and nu-
12 tritional needs of children, communicating with fam-
13 ilies, language development, child mental health,
14 supporting infants and toddlers with disabilities, and
15 effective interactions with children.

16 (3) Developing and executing a plan for in-
17 creased coordination between an early childhood edu-
18 cator preparation program of a participating com-
19 munity college or minority-serving institution and an
20 on-campus child care center of the community col-
21 lege or minority-serving institution, to enhance the
22 quality of both the child care and the early childhood
23 educator preparation program.

24 (4) Creating or enhancing a partnership be-
25 tween a participating community college and a 4-

1 year degree-granting institution, to support and co-
2 ordinate associate degree programs or provide for
3 articulation agreements in early childhood education
4 with related baccalaureate degree programs.

5 (5) Upgrading an on-campus child care center
6 into a child care lab school for the purpose of facili-
7 tating early childhood educator preparation program
8 practicum work, which may include installing one-
9 way observation windows or live-feed cameras.

10 (6) Awarding microgrants to students in early
11 childhood educator preparation programs for tuition,
12 books, transportation, permitting or licensing fees,
13 apprenticeships, and time spent doing practicum
14 work.

15 (7) Developing and teaching courses on cul-
16 turally responsive teaching in early childhood edu-
17 cation.

18 (8) Forming partnerships with local public high
19 schools to establish early childhood education career
20 and technical education programs, including pro-
21 grams that lead to a degree or credential or provide
22 opportunities for students to enter the community
23 college or minority-serving institution with postsec-
24 ondary credits that can be counted towards an early
25 childhood education certificate, credential, or degree.

1 (b) CONSULTATION AND REPORTS.—

2 (1) CONSULTATION.—An eligible entity receiv-
3 ing a grant under this section shall, for each year
4 of the grant, consult with an infant and toddler child
5 care committee described in section 54432(a)(2) re-
6 garding the results of the grant and the contents of
7 the annual report submitted to the Secretary.

8 (2) REPORTING REQUIREMENTS.—An eligible
9 entity receiving a grant under this section shall, for
10 each year of the grant, prepare and submit a report
11 to the Secretary that includes—

12 (A) the number of students that enrolled
13 in early childhood educator preparation pro-
14 grams due to the support provided by the
15 grant, in the aggregate and disaggregated by
16 credential or degree type of the program and by
17 age, gender, race or ethnic group, ability to
18 speak a second language, family income level,
19 disability status, and full-time or part-time stu-
20 dent status;

21 (B) the amount of funds allocated to early
22 childhood educator preparation program stu-
23 dents through microgrants under this section,
24 in the aggregate and disaggregated by usage of
25 funds and by demographics of the students re-

1 ceiving the microgrants, including age, gender,
2 race or ethnic group, second language ability,
3 parent status, family income level, disability
4 status, and full-time or part-time student sta-
5 tus;

6 (C) the persistence, retention, and comple-
7 tion rates of students receiving the microgrants,
8 as compared to such rates for students not re-
9 ceiving the microgrants;

10 (D) the number of students dual-enrolled
11 in high school and a community college or mi-
12 nority-serving institution early childhood educa-
13 tor preparation program;

14 (E) the number of students that completed
15 degrees, certificates, or credentials in dual-en-
16 rollment programs, in the aggregate and
17 disaggregated by degree, certificate, and creden-
18 tial type; and

19 (F) the details of any partnerships or ar-
20 ticulation agreements established with local
21 public high schools or local 4-year degree-grant-
22 ing institutions of higher education.

23 (3) CROSS-TABULATION.—In each report sub-
24 mitted by an eligible entity under paragraph (2), the
25 eligible entity shall also provide the information de-

scribed in subparagraphs (A) and (B) of such paragraph cross-tabulated by, at a minimum, gender, each major racial and ethnic group, and disability status, which shall be presented in a manner that—

(A) is first anonymized and does not reveal personally identifiable information about an individual student;

(B) does not include a number of individuals in any subgroup of students that is insufficient to yield statistically reliable information or that would reveal personally identifiable information about an individual; and

(C) is consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the “Family Educational Rights and Privacy Act of 1974”).

SEC. 54436. EVALUATION CRITERIA FOR GRANTS.

For each year of the grant program under this part, the Secretary shall evaluate the effectiveness of grants under chapter 1. Each evaluation shall include the following criteria:

(1) For access grants awarded under section 54433—

1 (A) the number of community college or
2 minority-serving institution student parents
3 that received access to licensed or registered in-
4 fant and toddler child care due to the grant, in
5 the aggregate and disaggregated by age, gen-
6 der, race or ethnic group, family income level,
7 disability status, marital status, and full-time or
8 part-time student status;

9 (B) the most frequent times, and the aver-
10 age number of hours per week, that on-campus
11 child care centers were used by community col-
12 lege or minority-serving institution student par-
13 ents;

14 (C) semester-to-semester persistence and
15 fall-to-fall persistence rates of community col-
16 lege or minority-serving institution student par-
17 ents with children enrolled in infant or toddler
18 child care sponsored by the community college
19 or minority-serving institution, compared to
20 such rate for students with children not en-
21 rolled in the community college or minority-
22 serving institution child care program, in the
23 aggregate and disaggregated by the categories
24 described in subparagraph (A); and

1 (D) degree and certificate completion rate
2 of community college or minority-serving insti-
3 tution student parents with children enrolled in
4 child care sponsored by the community college
5 or minority-serving institution, compared to
6 such rate for students with children not en-
7 rolled in such a sponsored child care program,
8 in the aggregate and disaggregated by the cat-
9 egories described in subparagraph (A).

10 (2) For impact grants awarded under section
11 54434—

12 (A) the number of attendees for the child
13 care professional development sessions coordi-
14 nated by the eligible entity under the grants;

15 (B) the number of community colleges or
16 minority-serving institutions that joined or es-
17 tablished networks of child care providers as a
18 result of the grants;

19 (C) the number of State licensed child care
20 spots created for children under 3 in infant and
21 toddler child care deserts and communities of
22 color that were established as a result of micro-
23 enterprise grants supported under section
24 54434(a)(6); and

1 (D) the number of child care providers flu-
2 ent in a language other than English that re-
3 ceived professional development under the
4 grants.

5 (3) For pipeline grants under section 54435—

6 (A) the number of early childhood educator
7 preparation programs that were established
8 with funding under the grants;

9 (B) the number of existing early childhood
10 educator preparation programs that expanded
11 course, certificate, or degree offerings as a re-
12 sult of funding under the grants;

13 (C) the number of students that enrolled
14 in early childhood educator preparation pro-
15 grams because of funding provided under the
16 grants, in the aggregate and disaggregated
17 by—

18 (i) type of degree or credential; and

19 (ii) student age, gender, race or ethnic
20 group, second language ability, family in-
21 come level, disability status, and status as
22 enrolled full- or part-time;

23 (D) the amount of funds allocated to early
24 childhood educator preparation program stu-
25 dents through microgrants supported under sec-

tion 54435(a)(6), in the aggregate and disaggregated by—

(i) category of usage of funds; and

(ii) the categories described in subparagraph (C)(ii);

(E) persistence, retention, and completion rates of students receiving such microgrants, as compared to students not receiving microgrants;

(F) the number of new early childhood educator preparation program partnerships formed between community colleges or minority-serving institutions and area high schools as a result of the grants;

(G) the number of students dual-enrolled in high school and community college early childhood educator preparation programs as a result of the grants; and

(H) the number of students that completed a degree or credential in a dual-enrollment program as a result of the grants, in the aggregate and disaggregated by degree or credential.

SEC. 54437. REPORT TO CONGRESS.

The Secretary shall prepare and submit to Congress an annual report on the grant program under this part that includes—

1 (1) the results from the most recent evaluation
2 under section 54436; and

3 (2) information regarding the progress made by
4 the grants based on the most recent reports sub-
5 mitted under sections 54432(b), 54433(c), 54434(c),
6 and 54435(b).

7 **SEC. 54438. NONDISCRIMINATION IN PROGRAMS AND AC-**
8 **TIVITIES.**

9 (a) NONDISCRIMINATION.—No person in the United
10 States shall, on the basis of actual or perceived race, color,
11 religion, national origin, sex (which includes sexual ori-
12 entation, gender identity, pregnancy, childbirth, medical
13 conditions related to pregnancy or childbirth, or sex
14 stereotypes), or disability, be excluded from participation
15 in, be denied the benefits of, or be subjected to discrimina-
16 tion under any program or activity funded, in whole or
17 in part, with funds made available under this part or with
18 amounts appropriated for grants, contracts, or certificates
19 similar to a child care certificate as defined in section
20 658P of the Child Care and Development Block Grant Act
21 of 1990 (42 U.S.C. 9858n), administered with such funds.

22 (b) ENFORCEMENT.—Subsection (a) shall be en-
23 forced in the same manner and by the same means, as
24 if such subsection was incorporated in title VI of the Civil
25 Rights Act of 1964 (42 U.S.C. 2000d et seq.), and as if

1 a violation of subsection (a) was treated as if it was a
2 violation of section 601 of such Act (42 U.S.C. 2000d).

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to alter or change any provisions
5 of section 658N of the Child Care and Development Block
6 Grant of 1990 (42 U.S.C. 9858l).

7 **PART 2—CHILD CARE AND DEVELOPMENT**

8 **BLOCK GRANT PROGRAM**

9 **SEC. 54441. ELIGIBILITY.**

10 (a) IN GENERAL.—Section 658P(4)(C)(i) of the
11 Child Care and Development Block Grant Act of 1990 (42
12 U.S.C. 9858n(4)(C)(i)) is amended by striking “job train-
13 ing or educational program” and inserting “job training
14 or educational program (which may be a program of study
15 at an institution of higher education (as defined in section
16 102 of the Higher Education Act of 1965 (20 U.S.C.
17 1002)), a program of secondary education, or a program
18 of study leading to the recognized equivalent of a sec-
19 ondary school diploma)”.

20 (b) PLAN REQUIREMENTS.—Section 658E(c)(2) of
21 such Act (42 U.S.C. 9858c(c)(2)) is amended by adding
22 at the end the following:

23 “(W) ELIGIBILITY STANDARDS.—The plan
24 shall contain an assurance that the State will
25 not use any requirement for the eligibility of a

1 child under this subchapter that is more restric-
2 tive than the requirements of (including regula-
3 tions issued under) this subchapter, such as a
4 family income standard, or a work, training, or
5 education standard, that is more restrictive
6 than the standards specified in section
7 658P(4).”.

8 **SEC. 54442. CONFORMING AMENDMENTS.**

9 Section 658H(c) of the Child Care and Development
10 Block Grant Act of 1990 (42 U.S.C. 9858f(c)) is amend-
11 ed—

12 (1) in paragraph (1), in the matter preceding
13 subparagraph (A), by inserting “or a child care cen-
14 ter covered by section 54433(b) of the Preparing
15 and Resourcing Our Student Parents and Early
16 Childhood Teachers Act” before “if such”; and

17 (2) in paragraph (2), by inserting “, including
18 a child care center covered by section 54433(b) of
19 the Preparing and Resourcing Our Student Parents
20 and Early Childhood Teachers Act,” before “shall be
21 ineligible”.

22 **SEC. 54443. INCREASED FEDERAL MATCHING PAYMENTS**
23 **FOR CHILD CARE.**

24 Section 418(a)(2)(C) of the Social Security Act (42
25 U.S.C. 618(a)(2)(C)) is amended to read as follows:

1 “(C) FEDERAL MATCHING OF STATE EX-
2 PENDITURES.—The Secretary shall pay to each
3 eligible State for a fiscal year an amount equal
4 to the lesser of—

5 “(i) the State’s allotment under sub-
6 paragraph (B); or

7 “(ii) the sum of—

8 “(I) in the case of a State that
9 provides payments for child care as-
10 sistance for infants and toddlers
11 (within the meaning of section 658G
12 of the Child Care and Development
13 Block Grant Act of 1990) at not less
14 than 75 percent of the market rates,
15 based on the most recent market rate
16 survey conducted under section
17 658E(c)(4)(B), taking into account
18 the geographic area, type of child
19 care, and age of the child, 90 percent
20 of the State’s expenditures for such
21 assistance; and

22 “(II) the amount equal to the
23 Federal medical assistance percentage
24 that applies to the State for the fiscal
25 year under section 1905(b) (without

1 regard to any adjustments to such
 2 percentage applicable under that sec-
 3 tion or any other provision of law) of
 4 so much of the State’s expenditures
 5 for child care in that fiscal year for
 6 children other than infants and tod-
 7 dlers.”.

8 **PART 3—OUTREACH REGARDING THE DEPEND-**
 9 **ENT CARE ALLOWANCE FOR FEDERAL STU-**
 10 **DENT AID**

11 **SEC. 54451. SHARING DEPENDENT CARE ALLOWANCE IN-**
 12 **FORMATION FOR FEDERAL STUDENT AID.**

13 Section 132(h)(4) of the Higher Education Act of
 14 1965 (20 U.S.C. 1015a(h)(4)) is amended—

15 (1) in the paragraph heading, by inserting
 16 “AND INFORMATION” after “DISCLAIMER”;

17 (2) in subparagraph (B), by striking “and”
 18 after the semicolon;

19 (3) in subparagraph (C), by striking the period
 20 and inserting “; and”; and

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

22 “(D) explaining—

23 “(i) that a student with a dependent
 24 may be eligible to include a dependent care

1 allowance described in section 471(a)(8) in
2 the student’s cost of attendance;

3 “(ii) the effect that a dependent care
4 allowance may have on the amount of fi-
5 nancial aid available to the student from
6 the institution; and

7 “(iii) how to apply for the dependent
8 care allowance.”.

9 **Subtitle OO—Closing the College**
10 **Hunger Gap**

11 **SEC. 54501. SHORT TITLE.**

12 This subtitle may be cited as the “Closing the College
13 Hunger Gap Act of 2020”.

14 **SEC. 54502. QUESTIONS ON FOOD AND HOUSING INSECU-**
15 **RITY IN NATIONAL POSTSECONDARY STU-**
16 **DENT AID STUDY.**

17 The Secretary of Education shall add questions that
18 measure rates of food and housing insecurity to the Na-
19 tional Postsecondary Student Aid Study.

20 **SEC. 54503. INFORMATION ON SNAP ELIGIBILITY.**

21 (a) IN GENERAL.—Section 483 of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1090) is amended by add-
23 ing at the end the following:

24 “(i) INFORMATION ON SNAP ELIGIBILITY.—

1 “(1) IN GENERAL.—For each year for which a
2 student described in paragraph (2) submits a form
3 described in subsection (a), the Secretary shall send
4 to such student information regarding potential eli-
5 gibility for assistance under, and application process
6 for, the supplemental nutrition assistance program
7 established under the Food and Nutrition Act of
8 2008 (7 U.S.C. 2011 et seq.) in written and elec-
9 tronic form. Both the written and electronic commu-
10 nication shall include contact information for the
11 State agency responsible for administering the sup-
12 plemental nutrition assistance program in the State
13 in which the student resides.

14 “(2) STUDENTS.—A student is described in this
15 paragraph if the student has an expected family con-
16 tribution equal to zero for the year.”.

17 (b) CONSULTATION.—The Secretary of Education
18 shall consult with the Secretary of Agriculture, and the
19 head of any other applicable Federal or State agency, in
20 designing the written and electronic communication re-
21 garding potential eligibility for assistance under, and ap-
22 plication process for, the supplemental nutrition assistance
23 program established under the Food and Nutrition Act of
24 2008 (7 U.S.C. 2011 et seq.) as described in section

1 483(i) of the Higher Education Act of 1965 (20 U.S.C.
2 1090(i)).

3 **SEC. 54504. EFFECTIVE DATE.**

4 This subtitle and the amendment made by this sub-
5 title shall take effect 120 days after the date of enactment
6 of this Act.

7 **Subtitle PP—Transparency in Off-**
8 **Campus Housing Act**

9 **SEC. 54601. SHORT TITLE.**

10 This subtitle may be cited as the “Transparency in
11 Off-Campus Housing Act”.

12 **SEC. 54602. INSTITUTIONAL CALCULATIONS FOR OFF-CAM-**
13 **PUS ROOM AND BOARD.**

14 (a) **AUTHORITY TO PRESCRIBE REGULATIONS.**—Sec-
15 tion 478(a) of the Higher Education Act of 1965 (20
16 U.S.C. 1087rr(a)) is amended—

17 (1) in paragraph (1)—

18 (A) by striking “or” at the end of subpara-
19 graph (A);

20 (B) by striking the period at the end of
21 subparagraph (B) and inserting “; or”; and

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

23 “(C) to prescribe—

24 “(i) at least one methodology that in-
25 stitutions of higher education (other than

1 institutions that receive a waiver under
2 clause (ii)) shall use in determining the al-
3 lowance for room and board costs incurred
4 by students described in subparagraph (A)
5 of section 472(3) and by students de-
6 scribed in subparagraph (D) of such sec-
7 tion, that shall—

8 “(I) ensure that each such allow-
9 ance determination is sufficient to
10 cover reasonable room and board costs
11 incurred by the students for whom
12 such allowance is being determined;
13 and

14 “(II) include the sources of infor-
15 mation that institutions shall use in
16 making each such allowance deter-
17 mination; and

18 “(ii) a process for granting institu-
19 tions of higher education a waiver from the
20 requirements of clause (i), including—

21 “(I) a requirement that each in-
22 stitution of higher education seeking
23 such a waiver submit to the Sec-
24 retary—

1 “(aa) a description of the
2 methodology that the institution
3 will use for each allowance deter-
4 mination described in clause (i);

5 “(bb) an assurance that
6 each such allowance determina-
7 tion meets the requirements of
8 clause (i)(I); and

9 “(cc) a demonstration that
10 the institution will use reliable
11 sources of information for each
12 such allowance determination;
13 and

14 “(II) a requirement that each in-
15 stitution of higher education that re-
16 ceives such a waiver publicly disclose
17 on the website of the institution the
18 methodology and sources of informa-
19 tion used by the institution for each
20 allowance determination described in
21 clause (i).”; and

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

23 “(3) Any regulation proposed by the Secretary
24 under paragraph (1)(C) of this subsection shall not
25 be subject to the requirements of paragraph (2).”.

1 (b) REQUIREMENT TO PRESCRIBE REGULATIONS.—
2 Not later than 18 months after the date of enactment of
3 this Act, the Secretary of Education shall issue regulations
4 that meet the requirements of subparagraph (C) of section
5 478(a)(1) of the Higher Education Act of 1965 (20 U.S.C.
6 1087rr(a)(1)), as added by subsection (a).

7 **Subtitle QQ—Passport Assistance**
8 **for Disadvantaged Students Act**
9 **of 2020**

10 **SEC. 54701. SHORT TITLE.**

11 This subtitle may be cited as the “Passport Assist-
12 ance for Disadvantaged Students Act of 2020”.

13 **SEC. 54702. DEMONSTRATION PROGRAM.**

14 (a) AUTHORIZATION.—The Secretary shall carry out
15 a pilot program to make grants to institutions of higher
16 education to—

17 (1) reimburse a student who is a Pell Grant re-
18 cipient enrolled at the institution for the costs of ob-
19 taining a United States passport necessary for such
20 student to participate in a study abroad program;
21 and

22 (2) in coordination with the Secretary of State,
23 directly pay the costs described in paragraph (1) in
24 the case of a United States passport event carried

1 out by the Secretary of State on the campus of such
2 institution.

3 (b) APPLICATION.—To be eligible to receive a grant
4 under this section, an institution of higher education shall,
5 not later than 1 year after the date of the enactment of
6 this Act, submit an application to the Secretary that in-
7 cludes—

8 (1) the number of Pell Grant recipients enrolled
9 at the institution that participated in a study abroad
10 program during each of the 5 years before the date
11 of such application;

12 (2) an assurance that the institution will report
13 to the Secretary the number of Pell Grant recipients
14 enrolled at the institution that participated in a
15 study abroad program annually for each of the 4
16 years after the date on which the application is sub-
17 mitted;

18 (3) a description of how the institution will en-
19 gage in student outreach in carrying a grant under
20 this section;

21 (4) such other information as the Secretary
22 may require.

23 (c) AWARDS.—

24 (1) REQUIREMENTS.—Not later than 2 years
25 after the date of the enactment of this Act, the Sec-

1 retary shall make grants under subsection (a) to
2 each of the following:

3 (A) A four-year public institution of higher
4 education.

5 (B) A public historically Black college or
6 university.

7 (C) A public Hispanic-serving institution.

8 (2) OTHER AWARDS.—After making the awards
9 required under paragraph (1), the Secretary—

10 (A) may make grants to additional institu-
11 tions of higher education; and

12 (B) shall give priority under subparagraph
13 (A) to institutions of higher education with
14 study abroad programs that offer science, tech-
15 nology, engineering, and math courses.

16 (d) REPORTING REQUIREMENTS.—

17 (1) INSTITUTION REPORTING.—An institution
18 of higher education that receives a grant under this
19 section shall not later than 1 year after receiving
20 such grant submit to the Secretary and the Sec-
21 retary of State a report that includes—

22 (A) a description of the student outreach
23 carried out through a grant under this section;
24 and

1 (B) the number of Pell Grant recipients
2 who—

3 (i) obtained a United States passport
4 pursuant to such grant; and

5 (ii) participated in a study abroad
6 program in the year after the institution
7 received such grant.

8 (2) DEPARTMENT REPORTING.—Not later than
9 1 year after the date of the enactment of this sec-
10 tion, and annually for the 3 years thereafter, the
11 Secretary, in coordination with the Secretary of
12 State, shall submit a report to Congress that in-
13 cludes—

14 (A) a description of the awards made
15 under this section; and

16 (B) an assessment of the pilot program
17 under this section.

18 (e) FINAL ASSESSMENT.—Not later than 1 year after
19 the date on which the pilot program authority terminates
20 under subsection (f), the Secretary and the Secretary of
21 State shall each—

22 (1) prepare an assessment of the pilot program,
23 including a recommendation as to whether—

24 (A) the pilot program should be continued
25 and expanded; or

1 (B) a similar program related to other
2 higher education programs, such as graduate
3 and postgraduate programs, community col-
4 leges, vocational programs, and apprenticeship
5 programs, should be carried out; and

6 (2) submit such assessment to Congress.

7 (f) TERM.—The authority to carry out the pilot pro-
8 gram under this section shall terminate on the date that
9 is 5 years after the date of the enactment of this Act.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$500,000 for fiscal year 2022 and each of the succeeding
13 3 fiscal years.

14 (h) DEFINITIONS.—In this section:

15 (1) HISPANIC-SERVING INSTITUTION.—The
16 term “Hispanic-serving institution” has the meaning
17 given the term under section 502 of the Higher
18 Education Act of 1965 (20 U.S.C. 1101a).

19 (2) HISTORICALLY BLACK COLLEGE OR UNI-
20 VERSITY.—The term “historically Black college or
21 university” has the meaning given the term “part B
22 institution” under section 322(2) of the Higher
23 Education Act of 1965 (20 U.S.C. 1061(2)).

24 (3) INSTITUTION OF HIGHER EDUCATION.—The
25 term “institution of higher education” has the

1 meaning given the term in section 101 of the Higher
2 Education Act (20 U.S.C. 1002).

3 (4) PELL GRANT RECIPIENT.—The term “Pell
4 Grant recipient” means a recipient of financial aid
5 under subpart 1 of part A of title IV of the Higher
6 Education Act of 1965 (20 U.S.C. 1070a et seq.).

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

9 **Subtitle RR—STEM Opportunities** 10 **Act**

11 **SECTION 54801. SHORT TITLE; FINDINGS.**

12 (a) SHORT TITLE.—This title may be cited as the
13 “STEM Opportunities Act of 2020”.

14 (b) FINDINGS.—The Congress finds the following:

15 (1) Many reports over the past decade have
16 found that it is critical to our Nation’s economic
17 leadership and global competitiveness that the
18 United States educates and trains more scientists
19 and engineers.

20 (2) Research shows that women and minorities
21 who are interested in STEM careers are dispropor-
22 tionately lost at nearly every educational transition
23 and at every career milestone.

24 (3) The National Center for Science and Engi-
25 neering Statistics at the National Science Founda-

1 tion collects, compiles, analyzes, and publishes data
2 on the demographics of STEM degrees and STEM
3 jobs in the United States.

4 (4) Women now earn nearly 37 percent of all
5 STEM bachelor's degrees, but major variations per-
6 sist among fields. In 2017, women earned only 20
7 percent of all bachelor's degrees awarded in engi-
8 neering and 19 percent of bachelor's degrees award-
9 ed in computer sciences. Based on Bureau of Labor
10 Statistics data, jobs in computing occupations are
11 expected to account for nearly 60 percent of the pro-
12 jected annual growth of newly created STEM job
13 openings from 2016 to 2026.

14 (5) In 2017, underrepresented minority groups
15 comprised 39 percent of the college-age population
16 of the United States, but only 18 percent of stu-
17 dents who earned bachelor's degrees in STEM fields.
18 The Higher Education Research Institute at the
19 University of California, Los Angeles, found that,
20 while freshmen from underrepresented minority
21 groups express an interest in pursuing a STEM un-
22 dergraduate degree at the same rate as all other
23 freshmen, only 22.1 percent of Latino students, 18.4
24 percent of African-American students, and 18.8 per-
25 cent of Native American students studying in STEM

1 fields complete their degree within 5 years, com-
2 pared to approximately 33 percent of White students
3 and 42 percent of Asian students who complete their
4 degree within 5 years.

5 (6) In some STEM fields, including the com-
6 puter sciences, women persist at about the same rate
7 through doctorate degrees. In other STEM fields,
8 women persist through doctorate degrees at a lower
9 rate. In mathematics, women earn just 26 percent of
10 doctorate degrees compared with 42 percent of un-
11 dergraduate degrees. Overall, women earned 38 per-
12 cent of STEM doctorate degrees in 2016. The rate
13 of minority students earning STEM doctorate de-
14 grees in physics is 9 percent, compared with 15 per-
15 cent for bachelor's degree. Students from underrep-
16 resented minority groups accounted for only 11.5
17 percent of STEM doctorate degrees awarded in
18 2016.

19 (7) The representation of women in STEM
20 drops significantly from the doctorate degree level to
21 the faculty level. Overall, women hold only 26 per-
22 cent of all tenured and tenure-track positions and 27
23 percent of full professor positions in STEM fields in
24 our Nation's universities and 4-year colleges. Black
25 and Hispanic faculty together hold about 6.8 percent

1 of all tenured and tenure-track positions and 7.5
2 percent of full professor positions. Many of the num-
3 bers in the American Indian or Alaskan Native and
4 Native Hawaiian or Other Pacific Islander cat-
5 egories for different faculty ranks were too small for
6 the National Science Foundation to report publicly
7 without potentially compromising confidential infor-
8 mation about the individuals being surveyed.

9 (8) The representation of women is especially
10 low at our Nation's top research universities. Even
11 in the biological sciences, in which women now earn
12 more than 50 percent of the doctorates and passed
13 the 25 percent level 37 years ago, women make up
14 only 25 percent of the full professors at the approxi-
15 mately 100 most research-intensive universities in
16 the United States. In the physical sciences and
17 mathematics, women make up only 11 percent of full
18 professors, in computer sciences only 10 percent,
19 and across engineering fields only 7 percent. The
20 data suggest that approximately 6 percent of all ten-
21 ure-track STEM faculty members at the most re-
22 search-intensive universities are from underrep-
23 resented minority groups, but in some fields the
24 numbers are too small to report publicly.

1 (9) By 2050, underrepresented minorities will
2 comprise 52 percent of the college-age population of
3 the United States. If the percentage of female stu-
4 dents and students from underrepresented minority
5 groups earning bachelor's degrees in STEM fields
6 does not significantly increase, the United States
7 will face an acute shortfall in the overall number of
8 students who earn degrees in STEM fields just as
9 United States companies are increasingly seeking
10 students with those skills. With this impending
11 shortfall, the United States will almost certainly lose
12 its competitive edge in the 21st century global econ-
13 omy.

14 (10) According to a 2014 Association for
15 Women in Science survey of over 4,000 scientists
16 across the globe, 70 percent of whom were men,
17 STEM researchers face significant challenges in
18 work-life integration. Researchers in the United
19 States were among the most likely to experience a
20 conflict between work and their personal life at least
21 weekly. One-third of researchers surveyed said that
22 ensuring good work-life integration has negatively
23 impacted their careers, and, of researchers intending
24 to leave their current job within the next year, 9

1 percent indicated it was because they were unable to
2 balance work and life demands.

3 (11) Female students and students from under-
4 represented minority groups at institutions of higher
5 education who see few others “like themselves”
6 among faculty and student populations often do not
7 experience the social integration that is necessary for
8 success in all disciplines, including STEM.

9 (12) One in five children in the United States
10 attend school in a rural community. The data shows
11 that rural students are at a disadvantage with re-
12 spect to STEM readiness. Among STEM-interested
13 students, 17 percent of students in rural high
14 schools and 18 percent of students in town-located
15 high schools meet the ACT STEM Benchmark, com-
16 pared with 33 percent of students in suburban high
17 schools and 27 percent of students in urban high
18 schools.

19 (13) A substantial body of evidence establishes
20 that most people hold implicit biases. Decades of
21 cognitive psychology research reveal that most peo-
22 ple carry prejudices of which they are unaware but
23 that nonetheless play a large role in evaluations of
24 people and their work. Unintentional biases and out-
25 moded institutional structures are hindering the ac-

1 cess and advancement of women, minorities, and
2 other groups historically underrepresented in STEM.

3 (14) Workshops held to educate faculty about
4 unintentional biases have demonstrated success in
5 raising awareness of such biases.

6 (15) In 2012, the Office of Diversity and Equal
7 Opportunity of the National Aeronautics and Space
8 Administration (in this subtitle referred to as
9 “NASA”) completed a report that—

10 (A) is specifically designed to help NASA
11 grant recipients identify why the dearth of
12 women in STEM fields continues and to ensure
13 that it is not due to discrimination; and

14 (B) provides guidance that is usable by all
15 institutions of higher education receiving sig-
16 nificant Federal research funding on how to
17 conduct meaningful self-evaluations of campus
18 culture and policies.

19 (16) The Federal Government provides 55 per-
20 cent of research funding at institutions of higher
21 education and, through its grant-making policies,
22 has had significant influence on institution of higher
23 education policies, including policies related to insti-
24 tutional culture and structure.

1 **SEC. 54802. PURPOSES.**

2 The purposes of this subtitle are as follows:

3 (1) To ensure that Federal science agencies and
4 institutions of higher education receiving Federal re-
5 search and development funding are fully engaging
6 the entire talent pool of the United States.

7 (2) To promote research on, and increase un-
8 derstanding of, the participation and trajectories of
9 women, minorities, and other groups historically
10 underrepresented in STEM studies and careers, in-
11 cluding persons with disabilities, older learners, vet-
12 erans, and rural, poor, and tribal populations, at in-
13 stitutions of higher education and Federal science
14 agencies, including Federal laboratories.

15 (3) To raise awareness within Federal science
16 agencies, including Federal laboratories, and institu-
17 tions of higher education about cultural and institu-
18 tional barriers limiting the recruitment, retention,
19 promotion, and other indicators of participation and
20 achievement of women, minorities, and other groups
21 historically underrepresented in academic and Gov-
22 ernment STEM research careers at all levels.

23 (4) To identify, disseminate, and implement
24 best practices at Federal science agencies, including
25 Federal laboratories, and at institutions of higher
26 education to remove or reduce cultural and institu-

1 tional barriers limiting the recruitment, retention,
2 and success of women, minorities, and other groups
3 historically underrepresented in academic and Gov-
4 ernment STEM research careers.

5 (5) To provide grants to institutions of higher
6 education to recruit, retain, and advance STEM fac-
7 ulty members from underrepresented minority
8 groups and to implement or expand reforms in un-
9 dergraduate STEM education in order to increase
10 the number of students from underrepresented mi-
11 nority groups receiving degrees in these fields.

12 **SEC. 54803. FEDERAL SCIENCE AGENCY POLICIES FOR**
13 **CAREGIVERS.**

14 (a) OSTP GUIDANCE.—Not later than 6 months
15 after the date of enactment of this Act, the Director, in
16 consultation with relevant agencies, shall provide guidance
17 to each Federal science agency to establish policies that—

18 (1) apply to all—

19 (A) research awards granted by such agen-
20 cy; and

21 (B) principal investigators of such research
22 who have caregiving responsibilities, including
23 care for a newborn or newly adopted child and
24 care for an immediate family member who is
25 sick or disabled; and

1 (2) provide—

2 (A) flexibility in timing for the initiation of
3 approved research awards granted by such
4 agency;

5 (B) no-cost extensions of such research
6 awards;

7 (C) grant supplements, as appropriate, to
8 research awards for research technicians or
9 equivalent positions to sustain research activi-
10 ties conducted under such awards; and

11 (D) any other appropriate accommodations
12 at the discretion of the director of each such
13 agency.

14 (b) UNIFORMITY OF GUIDANCE.—In providing guid-
15 ance under subsection (a), the Director shall encourage
16 uniformity and consistency in the policies established pur-
17 suant to such guidance across all Federal science agencies.

18 (c) ESTABLISHMENT OF POLICIES.—Consistent with
19 the guidance under subsection (a), Federal science agen-
20 cies shall—

21 (1) maintain or develop and implement policies
22 for individuals described in paragraph (1)(B) of
23 such subsection; and

24 (2) broadly disseminate such policies to current
25 and potential grantees.

1 (d) DATA ON USAGE.—Federal science agencies
2 shall—

3 (1) collect data on the usage of the policies
4 under subsection (c), by gender, at both institutions
5 of higher education and Federal laboratories; and

6 (2) report such data on an annual basis to the
7 Director in such form as required by the Director.

8 **SEC. 54804. COLLECTION AND REPORTING OF DATA ON**
9 **FEDERAL RESEARCH GRANTS.**

10 (a) COLLECTION OF DATA.—

11 (1) IN GENERAL.—Each Federal science agency
12 shall collect, as practicable, with respect to all appli-
13 cations for merit-reviewed research and development
14 grants to institutions of higher education and Fed-
15 eral laboratories supported by that agency, the
16 standardized record-level annual information on de-
17 mographics, primary field, award type, institution
18 type, review rating, budget request, funding out-
19 come, and awarded budget.

20 (2) UNIFORMITY AND STANDARDIZATION.—The
21 Director, in consultation with the Director of the
22 National Science Foundation, shall establish a policy
23 to ensure uniformity and standardization of the data
24 collection required under paragraph (1).

25 (3) RECORD-LEVEL DATA.—

1 (A) REQUIREMENT.—Beginning not later
2 than 2 years after the date of the enactment of
3 this Act, and on an annual basis thereafter,
4 each Federal science agency shall submit to the
5 Director of the National Science Foundation
6 record-level data collected under paragraph (1)
7 in the form required by such Director.

8 (B) PREVIOUS DATA.—As part of the first
9 submission under subparagraph (A), each Fed-
10 eral science agency, to the extent practicable,
11 shall also submit comparable record-level data
12 for the 5 years preceding the date of such sub-
13 mission.

14 (b) REPORTING OF DATA.—The Director of the Na-
15 tional Science Foundation shall publish statistical sum-
16 mary data, as practicable, collected under this section,
17 disaggregated and cross-tabulated by race, ethnicity, gen-
18 der, and years since completion of doctoral degree, includ-
19 ing in conjunction with the National Science Foundation’s
20 report required by section 37 of the Science and Tech-
21 nology Equal Opportunities Act (42 U.S.C. 1885d; Public
22 Law 96–516).

1 **SEC. 54805. POLICIES FOR REVIEW OF FEDERAL RESEARCH**
2 **GRANTS.**

3 (a) IN GENERAL.—Each Federal science agency shall
4 implement the policy recommendations with respect to re-
5 ducing the impact of implicit bias at Federal science agen-
6 cies and grantee institutions as developed by the Office
7 of Science and Technology Policy in the 2016 report enti-
8 tled “Reducing the Impact of Bias in the STEM Work-
9 force” and any subsequent updates.

10 (b) PILOT ACTIVITY.—In consultation with the Na-
11 tional Science Foundation and consistent with policy rec-
12 ommendations referenced in subsection (a), each Federal
13 science agency shall implement a 2-year pilot orientation
14 activity for program officers and members of standing re-
15 view committees to educate reviewers on research related
16 to, and minimize the effects of, implicit bias in the review
17 of extramural and intramural Federal research grants.

18 (c) ESTABLISHMENT OF POLICIES.—Drawing upon
19 lessons learned from the pilot activity under subsection
20 (b), each Federal science agency shall maintain or develop
21 and implement evidence-based policies and practices to
22 minimize the effects of implicit bias in the review of extra-
23 mural and intramural Federal research grants.

24 (d) ASSESSMENT OF POLICIES.—Federal science
25 agencies shall regularly assess, and amend as necessary,
26 the policies and practices implemented pursuant to sub-

1 section (c) to ensure effective measures are in place to
2 minimize the effects of implicit bias in the review of extra-
3 mural and intramural Federal research grants.

4 **SEC. 54806. COLLECTION OF DATA ON DEMOGRAPHICS OF**
5 **FACULTY.**

6 (a) COLLECTION OF DATA.—

7 (1) IN GENERAL.—Not later than 3 years after
8 the date of enactment of this Act, and at least every
9 5 years thereafter, the Director of the National
10 Science Foundation shall carry out a survey to col-
11 lect data from grantees on the demographics of
12 STEM faculty, by broad fields of STEM, at dif-
13 ferent types of institutions of higher education.

14 (2) CONSIDERATIONS.—To the extent prac-
15 ticable, the Director of the National Science Foun-
16 dation shall consider, by gender, race, ethnicity, citi-
17 zenship status, and years since completion of doc-
18 toral degree—

19 (A) the number and percentage of faculty;

20 (B) the number and percentage of faculty
21 at each rank;

22 (C) the number and percentage of faculty
23 who are in nontenure-track positions, including
24 teaching and research;

1 (D) the number and percentage of faculty
2 who are reviewed for promotion, including ten-
3 ure, and the percentage of that number who are
4 promoted, including being awarded tenure;

5 (E) faculty years in rank;

6 (F) the number and percentage of faculty
7 to leave tenure-track positions;

8 (G) the number and percentage of faculty
9 hired, by rank; and

10 (H) the number and percentage of faculty
11 in leadership positions.

12 (b) EXISTING SURVEYS.—The Director of the Na-
13 tional Science Foundation, may, in modifying or expand-
14 ing existing Federal surveys of higher education (as nec-
15 essary)—

16 (1) take into account the considerations under
17 subsection (a)(2) by collaborating with statistical
18 centers at other Federal agencies; or

19 (2) award a grant or contract to an institution
20 of higher education or other nonprofit organization
21 to take such considerations into account.

22 (c) REPORTING DATA.—The Director of the National
23 Science Foundation shall publish statistical summary data
24 collected under this section, including as part of the Na-
25 tional Science Foundation's report required by section 37

1 of the Science and Technology Equal Opportunities Act
2 (42 U.S.C. 1885d; Public Law 96–516).

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Director of the
5 National Science Foundation \$3,000,000 in each of fiscal
6 years 2022 through 2024 to develop and carry out the
7 initial survey required under subsection (a).

8 **SEC. 54807. CULTURAL AND INSTITUTIONAL BARRIERS TO**
9 **EXPANDING THE ACADEMIC AND FEDERAL**
10 **STEM WORKFORCE.**

11 (a) BEST PRACTICES AT INSTITUTIONS OF HIGHER
12 EDUCATION AND FEDERAL LABORATORIES.—

13 (1) DEVELOPMENT OF GUIDANCE.—Not later
14 than 12 months after the date of enactment of this
15 Act, the Director, in consultation with the inter-
16 agency working group on inclusion in STEM, shall
17 develop written guidance for institutions of higher
18 education and Federal laboratories on the best prac-
19 tices for—

20 (A) conducting periodic climate surveys of
21 STEM departments and divisions, with a par-
22 ticular focus on identifying any cultural or in-
23 stitutional barriers to the recruitment, reten-
24 tion, or advancement of women, racial and eth-
25 nic minorities, and other groups historically

1 underrepresented in STEM studies and careers;
2 and

3 (B) providing educational opportunities, in-
4 cluding workshops as described in subsection
5 (b), for STEM faculty, research personnel, and
6 administrators to learn about current research
7 on implicit bias in recruitment, evaluation, and
8 promotion of undergraduate and graduate stu-
9 dents and research personnel.

10 (2) EXISTING GUIDANCE.—In developing the
11 guidance under paragraph (1), the Director shall
12 utilize guidance already developed by Federal science
13 agencies.

14 (3) DISSEMINATION OF GUIDANCE.—Federal
15 science agencies shall broadly disseminate the guid-
16 ance developed under paragraph (1) to institutions
17 of higher education that receive Federal research
18 funding and Federal laboratories.

19 (4) ESTABLISHMENT OF POLICIES.—Consistent
20 with the guidance developed under paragraph (1)—

21 (A) the Director of the National Science
22 Foundation shall develop a policy that—

23 (i) applies to, at a minimum, doctoral
24 degree granting institutions that receive
25 Federal research funding; and

1 (ii) requires each such institution, not
2 later than 3 years after the date of enact-
3 ment of this Act, to report to the Director
4 of the National Science Foundation on ac-
5 tivities and policies developed and imple-
6 mented based on the guidance developed
7 under paragraph (1); and

8 (B) each Federal science agency with a
9 Federal laboratory shall maintain or develop
10 and implement practices and policies for the
11 purposes described in paragraph (1) for such
12 laboratory.

13 (b) WORKSHOPS TO ADDRESS CULTURAL BARRIERS
14 TO EXPANDING THE ACADEMIC AND FEDERAL STEM
15 WORKFORCE.—

16 (1) IN GENERAL.—Not later than 6 months
17 after the date of enactment of this Act, the Director,
18 in consultation with the interagency working group
19 on inclusion in STEM, shall recommend a uniform
20 policy for Federal science agencies to carry out a
21 program of workshops that educate STEM depart-
22 ment chairs at institutions of higher education, sen-
23 ior managers at Federal laboratories, and other fed-
24 erally funded researchers about methods that mini-
25 mize the effects of implicit bias in the career ad-

1 vancement, including hiring, tenure, promotion, and
2 selection for any honor based in part on the recipi-
3 ent's research record, of academic and Federal
4 STEM researchers.

5 (2) INTERAGENCY COORDINATION.—The Direc-
6 tor shall, to the extent practicable, ensure that work-
7 shops supported under this subsection are coordi-
8 nated across Federal science agencies and jointly
9 supported as appropriate.

10 (3) MINIMIZING COSTS.—To the extent prac-
11 ticable, workshops shall be held in conjunction with
12 national or regional STEM disciplinary meetings to
13 minimize costs associated with participant travel.

14 (4) PRIORITY FIELDS FOR ACADEMIC PARTICI-
15 PANTS.—In considering the participation of STEM
16 department chairs and other academic researchers,
17 the Director shall prioritize workshops for the broad
18 fields of STEM in which the national rate of rep-
19 resentation of women among tenured or tenure-track
20 faculty or nonfaculty researchers at doctorate-grant-
21 ing institutions of higher education is less than 25
22 percent, according to the most recent data available
23 from the National Center for Science and Engineer-
24 ing Statistics.

1 (5) ORGANIZATIONS ELIGIBLE TO CARRY OUT
2 WORKSHOPS.—A Federal science agency may carry
3 out the program of workshops under this subsection
4 by making grants to organizations made eligible by
5 the Federal science agency and any of the following
6 organizations:

7 (A) Nonprofit scientific and professional
8 societies and organizations that represent one
9 or more STEM disciplines.

10 (B) Nonprofit organizations that have the
11 primary mission of advancing the participation
12 of women, minorities, or other groups histori-
13 cally underrepresented in STEM.

14 (6) CHARACTERISTICS OF WORKSHOPS.—The
15 workshops shall have the following characteristics:

16 (A) Invitees to workshops shall include at
17 least—

18 (i) the chairs of departments in the
19 relevant STEM discipline or disciplines
20 from doctoral degree granting institutions
21 that receive Federal research funding; and

22 (ii) in the case of Federal laboratories,
23 individuals with personnel management re-
24 sponsibilities comparable to those of an in-

1 stitution of higher education department
2 chair.

3 (B) Activities at the workshops shall in-
4 clude research presentations and interactive dis-
5 cussions or other activities that increase the
6 awareness of the existence of implicit bias in re-
7 cruitment, hiring, tenure review, promotion, and
8 other forms of formal recognition of individual
9 achievement for faculty and other federally
10 funded STEM researchers and shall provide
11 strategies to overcome such bias.

12 (C) Research presentations and other
13 workshop programs, as appropriate, shall in-
14 clude a discussion of the unique challenges
15 faced by different underrepresented groups, in-
16 cluding minority women, minority men, persons
17 from rural and underserved areas, persons with
18 disabilities, gender and sexual minority individ-
19 uals, and first generation graduates in research.

20 (D) Workshop programs shall include in-
21 formation on best practices for mentoring un-
22 dergraduate, graduate, and postdoctoral
23 women, minorities, and other students from
24 groups historically underrepresented in STEM.

1 (7) DATA ON WORKSHOPS.—Any proposal for
2 funding by an organization seeking to carry out a
3 workshop under this subsection shall include a de-
4 scription of how such organization will—

5 (A) collect data on the rates of attendance
6 by invitees in workshops, including information
7 on the home institution and department of
8 attendees, and the rank of faculty attendees;

9 (B) conduct attitudinal surveys on work-
10 shop attendees before and after the workshops;
11 and

12 (C) collect follow-up data on any relevant
13 institutional policy or practice changes reported
14 by attendees not later than 1 year after attend-
15 ance in such a workshop.

16 (8) REPORT TO NSF.—Organizations receiving
17 funding to carry out workshops under this sub-
18 section shall report the data required in paragraph
19 (7) to the Director of the National Science Founda-
20 tion in such form as required by such Director.

21 (c) REPORT TO CONGRESS.—Not later than 4 years
22 after the date of enactment of this Act, the Director of
23 the National Science Foundation shall submit a report to
24 Congress that includes—

1 (1) a summary and analysis of the types and
2 frequency of activities and policies developed and
3 carried out under subsection (a) based on the re-
4 ports submitted under paragraph (4) of such sub-
5 section; and

6 (2) a description and evaluation of the status
7 and effectiveness of the program of workshops re-
8 quired under subsection (b), including a summary of
9 any data reported under paragraph (8) of such sub-
10 section.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Director of the
13 National Science Foundation \$1,000,000 in each of fiscal
14 years 2022 through 2026 to carry out this section.

15 **SEC. 54808. RESEARCH AND DISSEMINATION AT THE NA-**
16 **TIONAL SCIENCE FOUNDATION.**

17 (a) IN GENERAL.—The Director of the National
18 Science Foundation shall award research grants and carry
19 out dissemination activities consistent with the purposes
20 of this subtitle, including—

21 (1) research grants to analyze the record-level
22 data collected under section 54804 and section
23 54806, consistent with policies to ensure the privacy
24 of individuals identifiable by such data;

1 (2) research grants to study best practices for
2 work-life accommodation;

3 (3) research grants to study the impact of poli-
4 cies and practices that are implemented under this
5 subtitle or that are otherwise consistent with the
6 purposes of this subtitle;

7 (4) collaboration with other Federal science
8 agencies and professional associations to exchange
9 best practices, harmonize work-life accommodation
10 policies and practices, and overcome common bar-
11 riers to work-life accommodation; and

12 (5) collaboration with institutions of higher
13 education in order to clarify and catalyze the adop-
14 tion of a coherent and consistent set of work-life ac-
15 commodation policies and practices.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Director of the
18 National Science Foundation \$5,000,000 in each of fiscal
19 years 2022 through 2026 to carry out this section.

20 **SEC. 54809. RESEARCH AND RELATED ACTIVITIES TO EX-**
21 **PAND STEM OPPORTUNITIES.**

22 (a) NATIONAL SCIENCE FOUNDATION SUPPORT FOR
23 INCREASING DIVERSITY AMONG STEM FACULTY AT IN-
24 STITUTIONS OF HIGHER EDUCATION.—Section 305 of the

1 American Innovation and Competitiveness Act (42 U.S.C.
2 1862s–5) is amended—

3 (1) by redesignating subsections (e) and (f) as
4 subsections (g) and (h), respectively; and

5 (2) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) SUPPORT FOR INCREASING DIVERSITY AMONG
8 STEM FACULTY AT INSTITUTIONS OF HIGHER EDU-
9 CATION.—

10 “(1) IN GENERAL.—The Director of the Foun-
11 dation shall award grants to institutions of higher
12 education (or consortia thereof) for the development
13 and assessment of innovative reform efforts designed
14 to increase the recruitment, retention, and advance-
15 ment of individuals from underrepresented minority
16 groups in academic STEM careers.

17 “(2) MERIT REVIEW; COMPETITION.—Grants
18 shall be awarded under this subsection on a merit-
19 reviewed, competitive basis.

20 “(3) USE OF FUNDS.—Activities supported by
21 grants under this subsection may include—

22 “(A) institutional assessment activities,
23 such as data analyses and policy review, in
24 order to identify and address specific issues in
25 the recruitment, retention, and advancement of

1 faculty members from underrepresented minor-
2 ity groups;

3 “(B) implementation of institution-wide
4 improvements in workload distribution, such
5 that faculty members from underrepresented
6 minority groups are not disadvantaged in the
7 amount of time available to focus on research,
8 publishing papers, and engaging in other activi-
9 ties required to achieve tenure status and run
10 a productive research program;

11 “(C) development and implementation of
12 training courses for administrators and search
13 committee members to ensure that candidates
14 from underrepresented minority groups are not
15 subject to implicit biases in the search and hir-
16 ing process;

17 “(D) development and hosting of intra- or
18 inter-institutional workshops to propagate best
19 practices in recruiting, retaining, and advancing
20 faculty members from underrepresented minor-
21 ity groups;

22 “(E) professional development opportuni-
23 ties for faculty members from underrepresented
24 minority groups;

“(F) activities aimed at making undergraduate STEM students from underrepresented minority groups aware of opportunities for academic careers in STEM fields;

“(G) activities to identify and engage exceptional graduate students and postdoctoral researchers from underrepresented minority groups at various stages of their studies and to encourage them to enter academic careers; and

“(H) other activities consistent with paragraph (1), as determined by the Director of the Foundation.

“(4) SELECTION PROCESS.—

“(A) APPLICATION.—An institution of higher education (or a consortium of such institutions) seeking funding under this subsection shall submit an application to the Director of the Foundation at such time, in such manner, and containing such information and assurances as such Director may require. The application shall include, at a minimum, a description of—

“(i) the reform effort that is being proposed for implementation by the institution of higher education;

1 “(ii) any available evidence of specific
2 difficulties in the recruitment, retention,
3 and advancement of faculty members from
4 underrepresented minority groups in
5 STEM academic careers within the institu-
6 tion of higher education submitting an ap-
7 plication, and how the proposed reform ef-
8 fort would address such issues;

9 “(iii) how the institution of higher
10 education submitting an application plans
11 to sustain the proposed reform effort be-
12 yond the duration of the grant; and

13 “(iv) how the success and effective-
14 ness of the proposed reform effort will be
15 evaluated and assessed in order to con-
16 tribute to the national knowledge base
17 about models for catalyzing institutional
18 change.

19 “(B) REVIEW OF APPLICATIONS.—In se-
20 lecting grant recipients under this subsection,
21 the Director of the Foundation shall consider,
22 at a minimum—

23 “(i) the likelihood of success in under-
24 taking the proposed reform effort at the
25 institution of higher education submitting

1 the application, including the extent to
2 which the administrators of the institution
3 are committed to making the proposed re-
4 form effort a priority;

5 “(ii) the degree to which the proposed
6 reform effort will contribute to change in
7 institutional culture and policy such that
8 greater value is placed on the recruitment,
9 retention, and advancement of faculty
10 members from underrepresented minority
11 groups;

12 “(iii) the likelihood that the institu-
13 tion of higher education will sustain or ex-
14 pand the proposed reform effort beyond
15 the period of the grant; and

16 “(iv) the degree to which evaluation
17 and assessment plans are included in the
18 design of the proposed reform effort.

19 “(C) GRANT DISTRIBUTION.—The Director
20 of the Foundation shall ensure, to the extent
21 practicable, that grants awarded under this sec-
22 tion are made to a variety of types of institu-
23 tions of higher education.

24 “(5) AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated to carry out

1 this subsection \$8,000,000 for each of fiscal years
2 2022 through 2026.”.

3 (b) NATIONAL SCIENCE FOUNDATION SUPPORT FOR
4 BROADENING PARTICIPATION IN UNDERGRADUATE
5 STEM EDUCATION.—Section 305 of the American Inno-
6 vation and Competitiveness Act (42 U.S.C. 1862s–5), as
7 amended by subsection (b), is further amended by insert-
8 ing after subsection (e) the following:

9 “(f) SUPPORT FOR BROADENING PARTICIPATION IN
10 UNDERGRADUATE STEM EDUCATION.—

11 “(1) IN GENERAL.—The Director of the Foun-
12 dation shall award grants to institutions of higher
13 education (or a consortium of such institutions) to
14 implement or expand research-based reforms in un-
15 dergraduate STEM education for the purpose of re-
16 cruiting and retaining students from minority
17 groups who are underrepresented in STEM fields.

18 “(2) MERIT REVIEW; COMPETITION.—Grants
19 shall be awarded under this subsection on a merit-
20 reviewed, competitive basis.

21 “(3) USE OF FUNDS.—Activities supported by
22 grants under this subsection may include—

23 “(A) implementation or expansion of inno-
24 vative, research-based approaches to broaden

1 participation of underrepresented minority
2 groups in STEM fields;

3 “(B) implementation or expansion of
4 bridge, cohort, tutoring, or mentoring pro-
5 grams, including those involving community col-
6 leges and technical schools, designed to enhance
7 the recruitment and retention of students from
8 underrepresented minority groups in STEM
9 fields;

10 “(C) implementation or expansion of out-
11 reach programs linking institutions of higher
12 education and K–12 school systems in order to
13 heighten awareness among pre-college students
14 from underrepresented minority groups of op-
15 portunities in college-level STEM fields and
16 STEM careers;

17 “(D) implementation or expansion of fac-
18 ulty development programs focused on improv-
19 ing retention of undergraduate STEM students
20 from underrepresented minority groups;

21 “(E) implementation or expansion of
22 mechanisms designed to recognize and reward
23 faculty members who demonstrate a commit-
24 ment to increasing the participation of students

1 from underrepresented minority groups in
2 STEM fields;

3 “(F) expansion of successful reforms
4 aimed at increasing the number of STEM stu-
5 dents from underrepresented minority groups
6 beyond a single course or group of courses to
7 achieve reform within an entire academic unit,
8 or expansion of successful reform efforts beyond
9 a single academic unit or field to other STEM
10 academic units or fields within an institution of
11 higher education;

12 “(G) expansion of opportunities for stu-
13 dents from underrepresented minority groups to
14 conduct STEM research in industry, at Federal
15 labs, and at international research institutions
16 or research sites;

17 “(H) provision of stipends for students
18 from underrepresented minority groups partici-
19 pating in research;

20 “(I) development of research collaborations
21 between research-intensive universities and pri-
22 marily undergraduate minority-serving institu-
23 tions;

24 “(J) support for graduate students and
25 postdoctoral fellows from underrepresented mi-

1 nosity groups to participate in instructional or
2 assessment activities at primarily under-
3 graduate institutions, including primarily un-
4 dergraduate minority-serving institutions and 2-
5 year institutions of higher education; and

6 “(K) other activities consistent with para-
7 graph (1), as determined by the Director of the
8 Foundation.

9 “(4) SELECTION PROCESS.—

10 “(A) APPLICATION.—An institution of
11 higher education (or a consortia thereof) seek-
12 ing a grant under this subsection shall submit
13 an application to the Director of the Founda-
14 tion at such time, in such manner, and con-
15 taining such information and assurances as
16 such Director may require. The application
17 shall include, at a minimum—

18 “(i) a description of the proposed re-
19 form effort;

20 “(ii) a description of the research
21 findings that will serve as the basis for the
22 proposed reform effort or, in the case of
23 applications that propose an expansion of a
24 previously implemented reform, a descrip-
25 tion of the previously implemented reform

1 effort, including data about the recruit-
2 ment, retention, and academic achievement
3 of students from underrepresented minor-
4 ity groups;

5 “(iii) evidence of an institutional com-
6 mitment to, and support for, the proposed
7 reform effort, including a long-term com-
8 mitment to implement successful strategies
9 from the current reform beyond the aca-
10 demic unit or units included in the grant
11 proposal;

12 “(iv) a description of existing or
13 planned institutional policies and practices
14 regarding faculty hiring, promotion, ten-
15 ure, and teaching assignment that reward
16 faculty contributions to improving the edu-
17 cation of students from underrepresented
18 minority groups in STEM; and

19 “(v) how the success and effectiveness
20 of the proposed reform effort will be evalu-
21 ated and assessed in order to contribute to
22 the national knowledge base about models
23 for catalyzing institutional change.

24 “(B) REVIEW OF APPLICATIONS.—In se-
25 lecting grant recipients under this subsection,

1 the Director of the Foundation shall consider,
2 at a minimum—

3 “(i) the likelihood of success of the
4 proposed reform effort at the institution
5 submitting the application, including the
6 extent to which the faculty, staff, and ad-
7 ministrators of the institution are com-
8 mitted to making the proposed institu-
9 tional reform a priority of the participating
10 academic unit or units;

11 “(ii) the degree to which the proposed
12 reform effort will contribute to change in
13 institutional culture and policy such that
14 greater value is placed on faculty engage-
15 ment in the retention of students from
16 underrepresented minority groups;

17 “(iii) the likelihood that the institu-
18 tion will sustain or expand the proposed
19 reform effort beyond the period of the
20 grant; and

21 “(iv) the degree to which evaluation
22 and assessment plans are included in the
23 design of the proposed reform effort.

24 “(C) GRANT DISTRIBUTION.—The Director
25 of the Foundation shall ensure, to the extent

1 practicable, that grants awarded under this
2 subsection are made to a variety of types of in-
3 stitutions of higher education, including 2-year
4 and minority-serving institutions of higher edu-
5 cation.

6 “(5) EDUCATION RESEARCH.—

7 “(A) IN GENERAL.—All grants made under
8 this subsection shall include an education re-
9 search component that will support the design
10 and implementation of a system for data collec-
11 tion and evaluation of proposed reform efforts
12 in order to build the knowledge base on prom-
13 ising models for increasing recruitment and re-
14 tention of students from underrepresented mi-
15 nority groups in STEM education at the under-
16 graduate level across a diverse set of institu-
17 tions.

18 “(B) DISSEMINATION.—The Director of
19 the Foundation shall coordinate with relevant
20 Federal agencies in disseminating the results of
21 the research under this paragraph to ensure
22 that best practices in broadening participation
23 in STEM education at the undergraduate level
24 are made readily available to all institutions of
25 higher education, other Federal agencies that

1 support STEM programs, non-Federal funders
2 of STEM education, and the general public.

3 “(6) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to carry out
5 this subsection \$15,000,000 for each of fiscal years
6 2022 through 2026.”.

7 **SEC. 54810. TRIBAL COLLEGES AND UNIVERSITIES PRO-**
8 **GRAM.**

9 (a) GRANTS TO BROADEN TRIBAL COLLEGE AND
10 UNIVERSITY STUDENT PARTICIPATION IN COMPUTER
11 SCIENCE.—Section 525 of the America COMPETES Re-
12 authorization Act of 2010 (42 U.S.C. 1862p–13) is
13 amended by inserting after subsection (c) the following:

14 “(d) GRANTS TO BROADEN TRIBAL COLLEGE AND
15 UNIVERSITY STUDENT PARTICIPATION IN COMPUTER
16 SCIENCE.—

17 “(1) IN GENERAL.—The Director, as part of
18 the program authorized under this section, shall
19 award grants on a competitive, merit-reviewed basis
20 to eligible entities to increase the participation of
21 tribal populations in computer science and computa-
22 tional thinking education programs to enable stu-
23 dents to develop skills and competencies in coding,
24 problem-solving, critical thinking, creativity and col-
25 laboration.

1 “(2) PURPOSE.—Grants awarded under this
2 subsection shall support—

3 “(A) research and development needed to
4 bring computer science and computational
5 thinking courses and degrees to tribal colleges
6 and universities;

7 “(B) research and development of instruc-
8 tional materials needed to integrate computer
9 science and computational thinking into pro-
10 grams that are culturally relevant to students
11 attending tribal colleges and universities;

12 “(C) research, development and evaluation
13 of distance education for computer science and
14 computational thinking courses and degree pro-
15 grams for students attending tribal colleges and
16 universities; and

17 “(D) other activities consistent with the
18 activities described in paragraphs (1) through
19 (4) of subsection (b), as determined by the Di-
20 rector.

21 “(3) PARTNERSHIPS.—A tribal college or uni-
22 versity seeking a grant under this subsection, or a
23 consortia thereof, may partner with an institution of
24 higher education or nonprofit organization with dem-

1 onstrated expertise in academic program develop-
2 ment.

3 “(4) COORDINATION.—In carrying out this sub-
4 section, the Director shall consult and cooperate
5 with the programs and policies of other relevant
6 Federal agencies to avoid duplication with and en-
7 hance the effectiveness of the program under this
8 subsection.

9 “(5) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated to the Di-
11 rector of the Foundation \$2,000,000 in each of fis-
12 cal years 2022 through 2026 to carry out this sub-
13 section.”.

14 (b) EVALUATION.—

15 (1) IN GENERAL.—Not later than 2 years after
16 the date of enactment of this Act, the Director of
17 the National Science Foundation shall evaluate the
18 grant program authorized under section 525 of the
19 America COMPETES Reauthorization Act of 2010
20 (42 U.S.C. 1862p–13), as amended.

21 (2) REQUIREMENTS.—In conducting the evalua-
22 tion under paragraph (1), the Director of the Na-
23 tional Science Foundation shall, as practicable—

24 (A) use a common set of benchmarks and
25 assessment tools to identify best practices and

1 materials developed or demonstrated by the re-
2 search conducted pursuant to grants programs
3 under section 525 of the America COMPETES
4 Reauthorization Act of 2010 (42 U.S.C.
5 1862p–13);

6 (B) include an assessment of the effective-
7 ness of such grant programs in expanding ac-
8 cess to high quality STEM education, research,
9 and outreach at tribal colleges and universities,
10 as applicable;

11 (C) assess the number of students who
12 participated in such grant programs; and

13 (D) assess the percentage of students par-
14 ticipating in such grant programs who success-
15 fully complete their education programs.

16 (3) REPORT.—Not later than 180 days after
17 the date on which the evaluation under paragraph
18 (1) is completed, the Director of the National
19 Science Foundation shall submit to Congress and
20 make available to the public, a report on the results
21 of the evaluation, including any recommendations for
22 legislative action that could optimize the effective-
23 ness of the grant program authorized under section
24 525 of the America COMPETES Reauthorization
25 Act of 2010, as amended by subsection (a).

1 **SEC. 54811. REPORT TO CONGRESS.**

2 Not later than 4 years after the date of enactment
3 of this Act, the Director shall submit a report to Congress
4 that includes—

5 (1) a description and evaluation of the status
6 and usage of policies implemented pursuant to sec-
7 tion 54803 at all Federal science agencies, including
8 any recommendations for revising or expanding such
9 policies;

10 (2) with respect to efforts to minimize the ef-
11 fects of implicit bias in the review of extramural and
12 intramural Federal research grants under section
13 54805—

14 (A) what steps all Federal science agencies
15 have taken to implement policies and practices
16 to minimize such effects;

17 (B) a description of any significant up-
18 dates to the policies for review of Federal re-
19 search grants required under such section; and

20 (C) any evidence of the impact of such
21 policies on the review or awarding of Federal
22 research grants; and

23 (3) a description and evaluation of the status of
24 institution of higher education and Federal labora-
25 tory policies and practices required under section

1 54807(a), including any recommendations for revis-
2 ing or expanding such policies.

3 **SEC. 54812. MERIT REVIEW.**

4 Nothing in this subtitle shall be construed as altering
5 any intellectual or broader impacts criteria at Federal
6 science agencies for evaluating grant applications.

7 **SEC. 54813. DEFINITIONS.**

8 In this subtitle:

9 (1) DIRECTOR.—The term “Director” means
10 the Director of the Office of Science and Technology
11 Policy.

12 (2) FEDERAL LABORATORY.—The term “Fed-
13 eral laboratory” has the meaning given such term in
14 section 4 of the Stevenson-Wydler Technology Inno-
15 vation Act of 1980 (15 U.S.C. 3703).

16 (3) FEDERAL SCIENCE AGENCY.—The term
17 “Federal science agency” means any Federal agency
18 with at least \$100,000,000 in research and develop-
19 ment expenditures in fiscal year 2022.

20 (4) INSTITUTION OF HIGHER EDUCATION.—The
21 term “institution of higher education” has the
22 meaning given such term in section 101(a) of the
23 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

24 (5) INTERAGENCY WORKING GROUP ON INCLU-
25 SION IN STEM.—The term “interagency working

group on inclusion in STEM” means the interagency working group established by section 308 of the American Innovation and Competitiveness Act (42 U.S.C. 6626).

(6) STEM.—The term “STEM” means science, technology, engineering, and mathematics, including computer science.

Subtitle SS—Student Loan Fairness Act

SEC. 54901. SHORT TITLE.

This title may be cited as the “Student Loan Fairness Act”.

SEC. 54902. FINDINGS.

Congress finds the following:

(1) A well-educated citizenry is critical to our Nation’s ability to compete in the global economy.

(2) The Federal Government has a vested interest in ensuring access to higher education.

(3) Higher education should be viewed as a public good benefitting our country rather than as a commodity solely benefitting individual students.

(4) Total outstanding student loan debt officially surpassed total credit card debt in the United States in 2015, and now exceeds \$1,400,000,000,000.

1 (5) Excessive student loan debt is impeding eco-
2 nomic growth in the United States. Faced with ex-
3 cessive repayment burdens, many individuals are un-
4 able to start businesses, invest, or buy homes. Re-
5 lieving student loan debt would give these individuals
6 greater control over their earnings and would in-
7 crease entrepreneurship and demand for goods and
8 services.

9 (6) Because of soaring tuition costs, students
10 often have no choice but to amass significant debt
11 to obtain an education that is widely considered a
12 prerequisite for earning a living wage.

13 (7) Amidst rising tuition rates and stagnant
14 grant funding, many students are forced to supple-
15 ment Federal loans with private loans, which fre-
16 quently feature higher interest rates with fewer con-
17 sumer protections.

18 (8) A borrower who experiences an extended
19 hardship for whatever reason, or a borrower who ex-
20 periences a series of separate hardships over a
21 longer period of time, will often have no choice but
22 to default on his or her private student loans. Op-
23 portunities to put such private loans into forbear-
24 ance are limited.

1 (9) During the period of forbearance on private
 2 student loans, interest continues to accrue and is
 3 capitalized, and once the borrower comes out of for-
 4 bearance, he or she owes significantly more on the
 5 principal of the loan than before the hardship period
 6 began.

7 **SEC. 54903. 10/10 LOAN REPAYMENT AND FORGIVENESS.**

8 Part G of title IV of the Higher Education Act of
 9 1965 is amended by adding at the end the following:

10 **“SEC. 493E. 10/10 LOAN REPAYMENT AND FORGIVENESS.**

11 “(a) 10/10 LOAN REPAYMENT PLAN.—

12 “(1) 10/10 LOAN REPAYMENT PLAN AUTHOR-
 13 IZED.—Notwithstanding any other provision of this
 14 Act, the Secretary shall carry out a program (to be
 15 known as the ‘10/10 Loan Repayment Plan’) under
 16 which—

17 “(A) a borrower of an eligible loan who is
 18 eligible under paragraph (3) may elect to have
 19 the borrower’s aggregate monthly payment for
 20 all such loans not exceed the monthly payment
 21 amount described in paragraph (2);

22 “(B) any interest due and not paid under
 23 a monthly payment under this subsection—

24 “(i) shall continue to accrue; and

1 “(ii) shall be capitalized up to an
2 amount equal to 10 percent of the original
3 principal amount of all the eligible loans
4 that the borrower is repaying under this
5 subsection;

6 “(C) any principal due and not paid under
7 a monthly payment under this subsection shall
8 be deferred, and shall be forgiven in accordance
9 with subsection (b) if the borrower meets the
10 requirements for forgiveness under such sub-
11 section;

12 “(D) the amount of time the borrower
13 makes monthly payments under this subsection
14 may exceed 10 years;

15 “(E) a borrower who is repaying an eligi-
16 ble loan pursuant to 10/10 Loan Repayment
17 under this subsection may elect, at any time, to
18 terminate repayment pursuant to 10/10 Loan
19 Repayment and repay such loan under the
20 standard repayment plan, in which case the
21 amount of time the borrower is permitted to
22 repay such loans may exceed 10 years; and

23 “(F) the special allowance payment to a
24 lender calculated under section 438(b)(2)(I),
25 when calculated for a loan in repayment under

1 this section, shall be calculated on the principal
2 balance of the loan and on any accrued interest
3 unpaid by the borrower in accordance with this
4 section.

5 “(2) 10/10 LOAN REPAYMENT MONTHLY PAY-
6 MENT FORMULA.—A borrower who has elected to
7 participate in the 10/10 Loan Repayment Plan
8 under this subsection shall, during each month the
9 borrower is participating in such Plan, make a
10 monthly payment in an amount equal to—

11 “(A) one-twelfth of the amount that is 10
12 percent of the result obtained by calculating, on
13 at least an annual basis, the amount by
14 which—

15 “(i) the borrower’s, and the bor-
16 rower’s spouse’s (if applicable), adjusted
17 gross income; exceeds

18 “(ii) 150 percent of the poverty line
19 applicable to the borrower’s family size as
20 determined under section 673(2) of the
21 Community Services Block Grant Act (42
22 U.S.C. 9902(2)), as adjusted by

23 “(iii) the regional variation in the cost
24 of living (determined by the Secretary, in
25 consultation with the Bureau of Economic

1 Analysis of the Department of Commerce
2 and the Bureau of Labor Statistics of the
3 Department of Labor) for the geographic
4 area in which the borrower resides, so that
5 a borrower residing in a higher cost geo-
6 graphic area will experience a downward
7 trend in such monthly payment amount; or
8 “(B) in the case of a borrower who is in
9 deferment due to an economic hardship de-
10 scribed in section 435(o), \$0.

11 “(3) ELIGIBILITY.—The Secretary shall estab-
12 lish procedures for annually determining the bor-
13 rower’s eligibility for 10/10 Loan Repayment, includ-
14 ing verification of a borrower’s annual adjusted
15 gross income and the annual amount due on the
16 total amount of eligible loans, and such other proce-
17 dures as are necessary to effectively implement 10/
18 10 Loan Repayment under this subsection.

19 “(4) SPECIAL RULE FOR MARRIED BORROWERS
20 FILING SEPARATELY.—In the case of a married bor-
21 rower who files a separate Federal income tax re-
22 turn, the Secretary shall calculate the amount of the
23 borrower’s 10/10 Loan Repayment under this sub-
24 section solely on the basis of the borrower’s student
25 loan debt and adjusted gross income, and the re-

1 regional variation in the cost of living described in
2 paragraph (2)(A)(iii).

3 “(b) 10/10 LOAN FORGIVENESS.—

4 “(1) IN GENERAL.—The Secretary shall carry
5 out a program (to be known as the ‘10/10 Loan
6 Forgiveness Program’) to forgive a qualified loan
7 amount, in accordance with paragraph (3), on an eli-
8 gible loan for a borrower who, after the date that is
9 10 years prior to the date of enactment of the Stu-
10 dent Loan Fairness Act, has made 120 monthly pay-
11 ments on the eligible loan pursuant to any one or a
12 combination of the following:

13 “(A) Monthly payment under the 10/10
14 Loan Repayment Plan under subsection (a).

15 “(B) Monthly payment under any other re-
16 payment plan authorized under part B or D of
17 an amount that, for a given month, is not less
18 than the monthly payment amount calculated
19 under subsection (a) that the borrower would
20 have owed in the year in which such payment
21 was made, based on the borrower’s adjusted
22 gross income and eligible loan balance for such
23 year.

24 “(C) For any month after such date dur-
25 ing which the borrower is in deferment due to

1 an economic hardship described in section
2 435(o), monthly payment of \$0.

3 “(2) METHOD OF LOAN FORGIVENESS.—To
4 provide loan forgiveness under paragraph (1), the
5 Secretary is authorized to carry out a program—

6 “(A) through the holder of the loan, to as-
7 sume the obligation to repay a qualified loan
8 amount for a loan made, insured, or guaranteed
9 under part B of this title; and

10 “(B) to cancel a qualified loan amount for
11 a loan made under part D of this title.

12 “(3) QUALIFIED LOAN AMOUNT.—After the
13 borrower has made 120 monthly payments described
14 in paragraph (1), the Secretary shall forgive—

15 “(A) with respect to new borrowers on or
16 after the date of enactment of the Student
17 Loan Fairness Act, the sum of—

18 “(i) the balance of principal and fees
19 due on the borrower’s eligible loans as of
20 the time of such forgiveness, not to exceed
21 \$45,520; and

22 “(ii) the amount of interest that has
23 accrued on the balance described in clause
24 (i) as of the time of such forgiveness; or

1 “(B) with respect to any other eligible bor-
2 rower, the balance of principal, interest, and
3 fees due on the borrower’s eligible loans as of
4 the time of such forgiveness.

5 “(4) EXCLUSION FROM TAXABLE INCOME.—
6 The amount of a borrower’s eligible loans forgiven
7 under this section shall not be included in the gross
8 income of the borrower for purposes of the Internal
9 Revenue Code of 1986.

10 “(c) SUPPORTING DOCUMENTATION REQUIRED.—A
11 borrower who has elected to participate in the 10/10 Loan
12 Repayment Plan under subsection (a), or who is request-
13 ing forgiveness under the 10/10 Loan Forgiveness Pro-
14 gram under subsection (b), shall provide to the Secretary
15 such information and documentation as the Secretary de-
16 termines, by regulation, to be necessary to verify the bor-
17 rower’s adjusted gross income and payment amounts
18 made on eligible loans of the borrower for the purposes
19 of such Plan or Program.

20 “(d) DEFINITION OF ELIGIBLE LOAN.—In this sec-
21 tion the term ‘eligible loan’ means any loan made, insured,
22 or guaranteed under part B or D.”.

1 **SEC. 54904. CAPPING INTEREST RATES FOR ALL FEDERAL**
2 **DIRECT LOANS.**

3 Section 455(b) of the Higher Education Act of 1965
4 (20 U.S.C. 1087e(b)) is amended—

5 (1) by redesignating paragraphs (9) and (10)
6 as paragraphs (10) and (11), respectively; and

7 (2) by inserting after paragraph (8) the fol-
8 lowing:

9 “(8) RATE OF INTEREST FOR ALL NEW FED-
10 ERAL DIRECT LOANS.—Notwithstanding any other
11 provision of this Act, with respect to a loan under
12 this part for which the first disbursement of prin-
13 cipal is made (or in the case of a Federal Direct
14 Consolidation Loan, for which the application is re-
15 ceived) on or after October 1, 2021, or the date of
16 enactment of the Student Loan Fairness Act, which-
17 ever is later, the applicable rate of interest shall not
18 exceed 3.4 percent.”.

19 **SEC. 54905. 10/10 LOAN REPAYMENT PLAN AS PLAN SE-**
20 **LECTED BY THE SECRETARY.**

21 (a) FFEL LOANS.—

22 (1) IN GENERAL.—Section 428(b)(9) of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1078(b)(9)) is amended—

25 (A) in subparagraph (A)—

1 (i) by striking “and” at the end of
2 clause (iv);

3 (ii) in clause (v), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing new clause:

7 “(vi) beginning October 1, 2021, a
8 10/10 Loan Repayment Plan, with varying
9 annual repayment amounts based on the
10 discretionary income of the borrower, in
11 accordance with section 493E.”; and

12 (B) in subparagraph (B), by striking
13 “(A)(i)” and inserting “(A)(vi)”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1)(B) shall be effective beginning Oc-
16 tober 1, 2021.

17 (b) DIRECT LOANS.—

18 (1) IN GENERAL.—Section 455(d) of the High-
19 er Education Act of 1965 (20 U.S.C. 1087e(d)) is
20 amended—

21 (A) in paragraph (1)—

22 (i) by striking “and” at the end of
23 subparagraph (D);

1 (ii) in subparagraph (E), by striking
 2 the period at the end and inserting “;
 3 and”; and

4 (iii) by adding at the end the fol-
 5 lowing new subparagraph:

6 “(F) beginning on October 1, 2021, a 10/
 7 10 Loan Repayment Plan, with varying annual
 8 repayment amounts based on the discretionary
 9 income of the borrower, in accordance with sec-
 10 tion 493E.”; and

11 (B) in paragraph (2)—

12 (i) by striking “may” and inserting
 13 “shall”; and

14 (ii) by striking “(A), (B), or (C)” and
 15 inserting “(F)”.

16 (2) EFFECTIVE DATE.—The amendment made
 17 by paragraph (1)(B) shall be effective beginning Oc-
 18 tober 1, 2021.

19 **SEC. 54906. IMPROVING AND EXPANDING PUBLIC SERVICE**
 20 **LOAN FORGIVENESS.**

21 Section 455(m) of the Higher Education Act of 1965
 22 (20 U.S.C. 1087e(m)) is amended—

23 (1) in paragraph (1), by striking “120” and in-
 24 serting “60” each place it appears; and

25 (2) in paragraph (3)(B)—

1 (A) in clause (i), by striking “or” after the
2 semicolon;

3 (B) in clause (ii), by striking the period
4 and inserting “; or”; and

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

6 “(iii) a full-time job as a primary care
7 physician in an area or population des-
8 ignated as a Medically Underserved Area
9 or Population by the Health Resource and
10 Services Administration.”.

11 **SEC. 54907. REFINANCING PRIVATE EDUCATION LOANS**
12 **FOR CERTAIN BORROWERS.**

13 (a) CONSOLIDATION FOR CERTAIN BORROWERS.—
14 Section 455(g) of the Higher Education Act of 1965 (20
15 U.S.C. 1087e(g)) is amended—

16 (1) by striking “A borrower” and inserting the
17 following:

18 “(1) IN GENERAL.—A borrower”;

19 (2) by inserting “, and any loan described in
20 paragraph (2)” after “July 1, 2010”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(2) CONSOLIDATION OF PRIVATE EDUCATION
24 LOANS AS A FEDERAL DIRECT CONSOLIDATION LOAN
25 FOR CERTAIN BORROWERS.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, a borrower who meets
3 the eligibility criteria described in subparagraph
4 (B) shall be eligible to obtain a Federal Direct
5 Consolidation loan under this paragraph that—

6 “(i) shall include an eligible private
7 education loan; and

8 “(ii) may include a loan described in
9 section 428C(a)(4).

10 “(B) ELIGIBLE BORROWER.—A borrower
11 of an eligible private education loan is eligible
12 to obtain a Federal Direct Consolidation Loan
13 under this paragraph if the borrower—

14 “(i) was eligible to borrow a loan
15 under section 428H, a Federal Direct Un-
16 subsidized Stafford Loan, a loan under
17 section 428B, or a Federal Direct PLUS
18 loan for a period of enrollment at an insti-
19 tution of higher education, or, with respect
20 to a borrower who was enrolled at an insti-
21 tution of higher education on less than a
22 half-time basis, would have been eligible to
23 borrow such a loan for such period of en-
24 rollment if the borrower had been enrolled
25 on at least a half-time basis;

1 “(ii) borrowed at least one eligible pri-
2 vate education loan for a period of enroll-
3 ment described in clause (i); and

4 “(iii) has an average adjusted gross
5 income (based on the borrower’s adjusted
6 gross income from the 3 most recent cal-
7 endar years before application for consoli-
8 dation under this section) that is equal to
9 or less than the borrower’s total education
10 debt (determined by calculating the sum of
11 the borrower’s loans described in section
12 428C(a)(4) and eligible private education
13 loans) at the time of such application.

14 “(C) DEFINITION OF ELIGIBLE PRIVATE
15 EDUCATION LOAN.—For purposes of this para-
16 graph, the term ‘eligible private education loan’
17 means a private education loan (as such term
18 is defined in section 140 of the Truth in Lend-
19 ing Act (15 U.S.C. 1650)) made on or before
20 the date of enactment of the Student Loan
21 Fairness Act, including the amount of out-
22 standing principal, accrued interest, and related
23 fees and costs (as determined by the Secretary)
24 owed by a borrower on such a loan.

1 “(D) PURCHASE OF LOAN.—For each eli-
2 gible private education loan that a borrower is
3 consolidating under this paragraph, the Sec-
4 retary shall notify the holder that the Secretary
5 is purchasing the loan, and the Secretary shall
6 then purchase such loan, as described under
7 section 140A of the Truth in Lending Act.

8 “(E) TERMS AND RATE OF INTEREST.—A
9 Federal Direct Consolidation Loan made under
10 this paragraph shall have the same terms and
11 conditions as a Federal Direct Consolidation
12 loan under paragraph (1), except that the appli-
13 cable rate of interest for a Federal Direct Con-
14 solidation loan made under this paragraph shall
15 not exceed 3.4 percent.

16 “(F) NOTIFICATION OF ELIGIBLE BOR-
17 ROWERS.—The Secretary shall take such steps
18 as may be necessary to notify eligible borrowers
19 of the availability of consolidation under this
20 paragraph no later than 60 days after the date
21 of enactment of the Student Loan Fairness Act,
22 including notifying such borrowers of the dead-
23 line to apply for such a loan under subpara-
24 graph (G).

1 “(G) APPLICATION DEADLINE FOR LOANS
2 UNDER THIS PARAGRAPH.—A borrower may
3 apply for loans under this paragraph during the
4 1-year period beginning on the date of enact-
5 ment of the Student Loan Fairness Act. The
6 Secretary shall not make a Federal Direct Con-
7 solidation Loan under this paragraph to any
8 borrower who has not submitted an application
9 for such a loan to the Secretary before the end
10 of such period.

11 “(H) AUTHORIZATION AND APPROPRIA-
12 TION.—There are authorized to be appro-
13 priated, and there are appropriated, such sums
14 as may be necessary to carry out this para-
15 graph.”.

16 (b) SALE OF PRIVATE EDUCATION LOANS TO THE
17 GOVERNMENT.—Chapter 2 of the Truth in Lending Act
18 (15 U.S.C. 1631 et seq.) is amended—

19 (1) by redesignating section 140A as section
20 140B; and

21 (2) by inserting after section 140 the following:

22 **“§ 140A. Sale of private education loans to the Gov-**
23 **ernment**

24 “(a) IN GENERAL.—The Bureau shall issue regula-
25 tions to require a private education lender to sell an eligi-

1 ble private education loan to the Secretary of Education,
2 upon request of the Secretary, for purposes of consoli-
3 dating such loan, as described under section 455(g)(2) of
4 the Higher Education Act of 1965.

5 “(b) DETERMINATION OF PRICE.—The price paid for
6 a private education loan under subsection (a) shall—

7 “(1) include the amount of outstanding prin-
8 cipal on the loan, the amount of accrued interest on
9 the loan, and any fees or other costs owed by the
10 consumer on the loan; and

11 “(2) be adjusted to account for the time value
12 of such amount.

13 “(c) DEFINITIONS.—For purposes of this section:

14 “(1) ELIGIBLE PRIVATE EDUCATION LOAN.—
15 The term ‘eligible private education loan’ means a
16 private education loan, as defined under section
17 140(a), made on or before the date of enactment of
18 the Student Loan Fairness Act.

19 “(2) PRIVATE EDUCATION LENDER.—The term
20 ‘private education lender’ has the meaning given
21 such term under section 140(a).”; and

22 (3) in the table of contents for such chapter—
23 (A) by redesignating the item relating to
24 section 140A as item 140B; and

1 (B) by inserting after the item relating to
 2 section 140 the following:

“140A. Sale of private education loans to the Government.”.

3 (c) CONFORMING AMENDMENT.—Section
 4 428C(a)(3)(B)(i)(V) of the Higher Education Act of 1965
 5 (20 U.S.C. 1078–3(a)(3)(B)(i)(V)) is amended—

6 (1) by striking “or” at the end of item (bb);

7 (2) by striking the period at the end of item
 8 (cc) and inserting “; or”; and

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

10 “(dd) for the purpose of
 11 consolidating an eligible private
 12 education loan under section
 13 455(g)(2), whether such loan is
 14 consolidated alone, with other eli-
 15 gible private education loans, or
 16 with loans described in para-
 17 graph (4).”.

18 **SEC. 54908. INTEREST-FREE DEFERMENT OF UNSUB-**
 19 **SIDIZED LOANS DURING PERIODS OF UNEM-**
 20 **PLOYMENT.**

21 (a) FFEL UNSUBSIDIZED LOAN DEFERMENT.—

22 (1) Section 428H(e)(2) of the Higher Edu-
 23 cation Act of 1965 (20 U.S.C. 1078–8(e)(2)) is
 24 amended—

1 (A) in subparagraph (A), by striking “sub-
 2 paragraph (C)” and inserting “subparagraphs
 3 (C) and (D)”; and

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

5 “(D) Interest on loans made under this section
 6 for which payments are deferred under clause (ii) of
 7 section 428(b)(1)(M), for a period of deferment
 8 granted to a borrower on or after the date of enact-
 9 ment of the Student Loan Fairness Act, shall accrue
 10 and be paid by the Secretary during any period dur-
 11 ing which loans are so deferred, not in excess of 3
 12 years.”.

13 (2) CONFORMING AMENDMENT.—Section
 14 428(b)(1)(Y)(iii) of the Higher Education Act of
 15 1965 (20 U.S.C. 1078(b)(1)(Y)(iii)) is amended by
 16 inserting “(other than a deferment under clause (ii)
 17 of such subparagraph on or after the date of enact-
 18 ment of the Student Loan Fairness Act)” after “of
 19 this paragraph”.

20 (b) DIRECT UNSUBSIDIZED LOAN DEFERMENT.—
 21 Section 455(f)(1) of the Higher Education Act of 1965
 22 (20 U.S.C. 1087e(f)(1)) is amended—

23 (1) in subparagraph (A)—

24 (A) by striking “or” at the end of clause
 25 (i); and

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

2 “(iii) a Federal Direct Unsubsidized
3 Stafford Loan, with respect to a period of
4 deferment described in subparagraph (B)
5 of paragraph (2) granted to a borrower on
6 or after the date of enactment of the Stu-
7 dent Loan Fairness Act; or”; and

8 (2) in subparagraph (B), by inserting “not de-
9 scribed in subparagraph (A)(iii)” after “Unsub-
10 sidized Stafford Loan”.

11 (c) TREATMENT OF CONSOLIDATION LOANS.—Sec-
12 tion 428C(b)(4)(C)(ii) of the Higher Education Act of
13 1965 (20 U.S.C. 1078–3(b)(4)(C)(ii)) is amended—

14 (1) by striking “or” at the end of subclause
15 (II);

16 (2) by redesignating subclause (III) as sub-
17 clause (IV);

18 (3) by inserting after subclause (II) the fol-
19 lowing:

20 “(III) by the Secretary, in the
21 case of a consolidation loan for which
22 the application is received on or after
23 the date of enactment of the Student
24 Loan Fairness Act, except that the
25 Secretary shall pay such interest only

1 for a period not in excess of 3 years
2 for which the borrower would be eligi-
3 ble for a deferral under clause (ii) of
4 section 428(b)(1)(M); or”; and

5 (4) in subclause (IV) (as redesignated by para-
6 graph (2)), by striking “(I) or (II)” and inserting
7 “(I), (II), or (III)”.

8 (d) INCOME-BASED REPAYMENT.—Section 493C(b)
9 of the Higher Education Act of 1965 (20 U.S.C.
10 10983(b))—

11 (1) in paragraph (3)—

12 (A) in subparagraph (A), by striking
13 “and” after the semicolon;

14 (B) by redesignating subparagraph (B) as
15 subparagraph (C);

16 (C) by inserting after subparagraph (A)
17 the following:

18 “(B) shall, on subsidized and unsubsidized
19 loans, be paid by the Secretary for a period of
20 not more than 3 years during which the bor-
21 rower is eligible for a deferment due to unem-
22 ployment described in section 455(f)(2)(B) (re-
23 gardless of whether the student is in such a
24 deferment), except that—

1 “(i) this subparagraph shall only
2 apply to periods during which the borrower
3 is eligible for such a deferment on or after
4 the date of enactment of the Student Loan
5 Fairness Act; and

6 “(ii) in the case of a subsidized loan,
7 such period shall not include any period
8 described in subparagraph (A) or any pe-
9 riod during which the borrower is in
10 deferment due to an economic hardship de-
11 scribed in section 435(o); and”; and

12 (D) in subparagraph (C) (as so redesign-
13 nated by subparagraph (B))—

14 (i) in clause (i), by striking “subpara-
15 graph (A)” and inserting “subparagraphs
16 (A) and (B)”; and

17 (ii) in clause (ii), by inserting “, sub-
18 ject to subparagraph (B),” after “unsub-
19 sidized loan”;

20 (2) by striking “and” at the end of paragraph
21 (8);

22 (3) by striking the period at the end of para-
23 graph (9) and inserting “; and”; and

24 (4) by adding at the end the following new
25 paragraph:

1 “(10) the amount of the principal and interest
 2 on a borrower’s loans repaid or canceled under para-
 3 graph (7) shall not be included in the gross income
 4 of the borrower for purposes of the Internal Revenue
 5 Code of 1986.”.

6 **SEC. 54909. EXCLUDING LOANS FORGIVEN UNDER CERTAIN**
 7 **REPAYMENT PROGRAMS FROM GROSS IN-**
 8 **COME.**

9 Section 455(e)(2) of the Higher Education Act of
 10 1965 (20 U.S.C. 1087e(e)(2)) is amended—

11 (1) in the paragraph heading, by inserting
 12 “AND FORGIVENESS” after “REPAYMENT”; and

13 (2) by adding at the end the following: “The
 14 amount of the principal and interest on a borrower’s
 15 loans forgiven pursuant to income contingent repay-
 16 ment shall not be included in the gross income of
 17 the borrower for purposes of the Internal Revenue
 18 Code of 1986.”.

19 **Subtitle TT—Financial Aid**
 20 **Fairness For Students Act**

21 **SEC. 55001. SHORT TITLE.**

22 This title may be cited as the “Financial Aid Fair-
 23 ness for Students Act” or the “FAFSA Act”.

24 **SEC. 55002. FINDINGS.**

25 Congress finds the following:

1 (1) Expanding the ability of low- and middle-in-
2 come borrowers to pursue higher education is critical
3 to reversing decades of exclusionary policies that
4 have adversely impacted people of color.

5 (2) Under current law, individuals with drug-re-
6 lated offenses are precluded from accessing Federal
7 grants, loans, and work-study aid pursuant to sec-
8 tion 484(r) of the Higher Education Act of 1965
9 (20 U.S.C. 1091(r)), commonly referred to as the
10 “Aid Elimination Penalty”.

11 (3) The Free Application for Federal Student
12 Aid (FAFSA) screens applicants for Federal finan-
13 cial aid based on her or his history of drug offenses.

14 (4) Given that criminal sentencing laws in the
15 United States disproportionately impact racial mi-
16 norities and low-income communities, the Aid Elim-
17 ination Penalty may disproportionately hinder these
18 same groups from accessing Federal financial aid.

19 (5) Recognizing that an educated citizenry is
20 the powerhouse of the Nation, that higher education
21 allows Americans to access well-paying jobs, health-
22 care, strong interpersonal relationships and a higher
23 quality of life, the Federal Government should incen-
24 tivize the pursuit of higher education while ensuring
25 equality of opportunity.

1 **SEC. 55003. REPEAL OF SUSPENSION OF ELIGIBILITY**
2 **UNDER THE HIGHER EDUCATION ACT OF 1965**
3 **FOR GRANTS, LOANS, AND WORK ASSISTANCE**
4 **FOR DRUG-RELATED OFFENSES.**

5 (a) REPEAL.—Subsection (r) of section 484 of the
6 Higher Education Act of 1965 (20 U.S.C. 1091(r)) is re-
7 pealed.

8 (b) REVISION OF FAFSA FORM.—Section 483 of the
9 Higher Education Act of 1965 (20 U.S.C. 1090) is
10 amended by adding at the end the following:

11 “(i) CONVICTIONS.—The Secretary
12 shall not include any question about the
13 conviction of an applicant for the posses-
14 sion or sale of illegal drugs on the FAFSA
15 (or any other form developed under sub-
16 section (a)).”.

17 (c) CONFORMING AMENDMENTS.—The Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

19 (1) in section 428(b)(3) (20 U.S.C.
20 1078(b)(3))—

21 (A) in subparagraph (C), by striking
22 “485(l)” and inserting “485(k)”; and

23 (B) in subparagraph (D), by striking
24 “485(l)” and inserting “485(k)”;

25 (2) in section 435(d)(5) (20 U.S.C.
26 1085(d)(5))—

1 (A) in subparagraph (E), by striking
 2 “485(l)” and inserting “485(k)”; and
 3 (B) in subparagraph (F), by striking
 4 “485(l)” and inserting “485(k)”;
 5 (3) in section 484 (20 U.S.C. 1091)—
 6 (A) by striking subsection (r); and
 7 (B) by redesignating subsections (s) and
 8 (t) as subsections (r) and (s), respectively;
 9 (4) in section 485 (20 U.S.C. 1092)—
 10 (A) by striking subsection (k); and
 11 (B) by redesignating subsections (l) and
 12 (m) as subsections (k) and (l), respectively; and
 13 (5) in section 487(e)(2)(B)(ii)(IV) (20 U.S.C.
 14 1094(e)(2)(B)(ii)(IV)), by striking “(l) of section
 15 485” and inserting “(k) of section 485”.

16 **Subtitle UU—Supporting the**
 17 **Teaching Profession Through**
 18 **Revitalizing Investments in Val-**
 19 **uable Educators**

20 **SEC. 55101. SHORT TITLE AND FINDINGS.**

21 (a) SHORT TITLE.—This subtitle may be cited as the
 22 “Supporting the Teaching profession through Revitalizing
 23 Investments in Valuable Educators Act” or the “STRIVE
 24 Act”.

25 (b) FINDINGS.—Congress finds the following:

1 (1) States identified significant teacher short-
2 ages in their reports to the Department of Edu-
3 cation during the 2017–2018 school year, with 46
4 States and the District of Columbia identifying
5 shortages in special education, 47 States and the
6 District of Columbia identifying teacher shortages in
7 mathematics, 43 States identifying teacher shortages
8 in science, 32 States identifying shortages in teach-
9 ers of English learners, and 32 States identifying
10 teacher shortages in career and technical education.
11 One reason for the shortages in these areas is be-
12 cause mathematics and science teachers can earn
13 significantly higher starting salaries in the private
14 sector. Further, rural communities face limitations
15 in recruiting and retaining teachers for reasons such
16 as funding issues, limited teacher supply, and geo-
17 graphic isolation.

18 (2) Students in high-poverty and high-minority
19 schools, both urban and rural, typically feel the larg-
20 est impact of teacher shortages. These schools often
21 experience difficulty hiring and high turnover on a
22 regular basis, and they are the most severely af-
23 fected when teacher shortages become widespread.
24 This happens, in part, because inequitable funding
25 of schools leaves many low-wealth urban and rural

1 communities with inadequate resources, so they
2 must pay lower salaries and typically have poorer
3 working conditions.

4 (3) According to a study by Mathematica, when
5 high-performing teachers were offered large financial
6 incentives to transfer to low-performing schools,
7 their students' scores climbed 10 points in reading
8 and 9 points in math compared to students state-
9 wide over 2 years.

10 (4) According to a survey conducted by Scho-
11 lastic, 97 percent of teachers list supportive school
12 leadership as essential or very important for retain-
13 ing strong teachers and improving student achieve-
14 ment, more than any other factor.

15 (5) Research suggests that incurring postsec-
16 ondary education debt can decrease the likelihood
17 that high-achieving students, lower-income students,
18 and students of color choose to work in lower-wage
19 professions in general, especially in the education
20 system. Therefore, loan forgiveness and service
21 scholarships for educators may be especially effective
22 for recruiting teachers and school leaders from di-
23 verse, lower-income backgrounds.

24 (6) According to the Learning Policy Institute,
25 teacher loan forgiveness and service scholarship pro-

1 grams can be successful in both recruiting and re-
2 taining teachers. To be effective, these programs
3 should provide a financial benefit that meaningfully
4 offsets the cost of a teacher's professional prepara-
5 tion. This includes covering licensing and certifi-
6 cation costs.

7 (7) A 2015 Government Accountability Office
8 study and a 2018 follow up study by the Depart-
9 ment of Education of Federal grant and loan for-
10 giveness programs for teachers found that the struc-
11 ture of these programs matters. Further research
12 shows effective loan forgiveness and service scholar-
13 ship programs follow 5 design principles. These pro-
14 grams—

15 (A) cover all or a large percentage of tui-
16 tion;

17 (B) target high-need fields or schools, or
18 both;

19 (C) recruit candidates who are academi-
20 cally strong, committed to teaching, and well-
21 prepared;

22 (D) commit recipients to teach with rea-
23 sonable incentives to fulfill their commitment;
24 and

1 (E) are bureaucratically manageable for
2 participating teachers, local educational agen-
3 cies, and institutions of higher education.

4 (8) The TEACH grant program under subpart
5 9 of part A of title IV of the Higher Education Act
6 of 1965 (20 U.S.C. 1070g et seq.) provides up to
7 \$16,000 in grants to prospective teachers who agree
8 to teach in low-income schools and high-need subject
9 areas for 4 years. This is far below the Department
10 of Education's most recent estimate of the average
11 annual cost of approximately \$25,409 in tuition,
12 fees, and room and board at the average full-time
13 undergraduate 4-year institution.

14 (9) The National Center for Education Statis-
15 tics found that more than $\frac{2}{3}$ of the individuals en-
16 tering the education field borrow money to pay for
17 their higher education. Teachers with a bachelor's
18 degree have an average debt of \$20,000 and teach-
19 ers with a master's degree have an average debt of
20 \$50,000. Teachers also start out earning 20 percent
21 less than their peers with comparable degrees who
22 pursue jobs outside of education. According to a re-
23 port by the Center for American Progress, in more
24 than 30 States, a mid-career teacher heading a fam-
25 ily of 4 is eligible for several forms of government

1 assistance, including the free and reduced-price
2 lunch program for their children. These
3 compounding factors can disincentivize prospective
4 teachers from entering the profession.

5 (10) In evaluating the TEACH grant program,
6 the Government Accountability Office found that al-
7 most $\frac{2}{3}$ of the requests for assistance under the pro-
8 gram from October 2011 through March 2014 cited
9 problems submitting certification paperwork. The
10 Government Accountability Office recommended im-
11 provements in the program's design, including re-
12 ducing burdensome annual paperwork, increasing
13 awareness about the program, and streamlining the
14 dispute process.

15 (11) Spending by teachers on school supplies
16 adds up to \$1,600,000,000 per year nationally. Ac-
17 cording to the Education Market Association, most
18 teachers spend around \$500, with 10 percent spend-
19 ing \$1,000 or more.

20 (12) Teacher quality partnerships are designed
21 to strengthen higher education-based teacher and
22 school leader preparation. Studies show that teach-
23 ers who are better prepared to enter the classroom
24 stay longer and perform better than their underpre-
25 pared peers. Teacher quality partnerships also fund

1 programs like induction and mentoring that have
2 been shown to increase teacher and school leader re-
3 tention. Research indicates that the ongoing support
4 for teachers provided by teacher quality partner-
5 ships, including mentoring and coaching, is an im-
6 portant part of early childhood education programs.

7 (13) According to the Center for Education
8 Data and Research, a more diverse teaching work-
9 force leads to better student outcomes, particularly
10 in high-poverty environments with significant at-risk
11 student populations. Further, researchers from Van-
12 derbilt University found that greater racial and eth-
13 nic diversity in the principal corps benefits students,
14 especially children of color. Three commonly cited
15 rationales for this benefit are—

16 (A) students of color benefit from seeing
17 minority adult role models in a position of au-
18 thority;

19 (B) the higher expectations that teachers
20 of color tend to place on students of color; and

21 (C) the effect of cultural differences be-
22 tween teachers of different backgrounds on in-
23 structional strategies and interpretation of stu-
24 dents' behavior.

1 (14) According to the report entitled “Empow-
2 ered Educators: How Leading Nations Design Sys-
3 tems for Teaching Quality”, effective teacher prepa-
4 ration successfully integrates theory and practice
5 components. Further, according to the “Preparing
6 Teachers for a Changing World” report sponsored
7 by the National Academy Foundation, highly effec-
8 tive teachers vary in styles, yet have many teaching
9 strategies in common. Research has identified a set
10 of knowledge, skills, and dispositions essential for
11 beginning teachers that should be incorporated into
12 the teacher education curriculum. This includes the
13 opportunity and capacity to reflect on and evaluate
14 skills and to learn from practice. Evidence-based
15 teacher preparation includes developing teacher
16 skills, content knowledge, inquiry, and the capacity
17 to provide effective learning experiences for a diverse
18 set of students.

19 (15) As it does in medicine, the Federal Gov-
20 ernment should maintain a substantial, sustained
21 program of service scholarships or loan forgiveness
22 programs that cover training costs in high-quality
23 preparation programs at the undergraduate or grad-
24 uate level for those who will teach in a high-need
25 field or location for at least 4 years, as candidates

1 are much more likely to remain in the profession
2 and to make a difference for student achievement
3 after 3 years of teaching. State governments can
4 augment such an approach with programs targeted
5 to specific local needs.

6 (16) Research has shown the impact cultural
7 competence can have on closing student achievement
8 gaps and improving student outcomes by incor-
9 porating racial and ethnic minority contributions in
10 curricula and diversifying pedagogical practices. Cul-
11 tural competence is both a moral and ethical respon-
12 sibility to create a welcoming environment for stu-
13 dents to succeed. The impact of having educators
14 who have the ability to challenge and motivate di-
15 verse student populations can dramatically improve
16 our educational system and student outcomes.

17 **CHAPTER 1—IMPROVING TEACHER SUP-**
18 **PORT UNDER THE ELEMENTARY AND**
19 **SECONDARY EDUCATION ACT OF 1965**

20 **SEC. 55111. MANDATORY FUNDING FOR PROGRAMS PRE-**
21 **PARING, TRAINING, AND RECRUITING HIGH-**
22 **QUALITY TEACHERS, PRINCIPALS, OR OTHER**
23 **SCHOOL LEADERS.**

24 Section 2003 of the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 6603) is amended—

1 (1) in the section heading, by striking “**AU-**
2 **THORIZATION OF APPROPRIATIONS**” and insert-
3 ing “**FUNDING**”; and

4 (2) by striking subsection (a) and inserting the
5 following:

6 “(a) APPROPRIATIONS FOR PART A.—

7 “(1) IN GENERAL.—For fiscal year 2020 and
8 each subsequent fiscal year, there are authorized to
9 be appropriated, and there are appropriated, out of
10 any funds not otherwise appropriated,
11 \$3,200,000,000 to carry out part A.

12 “(2) RESERVATION FOR MENTORING GRANTS.—

13 For each fiscal year for which the total amount ap-
14 propriated under paragraph (1) is greater than
15 \$2,200,000,000, the Secretary shall, after making
16 any reservations under section 2101(a), reserve 50
17 percent of the additional amount to establish a grant
18 program that awards grants, on a competitive basis,
19 to States for the establishment of a mentoring pro-
20 gram for all beginning elementary school and sec-
21 ondary school teachers and beginning early child-
22 hood educators in all local educational agencies in
23 the States.

24 “(3) RESERVATION FOR PROFESSIONAL DEVEL-
25 OPMENT GRANTS.—For each fiscal year for which

1 the total amount appropriated under paragraph (1)
 2 is greater than \$2,200,000,000 the Secretary shall,
 3 after making any reservations under section
 4 2101(a), reserve 10 percent of the additional
 5 amount to award grants to States, based on allot-
 6 ments through a formula determined by the Sec-
 7 retary to best accomplish the purposes of this title,
 8 to enable such States to establish or enhance profes-
 9 sional development in-service and pre-service oppor-
 10 tunities for school leaders, including efforts to re-
 11 cruit and retain school leaders who are underrep-
 12 resented in the school leader profession, such as
 13 members of racial and ethnic minority groups.

14 “(4) ADDITIONAL AMOUNT.—In this subsection,
 15 the term ‘additional amount’ means the amount by
 16 which the funds appropriated under paragraph (1)
 17 for a fiscal year exceeds \$2,200,000.”.

18 **CHAPTER 2—TEACHER LOAN**

19 **FORGIVENESS PROGRAMS**

20 **SEC. 55121. TEACHER LOAN FORGIVENESS PROGRAMS AND** 21 **GRANTS.**

22 (a) REPAYMENT PLAN FOR QUALIFYING TEACH-
 23 ERS.—

1 (1) IN GENERAL.—Section 455 of the Higher
2 Education Act of 1965 (20 U.S.C. 1087e) is amend-
3 ed by adding at the end the following:

4 “(r) REPAYMENT PLAN FOR QUALIFYING TEACH-
5 ERS.—

6 “(1) IN GENERAL.—The Secretary shall cancel
7 a portion, in accordance with paragraph (2), of the
8 balance of interest and principal due on any eligible
9 Federal Direct Loan not in default for a borrower
10 who, in a 12-month time period—

11 “(A) has made 12 consecutive on-time
12 monthly payments on the eligible Federal Di-
13 rect Loan, in an amount equal to or greater
14 than the amount of payments for the borrower
15 under an income-based repayment plan under
16 section 493C (regardless of whether some or all
17 of those payments were made before the effec-
18 tive date of the Supporting the Teaching pro-
19 fession through Revitalizing Investments in Val-
20 uable Educators Act); and

21 “(B)(i) is employed in a qualifying teach-
22 ing position, regardless of subject matter area,
23 at the time of such forgiveness; and

24 “(ii) has been employed in a qualifying
25 teaching position, regardless of subject matter

1 area, during the period in which the borrower
2 made each of the 12 payments described in sub-
3 paragraph (A).

4 “(2) LOAN CANCELLATION AMOUNT.—

5 “(A) IN GENERAL.—The portion to be can-
6 celled under this paragraph shall be—

7 “(i) for each of—

8 “(I) the first 5 years that the
9 borrower qualifies under paragraph
10 (1), in the case of a borrower em-
11 ployed for such year in a full-time
12 qualifying teaching position in the
13 subject of English as a second lan-
14 guage, science, technology, engineer-
15 ing, mathematics, special education,
16 or career and technical education, 15
17 percent of the balance of principal and
18 interest due on all of the eligible Fed-
19 eral Direct Loans of the borrower, as
20 of the final day of that 1-year employ-
21 ment period; or

22 “(II) the first 6 years (or the
23 equivalent calculated under subpara-
24 graph (B)(i)) that the borrower quali-
25 fies under paragraph (1)—

1 “(aa) in the case of a bor-
2 rower employed for such year in
3 a full-time qualifying teaching
4 position in a subject that is not
5 described in subclause (I), 10
6 percent of the balance of prin-
7 cipal and interest due on all of
8 the eligible Federal Direct Loans
9 of the borrower, as of the final
10 day of that 1-year employment
11 period; or

12 “(bb) in the case of a bor-
13 rower employed for such year in
14 a part-time qualifying teaching
15 position (regardless of subject), 5
16 percent of the balance of prin-
17 cipal and interest due on all of
18 the eligible Federal Direct Loans
19 of the borrower, as of the final
20 day of that 1-year employment
21 period; and

22 “(ii) after the borrower has received
23 partial loan cancellation described in clause
24 (i)—

1 “(I) for 5 years, in the case of a
2 borrower described in clause (i)(I),
3 and then qualifies for loan cancella-
4 tion under paragraph (1) for a sixth
5 year, all of the borrower’s remaining
6 obligation to repay the balance of
7 principal and interest due, as of the
8 date of such calculation, on all of the
9 eligible Federal Direct Loan made to
10 a borrower; or

11 “(II) for 6 years (or the equiva-
12 lent calculated under subparagraph
13 (B)(i)), in the case of a borrower de-
14 scribed in clause (i)(II), and then
15 qualifies for loan cancellation under
16 paragraph (1) for a seventh year (or
17 the equivalent calculated under sub-
18 paragraph (B)(ii)), all of the bor-
19 rower’s remaining obligation to repay
20 the balance of principal and interest
21 due, as of the date of such calculation,
22 on all of the eligible Federal Direct
23 Loan made to a borrower.

24 “(B) SPECIAL RULE REGARDING PART-
25 TIME TEACHING.—

1 “(i) GENERAL RULE.—In the case of
2 a borrower who qualifies for loan cancella-
3 tion under subparagraph (A) for one or
4 more years through a part-time qualifying
5 teaching position, the Secretary shall de-
6 termine when the equivalent of 6 years of
7 partial cancellation for full-time employ-
8 ment has been met for purposes of sub-
9 paragraph (A)(ii)(II) by giving the bor-
10 rower credit for one-half of a year for each
11 year that the borrower receives partial
12 part-time cancellation under subparagraph
13 (A)(i)(II)(bb).

14 “(ii) RULE FOR FINAL CANCELLA-
15 TION.—A borrower who wishes to complete
16 the equivalent of the seventh year of teach-
17 ing necessary for complete cancellation
18 under subparagraph (A)(ii)(II) through
19 employment in a part-time qualifying
20 teaching position—

21 “(I) shall be required to qualify
22 for loan cancellation through a part-
23 time qualifying teaching position for 2
24 additional years; and

1 “(II) notwithstanding subpara-
2 graph (A), shall receive partial can-
3 cellation, in accordance with subpara-
4 graph (A)(i)(II)(bb), for the first of
5 such 2 years.

6 “(C) CHANGE IN SUBJECT TAUGHT.—In
7 any case where a teacher first qualifies for loan
8 cancellation under subparagraph (A)(i)(II) and
9 then, in a subsequent year, teaches in a full-
10 time qualifying teaching position in a subject
11 described in subparagraph (A)(i)(I), the per-
12 centage of loan forgiveness provided to the
13 teacher for each academic year of full-time
14 teaching in such a subject shall be 15 percent,
15 until the teacher qualifies for cancellation in the
16 seventh year under subparagraph (A)(ii)(II).

17 “(3) ELIGIBILITY PROVISIONS.—

18 “(A) CERTIFICATION.—A borrower who
19 desires to participate in the repayment plan
20 under this subsection shall submit to the Sec-
21 retary an employer certification, as required by
22 the Secretary, of the employment dates for the
23 qualifying service.

24 “(B) INELIGIBILITY FOR DOUBLE BENE-
25 FITS.—

1 “(i) IN GENERAL.—No borrower may,
2 for the same service, receive a reduction of
3 loan obligations under both this subsection
4 and section 428J, 428K, 428L, or 460.

5 “(ii) INELIGIBILITY OF EDUCATION
6 AWARD.—No borrower may count any pay-
7 ments made from an education award re-
8 ceived under subtitle D of title I of the Na-
9 tional and Community Service Act of 1990
10 (42 U.S.C. 12601 et seq.) toward the pay-
11 ments required under paragraph (1).

12 “(C) CONTINUED ELIGIBILITY.—A teacher
13 who is employed, for consecutive years (exclud-
14 ing a documented medical leave of absence or
15 military service), in a qualifying teaching posi-
16 tion at a school that meets the requirements of
17 paragraph (6)(C)(i) for a school year but fails
18 to meet such requirements in subsequent years,
19 shall be deemed to be in a qualifying teaching
20 position, for purposes of this subsection, for all
21 of the consecutive subsequent years during
22 which the teacher remains at the school.

23 “(4) STATE CERTIFICATION.—

24 “(A) STATE RESPONSIBILITIES.—Each
25 State educational agency that receives assist-

1 ance under part A of title I of the Elementary
2 and Secondary Education Act of 1965 shall
3 provide to the Secretary an annual list of the
4 elementary schools and secondary schools in the
5 State that meet the requirements of subclauses
6 (I) and (II) of paragraph (6)(C)(i).

7 “(B) DISSEMINATION OF SCHOOL LISTS.—
8 The Secretary shall—

9 “(i) in coordination with the Secretary
10 of the Interior, develop a list of elementary
11 schools and secondary schools that meet
12 the requirement of paragraph
13 (6)(C)(i)(III); and

14 “(ii) make the lists developed under
15 clause (i) and provided under subpara-
16 graph (A) easily accessible for applicants
17 and recipients of TEACH Grants.

18 “(5) SPECIAL DEFERRAL.—

19 “(A) IN GENERAL.—In addition to any
20 deferment for which a borrower of an eligible
21 Federal Direct Loan may be eligible under sec-
22 tion 455(f), a borrower shall be eligible for
23 deferment, as described in section 455(f)(1), for
24 a period not in excess of 2 years if—

1 “(i) the borrower has qualified for
2 partial loan forgiveness under paragraph
3 (1) for the immediately preceding year;
4 and

5 “(ii) the borrower is unable to con-
6 tinue working in a qualified teaching posi-
7 tion during the period of deferment, due
8 to—

9 “(I) extenuating or unforeseen fi-
10 nancial circumstances or health rea-
11 sons; or

12 “(II) other extraordinary cir-
13 cumstances as determined by the Sec-
14 retary.

15 “(6) DEFINITIONS.—In this subsection:

16 “(A) ELIGIBLE FEDERAL DIRECT LOAN.—
17 The term ‘eligible Federal Direct Loan’ means
18 a Federal Direct Stafford Loan, Federal Direct
19 PLUS Loan, Federal Direct Unsubsidized Staf-
20 ford Loan, or Federal Direct Consolidation
21 Loan.

22 “(B) PART-TIME.—The term ‘part-time’,
23 when used in reference to a teacher for a par-
24 ticular school year, means a teacher who works
25 in such year a number of hours that is not less

1 than 50 percent, but less than 100 percent, of
2 the hours worked by an average full-time teach-
3 er in the local educational agency that serves
4 the area where the teacher is employed.

5 “(C) QUALIFYING TEACHING POSITION.—

6 The term ‘qualifying teaching position’ means
7 part-time or full-time employment (not includ-
8 ing a short-term substitute teaching assign-
9 ment)—

10 “(i) in—

11 “(I) a public or nonprofit private
12 elementary school or secondary school
13 that, for the purpose of this subpara-
14 graph and for that year—

15 “(aa) has been determined
16 by the Secretary (pursuant to
17 regulations of the Secretary and
18 after consultation with the State
19 educational agency of the State
20 in which the school is located) to
21 be a school in which the number
22 of children meeting a measure of
23 poverty under section 1113(a)(5)
24 of the Elementary and Secondary
25 Education Act of 1965, exceeds

1 70 percent of the total number of
2 children enrolled in such school;
3 and

4 “(bb) is in the school district
5 of a local educational agency that
6 is eligible in such year for assist-
7 ance pursuant to part A of title
8 I of the Elementary and Sec-
9 ondary Education Act of 1965;

10 “(II) a public or nonprofit pri-
11 vate elementary school or secondary
12 school served by an educational serv-
13 ice agency, or a location operated by
14 an educational service agency, that,
15 for the purpose of this subparagraph
16 and for that year, has been deter-
17 mined by the Secretary (pursuant to
18 regulations of the Secretary and after
19 consultation with the State edu-
20 cational agency of the State in which
21 the educational service agency oper-
22 ates) to be a school or location at
23 which the number of children taught
24 who meet a measure of poverty under
25 section 1113(a)(5) of the Elementary

1 and Secondary Education Act of
2 1965, exceeds 30 percent of the total
3 number of children taught at such
4 school or location;

5 “(III) an elementary school or
6 secondary school that is funded by the
7 Bureau of Indian Education; or

8 “(IV) in the case of an individual
9 who is an early childhood educator, an
10 early childhood education program;

11 “(ii) through which the individual pro-
12 vides direct classroom teaching, or class-
13 room-type teaching in a nonclassroom set-
14 ting, including—

15 “(I) special education teachers;

16 “(II) career and technical edu-
17 cation teachers;

18 “(III) teachers in the field of
19 science, technology, engineering,
20 mathematics, or other subjects;

21 “(IV) early childhood educators;

22 “(V) English as a second lan-
23 guage teachers; and

24 “(VI) teachers of a Native Amer-
25 ican language (as defined in section

1 103 of the Native American Lan-
2 guages Act (25 U.S.C. 2902)); and

3 “(iii) with respect to which the indi-
4 vidual meets the requirements of an effec-
5 tive teacher or effective early childhood ed-
6 ucator, as determined by the State in ac-
7 cordance with part A of title I and title II
8 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 6311 et
10 seq., 6601 et seq.).”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by this subsection shall be effective on the date that
13 is 1 year after the date of enactment of this Act.

14 (b) TAX TREATMENT OF CANCELLATION OF STU-
15 DENT LOANS.—

16 (1) IN GENERAL.—Subsection (f) of section 108
17 of the Internal Revenue Code of 1986 is amended by
18 adding at the end the following new paragraph:

19 “(6) CANCELLATIONS UNDER STRIVE ACT
20 TEACHER LOAN FORGIVENESS PROGRAMS.—In the
21 case of an individual, gross income does not include
22 any amount which (but for this subsection) would be
23 includible in gross income for the taxable year by
24 reasons of the cancellation (in whole or in part)
25 under section 455(r) of the Higher Education Act of

1 1965 of any eligible Federal Direct Loan (as defined
2 in section 455(r)(6)(A) of such Act).”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by this subsection shall apply to cancellations of in-
5 debtedness after the date that is 1 year after the
6 date of the enactment of this Act.

7 **SEC. 55122. TEACH GRANTS.**

8 (a) AMENDMENTS.—Subpart 9 of part A of title IV
9 of the Higher Education Act of 1965 (20 U.S.C. 1070g
10 et seq.) is amended—

11 (1) in section 420L (20 U.S.C. 1070g), by
12 striking paragraph (1) and inserting the following:

13 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
14 ble institution’ has the meaning given the term
15 ‘teacher, principal, or other school leader prepara-
16 tion academy’ in section 2002 of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C.
18 6602).”; and

19 (2) in section 420N (20 U.S.C. 1070g–2)—

20 (A) in the matter preceding clause (i) of
21 subsection (a)(2)(B), by inserting “, including
22 an early childhood teacher (defined in this sec-
23 tion as a teacher who has primary responsibility
24 for the learning and development of children

1 within an early childhood education program),”
2 after “prospective teacher”;

3 (B) in subsection (c)—

4 (i) by striking “SERVICE” and all that
5 follows through “event” and inserting the
6 following: “SERVICE.—

7 “(1) IN GENERAL.—In the event”;

8 (ii) by inserting “paragraph (2) and
9 the” after “in accordance with”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(2) PARTIAL FORGIVENESS OF REPAYMENT.—

13 In the event that a recipient described in paragraph
14 (1) has fulfilled a portion of the service obligation in
15 the agreement under subsection (b), the amount that
16 is treated as a Federal Direct Unsubsidized Stafford
17 Loan under part D of title IV and subject to repay-
18 ment (together with the interest thereon) for that
19 recipient shall be reduced by an amount that bears
20 the same ratio to the total amount of the recipient’s
21 grant under this subpart as the amount of time the
22 recipient has fulfilled of the recipient’s service obli-
23 gation bears to the total amount of time of the serv-
24 ice obligation in the agreement under subsection
25 (b).”; and

1 (C) in subsection (d)—

2 (i) by redesignating paragraphs (1)
3 and (2) as paragraphs (2) and (3), respec-
4 tively;

5 (ii) in paragraph (2), as redesignated
6 by clause (i), by striking “subsection
7 (b)(1)(C)(vii)” and inserting “paragraph
8 (1)”; and

9 (iii) by inserting before paragraph (2),
10 as redesignated by clause (i), the following:

11 “(1) HIGH-NEED DESIGNATION.—The Sec-
12 retary shall develop, periodically update, and publish
13 a list of designated high-need fields for purposes of
14 this subpart.”.

15 (b) SIMPLIFICATION OF THE APPLICATION PROCESS
16 AND STREAMLINING THE TEACH GRANT DISPUTE
17 PROCESS.—Section 420P of the Higher Education Act of
18 1965 (20 U.S.C. 1070g–4) is amended—

19 (1) in the section heading, by inserting “; **PRO-**
20 **GRAM IMPROVEMENT**” after “**PROGRAM RE-**
21 **PORT**”;

22 (2) by striking “Not later” and inserting the
23 following:

24 “(a) PROGRAM REPORT.—Not later”; and

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

1 “(b) PROGRAM IMPROVEMENT.—By not later than 6
2 months after the date of enactment of the Supporting the
3 Teaching profession through Revitalizing Investments in
4 Valuable Educators Act, and periodically thereafter, the
5 Secretary shall—

6 “(1) work with States to identify and imple-
7 ment a process for increasing awareness of, and sim-
8 plifying the application process for—

9 “(A) TEACH Grants;

10 “(B) loan forgiveness, in accordance with
11 section 420N(c)(2), for any amount of a
12 TEACH Grant to a student that is converted to
13 a loan under section 420N(c)(1); and

14 “(C) waivers of the service obligation for
15 TEACH Grants, in accordance with section
16 420N(d)(3); and

17 “(2)(A) review the procedures, including the
18 dispute resolution procedures, of the process through
19 which the service obligation of a recipient of a
20 TEACH grant is converted to a loan under section
21 420N(c)(1) or waived under section 420N(d)(3); and

22 “(B) disseminate and make publicly available
23 and easily accessible to the appropriate audiences
24 clear, consistent information on the procedures, in-
25 cluding—

1 “(i) an explanation that recipients have an
2 option to dispute the conversion or waiver deci-
3 sion;

4 “(ii) how a recipient can initiate a dispute;
5 and

6 “(iii) the specific criteria considered in the
7 adjudicating process.”.

8 (c) DATA REGARDING FEDERAL LOAN FORGIVENESS
9 AND SERVICE SCHOLARSHIP PROGRAMS.—Each year, the
10 Secretary of Education shall prepare and make publicly
11 available data on the Federal loan forgiveness and service
12 scholarship programs administered by the Secretary, in-
13 cluding, for each program and for the most recent year
14 for which data are available, the rates of loan cancellation
15 under such program, the rates of completion of any service
16 requirement required for the program, and the conversion
17 rate regarding how many grants or scholarships are con-
18 verted to loans for repayment based on the student’s fail-
19 ure to complete the program or any required service obli-
20 gation.

21 (d) EFFECTIVE DATE.—This section, and the amend-
22 ments made by this section, shall take effect on July 1,
23 2020.

1 **SEC. 55123. PROGRAM TO SUBSIDIZE TEACHER CERTIFI-**
2 **CATION AND LICENSING FEES.**

3 (a) IN GENERAL.—Subpart 9 of part A of title IV
4 of the Higher Education Act of 1965 (20 U.S.C. 1070g
5 et seq.), as amended by this subtitle, is further amended
6 by adding at the end the following:

7 **“SEC. 420Q. PROGRAM TO SUBSIDIZE TEACHER CERTIFI-**
8 **CATION AND LICENSING FEES.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) LOW-INCOME INDIVIDUAL.—The term
11 ‘low-income individual’ has the meaning given the
12 term in section 402A(h).

13 “(2) TEACHING PROFESSION.—The term
14 ‘teaching profession’ includes elementary education,
15 secondary education, and early childhood education.

16 “(b) PROGRAM AUTHORIZED.—From amounts ap-
17 propriated under subsection (f), the Secretary shall award
18 grants, from allotments under subsection (c), to institu-
19 tions of higher education to subsidize teacher certification
20 and licensing fees for low-income individuals who have ac-
21 cepted a teaching position.

22 “(c) ALLOTMENTS.—For each fiscal year, an institu-
23 tion of higher education that has submitted a complete
24 application under subsection (d) shall receive an allotment
25 that bears the same relation to the amounts appropriated
26 under subsection (f) as the number of low-income students

1 that graduated from the institution of higher education,
2 in the most recent year for which data are available (as
3 determined by the Secretary), bears to the total number
4 of low-income students graduating, in such most recent
5 year, from all institutions of higher education that have
6 submitted applications.

7 “(d) APPLICATION.—An institution of higher edu-
8 cation desiring an allotment under this section shall sub-
9 mit to the Secretary an application at such time, in such
10 manner, and containing such information as the Secretary
11 may require.

12 “(e) USE OF FUNDS.—

13 “(1) IN GENERAL.—An institution of higher
14 education receiving funds under this program shall
15 use the funds to reimburse or subsidize the teacher
16 or early childhood educator examination and other
17 certification or licensure fees for low income individ-
18 uals entering the teaching profession, or in the early
19 stages of their teaching career, who attend a teacher
20 preparation program in the State in which the insti-
21 tution is located, which may include fees for—

22 “(A) additional certification or licensure
23 for the individual in a high-need field included
24 on the list described in section 420N(d)(1);

25 “(B) National Board certification;

1 “(C) maintaining active status with a pro-
2 fessional disciplinary organization aligned with
3 the high-need field included on the list de-
4 scribed in section 420N(d)(1); or

5 “(D) in the case of early childhood edu-
6 cators, further education necessary in order to
7 become highly competent and successfully take
8 such examination or obtain such certification or
9 licensure (such as English as a second language
10 classes, community college courses, and con-
11 tinuing and distance education).

12 “(2) PRIORITY IN REIMBURSEMENT.—An insti-
13 tution of higher education receiving an allotment
14 under this section shall, in reimbursing or sub-
15 sidizing fees in accordance with paragraph (1), give
16 a priority to teachers and early childhood educators
17 who are members of populations underrepresented in
18 the teaching or early childhood care profession, re-
19 spectively.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 \$50,000,000 for fiscal year 2020 and each of the 5 suc-
23 ceeding fiscal years.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 this section shall take effect on July 1, 2020.

TITLE VI—TEACHER QUALITY PARTNERSHIPS

SEC. 55201. PURPOSE.

The purposes of this title are—

(1) to ensure that early childhood educators have the financial and academic support needed to remain in the profession; and

(2) to strengthen the quality of early childhood education teaching supports.

SEC. 55202. PROVIDING ACCESS FOR EARLY CHILDHOOD EDUCATORS AND SCHOOL LEADERS TO TRAINING PROGRAMS.

(a) DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.—Section 103(8)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)(C)(i)) is amended by striking “age six” and inserting “age six, or the age of entry into elementary school, and”.

(b) BROADENING DEFINITIONS.—Section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended—

(1) in paragraph (4), by inserting “and includes an individual employed as a master teacher, lead teacher, or classroom aide” before the period at the end;

1 (2) in paragraph (6)(A)(ii)(II), by striking “as
2 applicable,”;

3 (3) in paragraph (14)—

4 (A) in the matter preceding subparagraph
5 (A)—

6 (i) by inserting “, and for new early
7 childhood educators during not less than
8 the educators’ first two years of teaching,”
9 after “two years of teaching”; and

10 (ii) by inserting “or beginning early
11 childhood educators” after “beginning
12 teachers”;

13 (B) in subparagraph (A), by striking
14 “teacher mentoring” and inserting “teacher and
15 educator mentoring”;

16 (C) in subparagraph (B)—

17 (i) by inserting “or early childhood
18 educators, as the case may be,” after “with
19 teachers”;

20 (ii) by striking “mentor teachers” and
21 inserting “mentor teachers or early child-
22 hood educators”; and

23 (iii) by inserting “or early childhood
24 educators” after “among teachers”;

1 (D) in subparagraph (D), by striking “new
2 teachers” and inserting “new teachers and new
3 early childhood educators”;

4 (E) in subparagraph (F)(ii), by inserting
5 “and early childhood educators” after “teach-
6 ers”;

7 (F) in subparagraph (G)—

8 (i) by inserting “and exemplary early
9 childhood educators” after “exemplary
10 teachers”; and

11 (ii) by inserting “and early childhood
12 educators” after “new teachers”; and

13 (G) in subparagraph (I), by inserting “and
14 early childhood educators” after “new teach-
15 ers”;

16 (4) in paragraph (21)—

17 (A) in the paragraph heading, by striking
18 “TEACHER MENTORING” and inserting
19 “TEACHER AND EDUCATOR MENTORING”;

20 (B) in the matter preceding subparagraph
21 (A)—

22 (i) by striking “teacher mentoring”
23 and inserting “teacher and educator men-
24 toring”; and

1 (ii) by inserting “and early childhood
2 educators” after “prospective teachers”;

3 (C) in subparagraph (A), by striking
4 “teacher mentors” and inserting “mentor
5 teachers or, in the case of prospective early
6 childhood educators, mentor early childhood
7 educators,”; and

8 (D) in subparagraph (C), by inserting “,
9 or in a high-need early childhood education pro-
10 gram,” after “local educational agency”; and
11 (5) in paragraph (22)—

12 (A) in the paragraph heading, by striking
13 “TEACHING RESIDENCY PROGRAM” and insert-
14 ing “TEACHER AND EDUCATOR RESIDENCY
15 PROGRAM”;

16 (B) in the matter preceding subclause
17 (A)—

18 (i) by striking “teaching residency
19 program” and inserting “teacher or educa-
20 tor residency program”;

21 (ii) by inserting “, or an early child-
22 hood education program-based preparation
23 program for early childhood educators,”
24 after “teacher preparation program”; and

1 (iii) by inserting “or early childhood
2 educator” after “prospective teacher”;

3 (C) in subparagraph (A), by striking
4 “mentor teacher” and inserting “mentor teach-
5 er or early childhood educator”;

6 (D) in subparagraph (B), by inserting “or
7 early childhood educator” after “the teacher”;
8 and

9 (E) by striking subparagraph (D) and in-
10 serting the following:

11 “(D) prior to completion of the program—

12 “(i) in the case of a prospective teach-
13 er—

14 “(I) attains full State certifi-
15 cation or licensure and, with respect
16 to a special education teacher, meets
17 the qualifications described in section
18 612(a)(14)(C) of the Individuals with
19 Disabilities Education Act; and

20 “(II) acquires a master’s degree
21 not later than 18 months after begin-
22 ning the program; and

23 “(ii) in the case of a prospective early
24 childhood educator—

25 “(I) becomes highly competent;

1 “(II) attains full State certifi-
2 cation or licensure; and
3 “(III) acquires a baccalaureate
4 degree or an associate’s degree not
5 later than 6 years after beginning the
6 program.”.

7 (c) EXPANDING PURPOSES.—Section 201 of the
8 Higher Education Act of 1965 (20 U.S.C. 1022) is
9 amended—

10 (1) in paragraph (2)—

11 (A) by inserting “and early childhood edu-
12 cators” after “prospective and new teachers”;

13 (B) by inserting “and early childhood edu-
14 cators” after “prospective teachers”; and

15 (C) by inserting “and early childhood edu-
16 cators” after “for new teachers”;

17 (2) in paragraph (3), by inserting “and early
18 childhood educators” after “preparing teachers”;
19 and

20 (3) in paragraph (4), by inserting “and early
21 childhood education” before “force”.

22 (d) INCLUDING EARLY CHILDHOOD EDUCATORS IN
23 PARTNERSHIP GRANTS.—Section 202 of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1022a) is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (1), by striking “, as ap-
2 plicable,”;

3 (B) in paragraph (2), by inserting “and
4 early childhood educators” after “teachers”;

5 (C) in paragraph (3), by inserting “and
6 early childhood educators” after “teachers”;

7 (D) in paragraph (4)—

8 (i) in subparagraph (A), by inserting
9 “or early childhood educator” after “teach-
10 er”; and

11 (ii) in subparagraph (B), by inserting
12 “or early childhood educator” after “teach-
13 er”;

14 (E) in paragraph (6)—

15 (i) in subparagraph (E)(i), by striking
16 “, as appropriate,”;

17 (ii) in subparagraph (F), by inserting
18 “and early childhood educators” after
19 “general education teachers”; and

20 (iii) in subparagraph (G), by inserting
21 “and early childhood educators” after
22 “special education teachers”; and

23 (F) in paragraph (7)—

1 (i) in subparagraph (A), by inserting
2 “and early childhood educators” after
3 “prepare teachers”; and

4 (ii) in subparagraph (C)—

5 (I) by striking “new teachers”
6 each place the term appears and in-
7 serting “new teachers and new early
8 childhood educators”;

9 (II) by striking “high-need local
10 educational agency” each place the
11 term appears and inserting “high-
12 need local educational agency or early
13 childhood education program”; and

14 (III) by striking “new teachers’
15 teaching skills” and inserting “teach-
16 ing skills of the new teachers and new
17 early childhood educators”;

18 (2) in subsection (c)(1)—

19 (A) by inserting “and early childhood edu-
20 cators” after “teachers”; and

21 (B) by striking “teaching residency pro-
22 gram” and inserting “teacher and educator
23 residency program”;

24 (3) in subsection (d)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (A)—

2 (I) in the matter preceding clause

3 (i), by striking “, as applicable,”;

4 (II) in clause (i)—

5 (aa) in subclause (II), by
6 striking “, as applicable,”; and

7 (bb) in subclause (III), by
8 striking “as applicable,”; and

9 (III) in clause (ii), by striking
10 “and, as applicable, techniques for
11 early childhood educators” and insert-
12 ing “and, for early childhood edu-
13 cators, techniques,”; and

14 (ii) in subparagraph (B)(ii)—

15 (I) in the matter preceding sub-
16 clause (I), by striking “, as applica-
17 ble,”; and

18 (II) in subclause (IV)—

19 (aa) in item (aa), by striking
20 “and” after the semicolon;

21 (bb) in item (bb), by insert-
22 ing “and” after the semicolon;
23 and

24 (cc) by adding at the end
25 the following:

1 “(cc) provide culturally re-
2 sponsive and inclusive learning
3 environments for all students;”;

4 (B) in paragraph (2)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “, as applicable,”;

7 (ii) in subparagraph (A)(ii), by strik-
8 ing “(as applicable)”; and

9 (iii) in subparagraph (C), by striking
10 “teacher mentoring” and inserting “teach-
11 er and educator mentoring”;

12 (C) in paragraph (5)—

13 (i) in the paragraph heading, by in-
14 serting “AND EARLY CHILDHOOD EDUCA-
15 TOR” after “TEACHER”;

16 (ii) in the matter preceding subpara-
17 graph (A)—

18 (I) by inserting “or early child-
19 hood educators” after “become teach-
20 ers”; and

21 (II) by striking “teaching profes-
22 sion” and inserting “teaching and
23 early childhood education profession”;
24 and

1 (iii) in subparagraph (B), by inserting
2 “or early childhood educator” after “teach-
3 er”; and

4 (D) in paragraph (6), in the matter pre-
5 ceding subparagraph (A), by inserting “and
6 early childhood educators” after “teachers”;
7 (4) in subsection (e)—

8 (A) in the subsection heading, by striking
9 “TEACHING RESIDENCY” and inserting
10 “TEACHER AND EDUCATOR RESIDENCY”;

11 (B) by striking “teaching residency” each
12 place the term appears and inserting “teacher
13 and educator residency”;

14 (C) in paragraph (1)—

15 (i) in subparagraph (A), by inserting
16 “or high-need early childhood education
17 program” before “in the partnership”;

18 (ii) in subparagraph (B)—

19 (I) by inserting “or early child-
20 hood education program” after “re-
21 ceiving school”; and

22 (II) by striking “mentor teach-
23 ers” and inserting “mentor teachers
24 or early childhood educators”; and

25 (iii) in subparagraph (C)—

1 (I) in the matter preceding clause
2 (i), by striking “teaching residents”
3 and inserting “teacher or early child-
4 hood educator residents”;

5 (II) in clause (ii), by striking
6 “teacher mentoring” and inserting
7 “teacher and educator mentoring”;
8 and

9 (III) in clause (iii), by striking
10 “new teachers” and inserting “new
11 teachers or early childhood edu-
12 cators”; and

13 (D) in paragraph (2)—

14 (i) in the paragraph heading, by strik-
15 ing “TEACHING” and inserting “TEACHER
16 AND EDUCATOR”;

17 (ii) in subparagraph (A)—

18 (I) in the matter preceding clause

19 (i)—

20 (aa) by striking “teaching
21 residencies” and inserting
22 “teacher and educator
23 residencies”;

1 (bb) by inserting “and early
2 childhood educators” after
3 “teachers”; and

4 (cc) by inserting “and high-
5 need early childhood education
6 programs” after “high-need
7 schools”;

8 (II) in clause (i), by striking
9 “teacher mentoring” and inserting
10 “teacher and educator mentoring”;

11 (III) in clause (iii)—

12 (aa) in the matter preceding
13 subclause (I), by striking “men-
14 tor teacher” and inserting “men-
15 tor teacher or early childhood ed-
16 ucator”;

17 (bb) in subclause (II), by in-
18 serting “and early childhood edu-
19 cators” after “new teachers”;

20 (cc) in subclause (III), by
21 striking “teaching duties” and
22 inserting “teaching or educating
23 duties”; and

1 (dd) in subclause (IV), by
2 inserting “or early childhood edu-
3 cators” after “teachers”;

4 (IV) in clause (iv), by striking
5 “mentor teachers” and inserting
6 “mentor teachers and early childhood
7 educators”;

8 (V) in clause (vi)—

9 (aa) in subclause (I)—

10 (AA) by inserting “or
11 early childhood education
12 program” after “local edu-
13 cational agency”; and

14 (BB) by inserting “or
15 program” after “such agen-
16 cy”; and

17 (bb) in subclause (II), by in-
18 serting “or early childhood edu-
19 cation” after “teaching”; and

20 (VI) in clause (vii)—

21 (aa) by striking “teaching
22 residents” and inserting “teacher
23 or educator residents”;

1 (bb) by inserting “or early
2 childhood educators” after
3 “teachers”; and

4 (cc) by inserting “or work as
5 an early childhood educator”
6 after “two years of teaching”;
7 and

8 (iii) in subparagraph (C)—

9 (I) in clause (i), by striking
10 “teaching residents” and inserting
11 “teacher and educator residents”;

12 (II) in clause (ii), by striking
13 “teacher residency” and inserting
14 “teacher or educator residency”;

15 (III) in clause (iii)—

16 (aa) in subclause (I), by in-
17 serting “or early childhood edu-
18 cator” after “teacher”;

19 (bb) by striking subclause
20 (II) and inserting the following:

21 “(II)(aa) in the case of a teacher
22 applicant, fulfill the requirement
23 under subclause (I) by teaching in a
24 high-need school served by the high-
25 need local educational agency in the

1 eligible partnership and teach a sub-
2 ject or area that is designated as high
3 need by the partnership; or

4 “(bb) in the case of an early
5 childhood educator applicant, fulfill
6 the requirement under subclause (I)
7 by teaching in a high-need early child-
8 hood education program;”; and

9 (cc) in subclause (IV), by in-
10 serting “, or, in the case of an
11 early childhood educator, will be
12 highly competent,” after “Act,”;
13 and

14 (IV) in clause (iv)—

15 (aa) in subclause (I), by
16 striking “A grantee carrying out”
17 and inserting “Subject to sub-
18 clause (II), a grantee carrying
19 out”;

20 (bb) by redesignating sub-
21 clauses (II) and (III) as sub-
22 clauses (III) and (IV), respec-
23 tively;

24 (cc) by inserting after sub-
25 clause (I) the following:

1 “(II) EXCEPTIONS TO REPAY-
2 MENT REQUIREMENT.—An eligible
3 partnership carrying out a teacher
4 and educator residency program
5 under this paragraph shall not require
6 repayment under this clause by a re-
7 cipient if the recipient is unable to
8 complete the teacher and educator
9 residency program, or the service re-
10 quirement, due to—

11 “(aa) extenuating or unfore-
12 seen financial circumstances,
13 health reasons, or personal or
14 family obligations;

15 “(bb) incapacitation;

16 “(cc) inability to secure em-
17 ployment in a school served by
18 the eligible partnership;

19 “(dd) being called to active
20 duty in the armed forces of the
21 United States; or

22 “(ee) other extraordinary
23 circumstances.”; and

24 (dd) in subclause (III), as
25 redesignated by item (bb), by

1 striking “on grounds” and all
2 that follows through the period at
3 the end and inserting “on
4 grounds not covered under sub-
5 clause (II).”;

6 (5) in subsection (f)(1)—

7 (A) in subparagraph (B)—

8 (i) in clause (i), by inserting “or early
9 childhood education program” after
10 “school”;

11 (ii) in clause (ii), by inserting “or
12 early childhood educators” after “teach-
13 ers”;

14 (iii) in clause (iii), by striking “teach-
15 er instruction and drive teacher and stu-
16 dent learning” and inserting “teacher or
17 early childhood educator instruction and
18 drive the learning of teachers or early
19 childhood educators, and students”; and

20 (iv) in clause (iv), by striking “school
21 environment” and inserting “school or
22 early childhood education program environ-
23 ment”; and

24 (B) in subparagraph (D)(i)—

1 (i) in subclause (I), by inserting “, or
 2 in high-need early childhood education pro-
 3 grams” before the semicolon at the end;
 4 and

5 (ii) in subclause (II)—

6 (I) by inserting “or early child-
 7 hood educators” after “teachers”; and

8 (II) by inserting “or high-need
 9 early childhood education programs”
 10 before the period at the end; and

11 (6) in subsection (g)—

12 (A) by inserting “or early childhood educa-
 13 tor” after “pre-baccalaureate teacher”; and

14 (B) by inserting “or early childhood edu-
 15 cators” before the period at the end.

16 (e) ACCOUNTABILITY, EVALUATION, AND INFORMA-
 17 TION.—Section 204 of the Higher Education Act of 1965
 18 (20 U.S.C. 1022c) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by inserting “or
 21 early childhood educators” after “teachers”;

22 (B) in paragraph (2), by inserting “, and
 23 early childhood educator retention in the first
 24 three years of an early childhood educator’s ca-
 25 reer” before the semicolon at the end;

1 (C) in paragraph (3)—

2 (i) by inserting “(A)” before “im-
3 provement”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(B) in the case of eligible partnerships of-
7 fering programs that lead to State certification
8 or licensure of early childhood educators, im-
9 provement in the pass rates and scaled scores
10 for initial State certification or licensure of
11 early childhood educators; and”; and

12 (D) in paragraph (4)(F), by striking “as
13 applicable,”; and

14 (2) in subsection (b)—

15 (A) by striking “shall ensure” and insert-
16 ing the following: “shall—

17 “(1) ensure”; and

18 (B) by striking “part.” and inserting the
19 following: “part; and

20 “(2) in the case of an eligible partnership that
21 offers an early childhood education program that
22 does not lead to State licensure or certification as an
23 early childhood educator, clearly indicate that fact in
24 the information provided regarding the early child-

1 hood program through the grant and any reports
2 submitted under this part.”.

3 (f) ACCOUNTABILITY FOR PREPARATION PRO-
4 GRAMS.—Section 205 of the Higher Education Act of
5 1965 (20 U.S.C. 1022d) is amended—

6 (1) in the section heading, by inserting “**AND**
7 **EARLY CHILDHOOD EDUCATORS**” after “**TEACH-**
8 **ERS**”;

9 (2) by redesignating subsections (c) through (e)
10 as subsections (d) through (f), respectively;

11 (3) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) STATE REPORT CARD ON THE QUALITY OF
14 EARLY CHILDHOOD EDUCATORS.—

15 “(1) IN GENERAL.—Each State that receives
16 funds under this Act shall provide to the Secretary,
17 and make widely available to the general public, in
18 a uniform and comprehensible manner that conforms
19 with the definitions and methods established by the
20 Secretary, an annual State report card on the qual-
21 ity of early childhood educator preparation programs
22 that lead to early childhood educator licensure or
23 certification in the State.

1 “(2) ADDITIONAL CONTENT.—Each State re-
2 port card issued under this subsection shall also in-
3 clude an explanation of—

4 “(A) how the State is making early child-
5 hood educators aware of available tax credit
6 programs, scholarship programs, and loan pro-
7 grams; and

8 “(B) how the State is implementing or de-
9 signing flexible early childhood educator prepa-
10 ration programs.”; and

11 (4) in subsection (e), as redesignated by para-
12 graph (2)—

13 (A) in paragraph (1), by inserting “and on
14 early childhood educator qualifications and
15 preparation in the United States, including the
16 information described in subsection (c)(2)”
17 after “subsection (b)(1)”;

18 (B) in each of subparagraphs (A) and (B)
19 of paragraph (2), by striking “teaching force”
20 and inserting “teacher and early childhood edu-
21 cator force”.

22 (g) ENHANCING TEACHER, EARLY CHILDHOOD, AND
23 SCHOOL LEADER EDUCATION THROUGH CENTERS OF
24 EXCELLENCE.—Subpart 2 of part B of title II of the

1 Higher Education Act of 1965 (20 U.S.C. 1033 et seq.)

2 is amended—

3 (1) in section 241(1)(A) (20 U.S.C.
4 1033(1)(A)), in the matter preceding clause (i), by
5 striking “teacher preparation” each place the term
6 appears and inserting “teacher, early childhood edu-
7 cator, and school leader preparation”;

8 (2) in section 242(b) (20 U.S.C. 1033a(b))—

9 (A) in the matter preceding paragraph (1),
10 by striking “future teachers” and inserting “fu-
11 ture teachers, early childhood educators, and
12 school leaders”;

13 (B) in paragraph (1)—

14 (i) in the matter preceding subpara-
15 graph (A)—

16 (I) by striking “teacher prepara-
17 tion” and inserting “teacher, early
18 childhood educator, and school leader
19 preparation”; and

20 (II) by striking “teachers who”
21 and inserting “teachers, early child-
22 hood educators, and school leaders
23 who”; and

24 (ii) in subparagraph (B)—

1 (I) in the matter preceding clause
2 (i), by striking “teacher preparation”
3 and inserting “teacher, early child-
4 hood educator, and school leader prep-
5 aration”;

6 (II) in clause (i), by striking
7 “teachers to” and inserting “teachers,
8 early childhood educators, and school
9 leaders to”; and

10 (III) in clause (ii), by striking
11 “teaching skills” and inserting “teach-
12 ing and leadership skills”;

13 (C) in paragraph (2)—

14 (i) by inserting “, early childhood edu-
15 cators, and school leaders” after “prospec-
16 tive teachers”;

17 (ii) by inserting “, early childhood
18 educators, and school leaders” after “ex-
19 emplary teachers”;

20 (iii) by striking “principals, and other
21 administrators” inserting “early childhood
22 educators, and school leaders”; and

23 (iv) by striking “elementary schools
24 or” and inserting “early childhood edu-
25 cation programs, elementary schools, or”;

1 (D) in paragraph (3)—

2 (i) in the matter preceding subpara-
3 graph (A)—

4 (I) by inserting “or early child-
5 hood educators” after “retention of
6 teachers”; and

7 (II) by striking “highly qualified
8 principals, including minority teachers
9 and principals,” and inserting “highly
10 qualified school leaders, including mi-
11 nority teachers, early childhood edu-
12 cators, and school leaders,”; and

13 (ii) by striking subparagraphs (A) and
14 (B) and inserting the following:

15 “(A) teacher, early childhood educator, or
16 school leadership mentoring from exemplary
17 teachers, early childhood educators, or school
18 leaders, respectively; or

19 “(B) induction and support for teachers,
20 early childhood educators, and school leaders
21 during their first three years of employment as
22 teachers, early childhood educators, and school
23 leaders, respectively.”;

1 (E) in paragraph (4), by striking “teacher-
2 er” and inserting “teacher, early childhood edu-
3 cator, or school leader”;

4 (F) in paragraph (5), by striking “teacher
5 preparation and successful teacher certifi-
6 cation” and inserting “teacher, early childhood
7 educator, and school leader preparation and
8 successful certification”; and

9 (G) by adding at the end the following:

10 “(7) Establishing or expanding teacher, early
11 childhood educator, or school leader residency or
12 clinical programs in local low-income elementary
13 schools or secondary schools.”; and

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

15 **“SEC. 243. FUNDING.**

16 “Notwithstanding any other provision of this title, if
17 the funds appropriated to carry out this title for a fiscal
18 year exceeds \$300,000,000, the Secretary shall reserve 50
19 percent of the amount by which the appropriated funds
20 exceed \$300,000,000 to carry out this subpart for such
21 fiscal year.”.

22 **SEC. 55203. MANDATORY FUNDING FOR TEACHER QUALITY**
23 **PARTNERSHIP PROGRAM.**

24 Section 209 of the Higher Education Act of 1965 (20
25 U.S.C. 1022h) is amended to read as follows:

1 **“SEC. 209. AUTHORIZATION AND APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part, and there are appropriated, out of any money
4 in the Treasury not otherwise appropriated, \$350,000,000
5 for fiscal year 2020 and each subsequent fiscal year.”.

6 **TITLE VII—PROHIBITION ON**
7 **FEDERAL FUNDS FOR POLICE**
8 **IN SCHOOLS**

9 **SEC. 55301. PROHIBITION ON FEDERAL FUNDS FOR POLICE**
10 **IN SCHOOLS.**

11 (a) **FEDERAL FUNDS PROHIBITION.**—Notwith-
12 standing the Omnibus Crime Control and Safe Streets Act
13 of 1968 (34 U.S.C. 10101 et seq.), including the COPS
14 grant program, the Edward Byrne Memorial Justice As-
15 sistance Grant Program, or any other provision of law,
16 no Federal funding shall be appropriated or used for hir-
17 ing, maintaining, or training sworn law enforcement offi-
18 cers to be used or employed in elementary or secondary
19 schools, preschools, or programs based on elementary or
20 secondary schools in any capacity.

21 (b) **COPS GRANTS PROGRAM.**—Section 1701 of the
22 Omnibus Crime Control and Safe Streets Act of 1968 (34
23 U.S.C. 10381) is amended—

24 (1) In subsection (b), by repealing paragraph
25 (12); and

26 (2) by adding at the end of the following:

1 “(n) PROHIBITION ON USE OF FUNDS FOR SWORN
 2 LAW ENFORCEMENT OFFICERS.—A recipient of a grant
 3 under this part may not use such funds for sworn law
 4 enforcement officers who operate in and around elemen-
 5 tary and secondary schools.”

6 **DIVISION B—JUSTICE**
 7 **TITLE I—CRIMINAL JUSTICE**
 8 **Subtitle A—George Floyd Justice**
 9 **in Policing**

10 **SEC. 10001. SHORT TITLE.**

11 This subtitle may be cited as the “George Floyd Jus-
 12 tice in Policing Act of 2020”.

13 **SEC. 10002. DEFINITIONS.**

14 In this subtitle:

15 (1) BYRNE GRANT PROGRAM.—The term
 16 “Byrne grant program” means any grant program
 17 under subpart 1 of part E of title I of the Omnibus
 18 Crime Control and Safe Streets Act of 1968 (34
 19 U.S.C. 10151 et seq.), without regard to whether
 20 the funds are characterized as being made available
 21 under the Edward Byrne Memorial State and Local
 22 Law Enforcement Assistance Programs, the Local
 23 Government Law Enforcement Block Grants Pro-
 24 gram, the Edward Byrne Memorial Justice Assist-
 25 ance Grant Program, or otherwise.

1 (2) COPS GRANT PROGRAM.—The term “COPS
2 grant program” means the grant program author-
3 ized under section 1701 of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (34
5 U.S.C. 10381).

6 (3) FEDERAL LAW ENFORCEMENT AGENCY.—
7 The term “Federal law enforcement agency” means
8 any agency of the United States authorized to en-
9 gage in or supervise the prevention, detection, inves-
10 tigation, or prosecution of any violation of Federal
11 criminal law.

12 (4) FEDERAL LAW ENFORCEMENT OFFICER.—
13 The term “Federal law enforcement officer” has the
14 meaning given the term in section 115 of title 18,
15 United States Code.

16 (5) INDIAN TRIBE.—The term “Indian Tribe”
17 has the meaning given the term “Indian tribe” in
18 section 901 of title I of the Omnibus Crime Control
19 and Safe Streets Act of 1968 (34 U.S.C. 10251).

20 (6) LOCAL LAW ENFORCEMENT OFFICER.—The
21 term “local law enforcement officer” means any offi-
22 cer, agent, or employee of a State or unit of local
23 government authorized by law or by a government
24 agency to engage in or supervise the prevention, de-

1 tection, or investigation of any violation of criminal
2 law.

3 (7) STATE.—The term “State” has the mean-
4 ing given the term in section 901 of title I of the
5 Omnibus Crime Control and Safe Streets Act of
6 1968 (34 U.S.C. 10251).

7 (8) TRIBAL LAW ENFORCEMENT OFFICER.—
8 The term “tribal law enforcement officer” means
9 any officer, agent, or employee of an Indian tribe, or
10 the Bureau of Indian Affairs, authorized by law or
11 by a government agency to engage in or supervise
12 the prevention, detection, or investigation of any vio-
13 lation of criminal law.

14 (9) UNIT OF LOCAL GOVERNMENT.—The term
15 “unit of local government” has the meaning given
16 the term in section 901 of title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (34
18 U.S.C. 10251).

19 (10) DEADLY FORCE.—The term “deadly
20 force” means that force which a reasonable person
21 would consider likely to cause death or serious bodily
22 harm, including—

23 (A) the discharge of a firearm;

24 (B) a maneuver that restricts blood or oxy-
25 gen flow to the brain, including chokeholds,

1 strangleholds, neck restraints, neckholds, and
2 carotid artery restraints; and

3 (C) multiple discharges of an electronic
4 control weapon.

5 (11) USE OF FORCE.—The term “use of force”
6 includes—

7 (A) the use of a firearm, electronic control
8 weapon, explosive device, chemical agent (such
9 as pepper spray), baton, impact projectile, blunt
10 instrument, hand, fist, foot, canine, or vehicle
11 against an individual;

12 (B) the use of a weapon, including a per-
13 sonal body weapon, chemical agent, impact
14 weapon, extended range impact weapon, sonic
15 weapon, sensory weapon, conducted energy de-
16 vice, or firearm, against an individual; or

17 (C) any intentional pointing of a firearm
18 at an individual.

19 (12) LESS LETHAL FORCE.—The term “less le-
20 thal force” means any degree of force that is not
21 likely to cause death or serious bodily injury.

22 (13) FACIAL RECOGNITION.—The term “facial
23 recognition” means an automated or semiautomated
24 process that analyzes biometric data of an individual

1 from video footage to identify or assist in identifying
2 an individual.

3 **PART 1—POLICE ACCOUNTABILITY**

4 **Subpart I—Holding Police Accountable in the Courts**

5 **SEC. 10011. DEPRIVATION OF RIGHTS UNDER COLOR OF**
6 **LAW.**

7 Section 242 of title 18, United States Code, is
8 amended—

9 (1) by striking “willfully” and inserting “know-
10 ingly or recklessly”;

11 (2) by striking “, or may be sentenced to
12 death”; and

13 (3) by adding at the end the following: “For
14 purposes of this section, an act shall be considered
15 to have resulted in death if the act was a substantial
16 factor contributing to the death of the person.”.

17 **SEC. 10012. QUALIFIED IMMUNITY REFORM.**

18 Section 1979 of the Revised Statutes of the United
19 States (42 U.S.C. 1983) is amended by adding at the end
20 the following: “It shall not be a defense or immunity in
21 any action brought under this section against a local law
22 enforcement officer (as such term is defined in section 2
23 of the George Floyd Justice in Policing Act of 2020), or
24 in any action under any source of law against a Federal
25 investigative or law enforcement officer (as such term is

1 defined in section 2680(h) of title 28, United States
2 Code), that—

3 “(1) the defendant was acting in good faith, or
4 that the defendant believed, reasonably or otherwise,
5 that his or her conduct was lawful at the time when
6 the conduct was committed; or

7 “(2) the rights, privileges, or immunities se-
8 cured by the Constitution and laws were not clearly
9 established at the time of their deprivation by the
10 defendant, or that at such time, the state of the law
11 was otherwise such that the defendant could not rea-
12 sonably have been expected to know whether his or
13 her conduct was lawful.”.

14 **SEC. 10013. PATTERN AND PRACTICE INVESTIGATIONS.**

15 (a) SUBPOENA AUTHORITY.—Section 210401 of the
16 Violent Crime Control and Law Enforcement Act of 1994
17 (34 U.S.C. 12601) is amended—

18 (1) in subsection (a), by inserting “, by pros-
19 ecutors,” after “conduct by law enforcement offi-
20 cers”;

21 (2) in subsection (b), by striking “paragraph
22 (1)” and inserting “subsection (a)”; and

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

24 “(c) SUBPOENA AUTHORITY.—In carrying out the
25 authority in subsection (b), the Attorney General may re-

1 quire by subpoena the production of all information, docu-
2 ments, reports, answers, records, accounts, papers, and
3 other data in any medium (including electronically stored
4 information), as well as any tangible thing and documen-
5 tary evidence, and the attendance and testimony of wit-
6 nesses necessary in the performance of the Attorney Gen-
7 eral under subsection (b). Such a subpoena, in the case
8 of contumacy or refusal to obey, shall be enforceable by
9 order of any appropriate district court of the United
10 States.

11 “(d) CIVIL ACTION BY STATE ATTORNEYS GEN-
12 ERAL.—Whenever it shall appear to the attorney general
13 of any State, or such other official as a State may des-
14 ignate, that a violation of subsection (a) has occurred
15 within their State, the State attorney general or official,
16 in the name of the State, may bring a civil action in the
17 appropriate district court of the United States to obtain
18 appropriate equitable and declaratory relief to eliminate
19 the pattern or practice. In carrying out the authority in
20 this subsection, the State attorney general or official shall
21 have the same subpoena authority as is available to the
22 Attorney General under subsection (c).

23 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to limit the authority of the Attor-
25 ney General under subsection (b) in any case in which a

1 State attorney general has brought a civil action under
2 subsection (d).

3 “(f) REPORTING REQUIREMENTS.—On the date that
4 is one year after the enactment of the George Floyd Jus-
5 tice in Policing Act of 2020, and annually thereafter, the
6 Civil Rights Division of the Department of Justice shall
7 make publicly available on an internet website a report
8 on, during the previous year—

9 “(1) the number of preliminary investigations
10 of violations of subsection (a) that were commenced;

11 “(2) the number of preliminary investigations
12 of violations of subsection (a) that were resolved;
13 and

14 “(3) the status of any pending investigations of
15 violations of subsection (a).”.

16 (b) GRANT PROGRAM.—

17 (1) GRANTS AUTHORIZED.—The Attorney Gen-
18 eral may award a grant to a State to assist the
19 State in conducting pattern and practice investiga-
20 tions under section 210401(d) of the Violent Crime
21 Control and Law Enforcement Act of 1994 (34
22 U.S.C. 12601).

23 (2) APPLICATION.—A State seeking a grant
24 under paragraph (1) shall submit an application in

1 such form, at such time, and containing such infor-
2 mation as the Attorney General may require.

3 (3) FUNDING.—There are authorized to be ap-
4 propriated \$100,000,000 to the Attorney General for
5 each of fiscal years 2021 through 2023 to carry out
6 this subsection.

7 (c) DATA ON EXCESSIVE USE OF FORCE.—Section
8 210402 of the Violent Crime Control and Law Enforce-
9 ment Act of 1994 (34 U.S.C. 12602) is amended—

10 (1) in subsection (a)—

11 (A) by striking “The Attorney General”
12 and inserting the following:

13 “(1) FEDERAL COLLECTION OF DATA.—The
14 Attorney General”; and

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

16 “(2) STATE COLLECTION OF DATA.—The attor-
17 ney general of a State may, through appropriate
18 means, acquire data about the use of excessive force
19 by law enforcement officers and such data may be
20 used by the attorney general in conducting investiga-
21 tions under section 210401. This data may not con-
22 tain any information that may reveal the identity of
23 the victim or any law enforcement officer.”; and

24 (2) by amending subsection (b) to read as fol-
25 lows:

1 “(b) LIMITATION ON USE OF DATA ACQUIRED BY
2 THE ATTORNEY GENERAL.—Data acquired under sub-
3 section (a)(1) shall be used only for research or statistical
4 purposes and may not contain any information that may
5 reveal the identity of the victim or any law enforcement
6 officer.”.

7 (d) ENFORCEMENT OF PATTERN OR PRACTICE RE-
8 LIEF.—Beginning in the first fiscal year that begins after
9 the date that is one year after the date of enactment of
10 this Act, a State or unit of local government that receives
11 funds under the Byrne grant program or the COPS grant
12 program during a fiscal year may not make available any
13 amount of such funds to a local law enforcement agency
14 if that local law enforcement agency enters into or renews
15 any contractual arrangement, including a collective bar-
16 gaining agreement with a labor organization, that—

17 (1) would prevent the Attorney General from
18 seeking or enforcing equitable or declaratory relief
19 against a law enforcement agency engaging in a pat-
20 tern or practice of unconstitutional misconduct; or

21 (2) conflicts with any terms or conditions con-
22 tained in a consent decree.

23 **SEC. 10014. INDEPENDENT INVESTIGATIONS.**

24 (a) IN GENERAL.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) INDEPENDENT INVESTIGATION.—The
2 term “independent investigation” means a
3 criminal investigation or prosecution of a law
4 enforcement officer’s use of deadly force, in-
5 cluding one or more of the following:

6 (i) Using an agency or civilian review
7 board that investigates and independently
8 reviews all allegations of use of deadly
9 force made against law enforcement offi-
10 cers in the jurisdiction.

11 (ii) Assigning of the attorney general
12 of the State in which the alleged use of
13 deadly force was committed to conduct the
14 criminal investigation and prosecution.

15 (iii) Adopting a procedure under
16 which an independent prosecutor is as-
17 signed to investigate and prosecute the
18 case, including a procedure under which an
19 automatic referral is made to an inde-
20 pendent prosecutor appointed and overseen
21 by the attorney general of the State in
22 which the alleged use of deadly force was
23 committed.

24 (iv) Adopting a procedure under
25 which an independent prosecutor is as-

1 signed to investigate and prosecute the
2 case.

3 (v) Having law enforcement agencies
4 agree to and implement memoranda of un-
5 derstanding with other law enforcement
6 agencies under which the other law en-
7 forcement agencies—

8 (I) shall conduct the criminal in-
9 vestigation into the alleged use of
10 deadly force; and

11 (II) upon conclusion of the crimi-
12 nal investigation, shall file a report
13 with the attorney general of the State
14 containing a determination regarding
15 whether—

16 (aa) the use of deadly force
17 was appropriate; and

18 (bb) any action should be
19 taken by the attorney general of
20 the State.

21 (vi) Any substantially similar proce-
22 dure to ensure impartiality in the inves-
23 tigation or prosecution.

24 (B) INDEPENDENT INVESTIGATION OF
25 LAW ENFORCEMENT STATUTE.—The term

1 “independent investigation of law enforcement
2 statute” means a statute requiring an inde-
3 pendent investigation in a criminal matter in
4 which—

5 (i) one or more of the possible defend-
6 ants is a law enforcement officer;

7 (ii) one or more of the alleged offenses
8 involves the law enforcement officer’s use
9 of deadly force in the course of carrying
10 out that officer’s duty; and

11 (iii) the non-Federal law enforcement
12 officer’s use of deadly force resulted in a
13 death or injury.

14 (C) INDEPENDENT PROSECUTOR.—The
15 term “independent prosecutor” means, with re-
16 spect to a criminal investigation or prosecution
17 of a law enforcement officer’s use of deadly
18 force, a prosecutor who—

19 (i) does not oversee or regularly rely
20 on the law enforcement agency by which
21 the law enforcement officer under inves-
22 tigation is employed; and

23 (ii) would not be involved in the pros-
24 ecution in the ordinary course of that pros-
25 ecutor’s duties.

1 (2) GRANT PROGRAM.—The Attorney General
2 may award grants to eligible States and Indian
3 Tribes to assist in implementing an independent in-
4 vestigation of law enforcement statute.

5 (3) ELIGIBILITY.—To be eligible for a grant
6 under this subsection, a State or Indian Tribe shall
7 have in effect an independent investigation of law
8 enforcement statute.

9 (4) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated to the At-
11 torney General \$750,000,000 for fiscal years 2021
12 through 2023 to carry out this subsection.

13 (b) COPS GRANT PROGRAM USED FOR CIVILIAN RE-
14 VIEW BOARDS.—Part Q of title I of the of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
16 10381 et seq.) is amended—

17 (1) in section 1701(b) (34 U.S.C. 10381(b))—

18 (A) by redesignating paragraphs (22) and
19 (23) as paragraphs (23) and (24), respectively;

20 (B) in paragraph (23), as so redesignated,
21 by striking “(21)” and inserting “(22)”; and

22 (C) by inserting after paragraph (21) the
23 following:

24 “(22) to develop best practices for and to create
25 civilian review boards;”; and

1 (2) in section 1709 (34 U.S.C. 10389), by add-
2 ing at the end the following:

3 “(8) ‘civilian review board’ means an adminis-
4 trative entity that investigates civilian complaints
5 against law enforcement officers and—

6 “(A) is independent and adequately fund-
7 ed;

8 “(B) has investigatory authority and sub-
9 poena power;

10 “(C) has representative community diver-
11 sity;

12 “(D) has policy making authority;

13 “(E) provides advocates for civilian com-
14 plainants;

15 “(F) may conduct hearings; and

16 “(G) conducts statistical studies on pre-
17 vailing complaint trends.”.

18 **Subpart II—Law Enforcement Trust and Integrity**

19 **Act**

20 **SEC. 10021. SHORT TITLE.**

21 This subpart may be cited as the “Law Enforcement
22 Trust and Integrity Act of 2020”.

23 **SEC. 10022. DEFINITIONS.**

24 In this subpart:

1 (1) COMMUNITY-BASED ORGANIZATION.—The
2 term “community-based organization” means a
3 grassroots organization that monitors the issue of
4 police misconduct and that has a local or national
5 presence and membership, such as the National As-
6 sociation for the Advancement of Colored People
7 (NAACP), the American Civil Liberties Union
8 (ACLU), UnidosUS, the National Urban League,
9 the National Congress of American Indians, or the
10 National Asian Pacific American Legal Consortium
11 (NAPALC).

12 (2) LAW ENFORCEMENT ACCREDITATION ORGA-
13 NIZATION.—The term “law enforcement accredita-
14 tion organization” means a professional law enforce-
15 ment organization involved in the development of
16 standards of accreditation for law enforcement agen-
17 cies at the national, State, regional, or Tribal level,
18 such as the Commission on Accreditation for Law
19 Enforcement Agencies (CALEA).

20 (3) LAW ENFORCEMENT AGENCY.—The term
21 “law enforcement agency” means a State, local, In-
22 dian tribal, or campus public agency engaged in the
23 prevention, detection, investigation, prosecution, or
24 adjudication of violations of criminal laws.

1 (4) PROFESSIONAL LAW ENFORCEMENT ASSO-
2 CIATION.—The term “professional law enforcement
3 association” means a law enforcement membership
4 association that works for the needs of Federal,
5 State, local, or Indian tribal law enforcement agen-
6 cies and with the civilian community on matters of
7 common interest, such as the Hispanic American
8 Police Command Officers Association (HAPCOA),
9 the National Asian Pacific Officers Association
10 (NAPOA), the National Black Police Association
11 (NBPA), the National Latino Peace Officers Asso-
12 ciation (NLPOA), the National Organization of
13 Black Law Enforcement Executives (NOBLE),
14 Women in Law Enforcement, the Native American
15 Law Enforcement Association (NALEA), the Inter-
16 national Association of Chiefs of Police (IACP), the
17 National Sheriffs’ Association (NSA), the Fraternal
18 Order of Police (FOP), or the National Association
19 of School Resource Officers.

20 (5) PROFESSIONAL CIVILIAN OVERSIGHT ORGA-
21 NIZATION.—The term “professional civilian oversight
22 organization” means a membership organization
23 formed to address and advance civilian oversight of
24 law enforcement and whose members are from Fed-
25 eral, State, regional, local, or Tribal organizations

1 that review issues or complaints against law enforce-
2 ment agencies or officers, such as the National Asso-
3 ciation for Civilian Oversight of Law Enforcement
4 (NACOLE).

5 **SEC. 10023. ACCREDITATION OF LAW ENFORCEMENT AGEN-**
6 **CIES.**

7 (a) STANDARDS.—

8 (1) INITIAL ANALYSIS.—The Attorney General
9 shall perform an initial analysis of existing accredi-
10 tation standards and methodology developed by law
11 enforcement accreditation organizations nationwide,
12 including national, State, regional, and Tribal ac-
13 creditation organizations. Such an analysis shall in-
14 clude a review of the recommendations of the Final
15 Report of the President’s Taskforce on 21st Century
16 Policing, issued by the Department of Justice, in
17 May 2015.

18 (2) DEVELOPMENT OF UNIFORM STANDARDS.—
19 After completion of the initial review and analysis
20 under paragraph (1), the Attorney General shall—

21 (A) recommend, in consultation with law
22 enforcement accreditation organizations and
23 community-based organizations, the adoption of
24 additional standards that will result in greater
25 community accountability of law enforcement

1 agencies and an increased focus on policing
2 with a guardian mentality, including standards
3 relating to—

4 (i) early warning systems and related
5 intervention programs;

6 (ii) use of force procedures;

7 (iii) civilian review procedures;

8 (iv) traffic and pedestrian stop and
9 search procedures;

10 (v) data collection and transparency;

11 (vi) administrative due process re-
12 quirements;

13 (vii) video monitoring technology;

14 (viii) youth justice and school safety;

15 and

16 (ix) recruitment, hiring, and training;

17 and

18 (B) recommend additional areas for the
19 development of national standards for the ac-
20 creditation of law enforcement agencies in con-
21 sultation with existing law enforcement accredi-
22 tation organizations, professional law enforce-
23 ment associations, labor organizations, commu-
24 nity-based organizations, and professional civil-
25 ian oversight organizations.

1 (3) CONTINUING ACCREDITATION PROCESS.—

2 The Attorney General shall adopt policies and proce-
3 dures to partner with law enforcement accreditation
4 organizations, professional law enforcement associa-
5 tions, labor organizations, community-based organi-
6 zations, and professional civilian oversight organiza-
7 tions to—

8 (A) continue the development of further
9 accreditation standards consistent with para-
10 graph (2); and

11 (B) encourage the pursuit of accreditation
12 of Federal, State, local, and Tribal law enforce-
13 ment agencies by certified law enforcement ac-
14 creditation organizations.

15 (b) USE OF FUNDS REQUIREMENTS.—Section
16 502(a) of title I of the Omnibus Crime Control and Safe
17 Streets Act of 1968 (34 U.S.C. 10153(a)) is amended by
18 adding at the end the following:

19 “(7) An assurance that, for each fiscal year
20 covered by an application, the applicant will use not
21 less than 5 percent of the total amount of the grant
22 award for the fiscal year to assist law enforcement
23 agencies of the applicant, including campus public
24 safety departments, gain or maintain accreditation
25 from certified law enforcement accreditation organi-

1 zations in accordance with section 10023 of the Law
2 Enforcement Trust and Integrity Act of 2020.”.

3 (c) ELIGIBILITY FOR CERTAIN GRANT FUNDS.—The
4 Attorney General shall, as appropriate and consistent with
5 applicable law, allocate Department of Justice discre-
6 tionary grant funding only to States or units of local gov-
7 ernment that require law enforcement agencies of that
8 State or unit of local government to gain and maintain
9 accreditation from certified law enforcement accreditation
10 organizations in accordance with this section.

11 **SEC. 10024. LAW ENFORCEMENT GRANTS.**

12 (a) USE OF FUNDS REQUIREMENT.—Section 502(a)
13 of title I of the Omnibus Crime Control and Safe Streets
14 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
15 10023, is amended by adding at the end the following:

16 “(8) An assurance that, for each fiscal year
17 covered by an application, the applicant will use not
18 less than 5 percent of the total amount of the grant
19 award for the fiscal year to study and implement ef-
20 fective management, training, recruiting, hiring, and
21 oversight standards and programs to promote effec-
22 tive community and problem solving strategies for
23 law enforcement agencies in accordance with section
24 10024 of the Law Enforcement Trust and Integrity
25 Act of 2020.”.

1 (b) GRANT PROGRAM FOR COMMUNITY ORGANIZA-
2 TIONS.—The Attorney General may make grants to com-
3 munity-based organizations to study and implement—

4 (1) effective management, training, recruiting,
5 hiring, and oversight standards and programs to
6 promote effective community and problem solving
7 strategies for law enforcement agencies; or

8 (2) effective strategies and solutions to public
9 safety, including strategies that do not rely on Fed-
10 eral and local law enforcement agency responses.

11 (c) USE OF FUNDS.—Grant amounts described in
12 paragraph (8) of section 502(a) of title I of the Omnibus
13 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
14 10153(a)), as added by subsection (a) of this section, and
15 grant amounts awarded under subsection (b) shall be used
16 to—

17 (1) study management and operations stand-
18 ards for law enforcement agencies, including stand-
19 ards relating to administrative due process, resi-
20 dency requirements, compensation and benefits, use
21 of force, racial profiling, early warning and interven-
22 tion systems, youth justice, school safety, civilian re-
23 view boards or analogous procedures, or research
24 into the effectiveness of existing programs, projects,

1 or other activities designed to address misconduct;
2 and

3 (2) develop pilot programs and implement effective standards and programs in the areas of training, hiring and recruitment, and oversight that are
4 designed to improve management and address misconduct by law enforcement officers.

5 (d) COMPONENTS OF PILOT PROGRAM.—A pilot program developed under subsection (c)(2) shall include implementation of the following:

6 (1) TRAINING.—The implementation of policies, practices, and procedures addressing training and instruction to comply with accreditation standards in the areas of—

7 (A) the use of deadly force, less lethal force, and de-escalation tactics and techniques;

8 (B) investigation of officer misconduct and practices and procedures for referring to prosecuting authorities allegations of officer use of excessive force or racial profiling;

9 (C) disproportionate contact by law enforcement with minority communities;

10 (D) tactical and defensive strategy;

11 (E) arrests, searches, and restraint;

1 (F) professional verbal communications
2 with civilians;

3 (G) interactions with—

4 (i) youth;

5 (ii) individuals with disabilities;

6 (iii) individuals with limited English
7 proficiency; and

8 (iv) multi-cultural communities;

9 (H) proper traffic, pedestrian, and other
10 enforcement stops; and

11 (I) community relations and bias aware-
12 ness.

13 (2) RECRUITMENT, HIRING, RETENTION, AND
14 PROMOTION OF DIVERSE LAW ENFORCEMENT OFFI-
15 CERS.—Policies, procedures, and practices for—

16 (A) the hiring and recruitment of diverse
17 law enforcement officers who are representative
18 of the communities they serve;

19 (B) the development of selection, pro-
20 motion, educational, background, and psycho-
21 logical standards that comport with title VII of
22 the Civil Rights Act of 1964 (42 U.S.C. 2000e
23 et seq.); and

1 (C) initiatives to encourage residency in
2 the jurisdiction served by the law enforcement
3 agency and continuing education.

4 (3) OVERSIGHT.—Complaint procedures, in-
5 cluding the establishment of civilian review boards or
6 analogous procedures for jurisdictions across a range
7 of sizes and agency configurations, complaint proce-
8 dures by community-based organizations, early
9 warning systems and related intervention programs,
10 video monitoring technology, data collection and
11 transparency, and administrative due process re-
12 quirements inherent to complaint procedures for
13 members of the public and law enforcement.

14 (4) YOUTH JUSTICE AND SCHOOL SAFETY.—
15 Uniform standards on youth justice and school safe-
16 ty that include best practices for law enforcement
17 interaction and communication with children and
18 youth, taking into consideration adolescent develop-
19 ment and any disability, including—

20 (A) the right to effective and timely notifi-
21 cation of a parent or legal guardian of any law
22 enforcement interaction, regardless of the immi-
23 gration status of the individuals involved; and

1 (B) the creation of positive school climates
2 by improving school conditions for learning
3 by—

4 (i) eliminating school-based arrests
5 and referrals to law enforcement;

6 (ii) using evidence-based preventative
7 measures and alternatives to school-based
8 arrests and referrals to law enforcement,
9 such as restorative justice and healing
10 practices; and

11 (iii) using school-wide positive behav-
12 ioral interventions and supports.

13 (5) VICTIM SERVICES.—Counseling services, in-
14 cluding psychological counseling, for individuals and
15 communities impacted by law enforcement mis-
16 conduct.

17 (e) TECHNICAL ASSISTANCE.—

18 (1) IN GENERAL.—The Attorney General may
19 provide technical assistance to States and commu-
20 nity-based organizations in furtherance of the pur-
21 poses of this section.

22 (2) MODELS FOR REDUCTION OF LAW EN-
23 FORCEMENT MISCONDUCT.—The technical assistance
24 provided by the Attorney General may include the
25 development of models for States and community-

1 based organizations to reduce law enforcement offi-
2 cer misconduct. Any development of such models
3 shall be in consultation with community-based orga-
4 nizations.

5 (f) USE OF COMPONENTS.—The Attorney General
6 may use any component or components of the Department
7 of Justice in carrying out this section.

8 (g) APPLICATIONS.—An application for a grant
9 under subsection (b) shall be submitted in such form, and
10 contain such information, as the Attorney General may
11 prescribe by rule.

12 (h) PERFORMANCE EVALUATION.—

13 (1) MONITORING COMPONENTS.—

14 (A) IN GENERAL.—Each program, project,
15 or activity funded under this section shall con-
16 tain a monitoring component, which shall be de-
17 veloped pursuant to rules made by the Attorney
18 General.

19 (B) REQUIREMENT.—Each monitoring
20 component required under subparagraph (A)
21 shall include systematic identification and col-
22 lection of data about activities, accomplish-
23 ments, and programs throughout the duration
24 of the program, project, or activity and presen-
25 tation of such data in a usable form.

1 (2) EVALUATION COMPONENTS.—

2 (A) IN GENERAL.—Selected grant recipi-
3 ents shall be evaluated on the local level or as
4 part of a national evaluation, pursuant to rules
5 made by the Attorney General.

6 (B) REQUIREMENTS.—An evaluation con-
7 ducted under subparagraph (A) may include
8 independent audits of police behavior and other
9 assessments of individual program implementa-
10 tions. For community-based organizations in se-
11 lected jurisdictions that are able to support out-
12 come evaluations, the effectiveness of funded
13 programs, projects, and activities may be re-
14 quired.

15 (3) PERIODIC REVIEW AND REPORTS.—The At-
16 torney General may require a grant recipient to sub-
17 mit biannually to the Attorney General the results of
18 the monitoring and evaluations required under para-
19 graphs (1) and (2) and such other data and infor-
20 mation as the Attorney General determines to be
21 necessary.

22 (i) REVOCATION OR SUSPENSION OF FUNDING.—If
23 the Attorney General determines, as a result of monitoring
24 under subsection (h) or otherwise, that a grant recipient
25 under the Byrne grant program or under subsection (b)

1 is not in substantial compliance with the requirements of
2 this section, the Attorney General may revoke or suspend
3 funding of that grant, in whole or in part.

4 (j) CIVILIAN REVIEW BOARD DEFINED.—In this sec-
5 tion, the term “civilian review board” means an adminis-
6 trative entity that investigates civilian complaints against
7 law enforcement officers and—

8 (1) is independent and adequately funded;

9 (2) has investigatory authority and subpoena
10 power;

11 (3) has representative community diversity;

12 (4) has policy making authority;

13 (5) provides advocates for civilian complainants;

14 (6) may conduct hearings; and

15 (7) conducts statistical studies on prevailing
16 complaint trends.

17 (k) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Attorney General
19 \$25,000,000 for fiscal year 2021 to carry out the grant
20 program authorized under subsection (b).

21 **SEC. 10025. ATTORNEY GENERAL TO CONDUCT STUDY.**

22 (a) STUDY.—

23 (1) IN GENERAL.—The Attorney General shall
24 conduct a nationwide study of the prevalence and ef-
25 fect of any law, rule, or procedure that allows a law

1 enforcement officer to delay the response to ques-
2 tions posed by a local internal affairs officer, or re-
3 view board on the investigative integrity and pros-
4 ecution of law enforcement misconduct, including
5 pre-interview warnings and termination policies.

6 (2) INITIAL ANALYSIS.—The Attorney General
7 shall perform an initial analysis of existing State
8 laws, rules, and procedures to determine whether, at
9 a threshold level, the effect of the type of law, rule,
10 or procedure that raises material investigatory issues
11 that could impair or hinder a prompt and thorough
12 investigation of possible misconduct, including crimi-
13 nal conduct.

14 (3) DATA COLLECTION.—After completion of
15 the initial analysis under paragraph (2), and consid-
16 ering material investigatory issues, the Attorney
17 General shall gather additional data nationwide on
18 similar laws, rules, and procedures from a represent-
19 ative and statistically significant sample of jurisdic-
20 tions, to determine whether such laws, rules, and
21 procedures raise such material investigatory issues.

22 (b) REPORTING.—

23 (1) INITIAL ANALYSIS.—Not later than 120
24 days after the date of the enactment of this Act, the
25 Attorney General shall—

1 (A) submit to Congress a report containing
2 the results of the initial analysis conducted
3 under subsection (a)(2);

4 (B) make the report submitted under sub-
5 paragraph (A) available to the public; and

6 (C) identify the jurisdictions for which the
7 study described in subsection (a)(3) is to be
8 conducted.

9 (2) DATA COLLECTED.—Not later than 2 years
10 after the date of the enactment of this Act, the At-
11 torney General shall submit to Congress a report
12 containing the results of the data collected under
13 this section and publish the report in the Federal
14 Register.

15 **SEC. 10026. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated for fiscal
17 year 2021, in addition to any other sums authorized to
18 be appropriated—

19 (1) \$25,000,000 for additional expenses relat-
20 ing to the enforcement of section 210401 of the Vio-
21 lent Crime Control and Law Enforcement Act of
22 1994 (34 U.S.C. 12601), criminal enforcement
23 under sections 241 and 242 of title 18, United
24 States Code, and administrative enforcement by the
25 Department of Justice of such sections, including

1 compliance with consent decrees or judgments en-
2 tered into under such section 210401; and

3 (2) \$3,300,000 for additional expenses related
4 to conflict resolution by the Department of Justice's
5 Community Relations Service.

6 **SEC. 10027. NATIONAL TASK FORCE ON LAW ENFORCE-**
7 **MENT OVERSIGHT.**

8 (a) ESTABLISHMENT.—There is established within
9 the Department of Justice a task force to be known as
10 the Task Force on Law Enforcement Oversight (herein-
11 after in this section referred to as the “Task Force”).

12 (b) COMPOSITION.—The Task Force shall be com-
13 posed of individuals appointed by the Attorney General,
14 who shall appoint not less than 1 individual from each of
15 the following:

16 (1) The Special Litigation Section of the Civil
17 Rights Division.

18 (2) The Criminal Section of the Civil Rights Di-
19 vision.

20 (3) The Federal Coordination and Compliance
21 Section of the Civil Rights Division.

22 (4) The Employment Litigation Section of the
23 Civil Rights Division.

24 (5) The Disability Rights Section of the Civil
25 Rights Division.

1 (6) The Office of Justice Programs.

2 (7) The Office of Community Oriented Policing
3 Services (COPS).

4 (8) The Corruption/Civil Rights Section of the
5 Federal Bureau of Investigation.

6 (9) The Community Relations Service.

7 (10) The Office of Tribal Justice.

8 (11) The unit within the Department of Justice
9 assigned as a liaison for civilian review boards.

10 (c) POWERS AND DUTIES.—The Task Force shall
11 consult with professional law enforcement associations,
12 labor organizations, and community-based organizations
13 to coordinate the process of the detection and referral of
14 complaints regarding incidents of alleged law enforcement
15 misconduct.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated \$5,000,000 for each fis-
18 cal year to carry out this section.

19 **SEC. 10028. FEDERAL DATA COLLECTION ON LAW EN-**
20 **FORCEMENT PRACTICES.**

21 (a) AGENCIES TO REPORT.—Each Federal, State,
22 Tribal, and local law enforcement agency shall report data
23 of the practices enumerated in subsection (c) of that agen-
24 cy to the Attorney General.

1 (b) BREAKDOWN OF INFORMATION BY RACE, ETH-
2 NICITY, AND GENDER.—For each practice enumerated in
3 subsection (c), the reporting law enforcement agency shall
4 provide a breakdown of the numbers of incidents of that
5 practice by race, ethnicity, age, and gender of the officers
6 of the agency and of members of the public involved in
7 the practice.

8 (c) PRACTICES TO BE REPORTED ON.—The prac-
9 tices to be reported on are the following:

10 (1) Traffic violation stops.

11 (2) Pedestrian stops.

12 (3) Frisk and body searches.

13 (4) Instances where law enforcement officers
14 used deadly force, including—

15 (A) a description of when and where dead-
16 ly force was used, and whether it resulted in
17 death;

18 (B) a description of deadly force directed
19 against an officer and whether it resulted in in-
20 jury or death; and

21 (C) the law enforcement agency's justifica-
22 tion for use of deadly force, if the agency deter-
23 mines it was justified.

24 (d) RETENTION OF DATA.—Each law enforcement
25 agency required to report data under this section shall

1 maintain records relating to any matter reported for not
2 less than 4 years after those records are created.

3 (e) PENALTY FOR STATES FAILING TO REPORT AS
4 REQUIRED.—

5 (1) IN GENERAL.—For any fiscal year, a State
6 shall not receive any amount that would otherwise
7 be allocated to that State under section 505(a) of
8 title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968 (34 U.S.C. 10156(a)), or any
10 amount from any other law enforcement assistance
11 program of the Department of Justice, unless the
12 State has ensured, to the satisfaction of the Attor-
13 ney General, that the State and each local law en-
14 forcement agency of the State is in substantial com-
15 pliance with the requirements of this section.

16 (2) REALLOCATION.—Amounts not allocated by
17 reason of this subsection shall be reallocated to
18 States not disqualified by failure to comply with this
19 section.

20 (f) REGULATIONS.—The Attorney General shall pre-
21 scribe regulations to carry out this section.

1 **PART 2—POLICING TRANSPARENCY THROUGH**
2 **DATA**

3 **Subpart I—National Police Misconduct Registry**

4 **SEC. 10031. ESTABLISHMENT OF NATIONAL POLICE MIS-**
5 **CONDUCT REGISTRY.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Attorney General shall
8 establish a National Police Misconduct Registry to be com-
9 piled and maintained by the Department of Justice.

10 (b) CONTENTS OF REGISTRY.—The Registry re-
11 quired to be established under subsection (a) shall contain
12 the following data with respect to all Federal and local
13 law enforcement officers:

14 (1) Each complaint filed against a law enforce-
15 ment officer, aggregated by—

16 (A) complaints that were found to be cred-
17 ible or that resulted in disciplinary action
18 against the law enforcement officer,
19 disaggregated by whether the complaint in-
20 volved a use of force or racial profiling (as such
21 term is defined in section 10052);

22 (B) complaints that are pending review,
23 disaggregated by whether the complaint in-
24 volved a use of force or racial profiling; and

25 (C) complaints for which the law enforce-
26 ment officer was exonerated or that were deter-

1 mined to be unfounded or not sustained,
2 disaggregated by whether the complaint in-
3 volved a use of force or racial profiling.

4 (2) Discipline records, disaggregated by wheth-
5 er the complaint involved a use of force or racial
6 profiling.

7 (3) Termination records, the reason for each
8 termination, disaggregated by whether the complaint
9 involved a use of force or racial profiling.

10 (4) Records of certification in accordance with
11 section 10032.

12 (5) Records of lawsuits against law enforcement
13 officers and settlements of such lawsuits.

14 (6) Instances where a law enforcement officer
15 resigns or retires while under active investigation re-
16 lated to the use of force.

17 (c) FEDERAL AGENCY REPORTING REQUIRE-
18 MENTS.—Not later than 1 year after the date of enact-
19 ment of this Act, and every 6 months thereafter, the head
20 of each Federal law enforcement agency shall submit to
21 the Attorney General the information described in sub-
22 section (b).

23 (d) STATE AND LOCAL LAW ENFORCEMENT AGENCY
24 REPORTING REQUIREMENTS.—Beginning in the first fis-
25 cal year that begins after the date that is one year after

1 the date of enactment of this Act and each fiscal year
2 thereafter in which a State receives funds under the Byrne
3 grant program, the State shall, once every 180 days, sub-
4 mit to the Attorney General the information described in
5 subsection (b) for the State and each local law enforce-
6 ment agency within the State.

7 (e) PUBLIC AVAILABILITY OF REGISTRY.—

8 (1) IN GENERAL.—In establishing the Registry
9 required under subsection (a), the Attorney General
10 shall make the Registry available to the public on an
11 internet website of the Attorney General in a man-
12 ner that allows members of the public to search for
13 an individual law enforcement officer’s records of
14 misconduct, as described in subsection (b), involving
15 a use of force or racial profiling.

16 (2) PRIVACY PROTECTIONS.—Nothing in this
17 subsection shall be construed to supersede the re-
18 quirements or limitations under section 552a of title
19 5, United States Code (commonly known as the
20 “Privacy Act of 1974”).

21 **SEC. 10032. CERTIFICATION REQUIREMENTS FOR HIRING**
22 **OF LAW ENFORCEMENT OFFICERS.**

23 (a) IN GENERAL.— Beginning in the first fiscal year
24 that begins after the date that is one year after the date
25 of the enactment of this Act, a State or unit of local gov-

1 ernment, other than an Indian Tribe, may not receive
2 funds under the Byrne grant program for that fiscal year
3 if, on the day before the first day of the fiscal year, the
4 State or unit of local government has not—

5 (1) submitted to the Attorney General evidence
6 that the State or unit of local government has a cer-
7 tification and decertification program for purposes
8 of employment as a law enforcement officer in that
9 State or unit of local government that is consistent
10 with the rules made under subsection (c); and

11 (2) submitted to the National Police Mis-
12 conduct Registry established under section 10031
13 records demonstrating that all law enforcement offi-
14 cers of the State or unit of local government have
15 completed all State certification requirements during
16 the 1-year period preceding the fiscal year.

17 (b) AVAILABILITY OF INFORMATION.—The Attorney
18 General shall make available to law enforcement agencies
19 all information in the registry under section 10031 for
20 purposes of compliance with the certification and decerti-
21 fication programs described in subsection (a)(1) and con-
22 sidering applications for employment.

23 (c) RULES.—The Attorney General shall make rules
24 to carry out this section and section 10031, including uni-
25 form reporting standards.

Subpart II—PRIDE Act**SEC. 10041. SHORT TITLE.**

This subpart may be cited as the “Police Reporting Information, Data, and Evidence Act of 2020” or the “PRIDE Act of 2020”.

SEC. 10042. DEFINITIONS.

In this subpart:

(1) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **LOCAL LAW ENFORCEMENT OFFICER.**—The term “local law enforcement officer” has the meaning given the term in section 10002, and includes a school resource officer.

(3) **SCHOOL.**—The term “school” means an elementary school or secondary school (as those terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

(4) **SCHOOL RESOURCE OFFICER.**—The term “school resource officer” means a sworn law enforcement officer who is—

(A) assigned by the employing law enforcement agency to a local educational agency or school;

1 (B) contracting with a local educational
2 agency or school; or

3 (C) employed by a local educational agency
4 or school.

5 **SEC. 10043. USE OF FORCE REPORTING.**

6 (a) REPORTING REQUIREMENTS.—

7 (1) IN GENERAL.—Beginning in the first fiscal
8 year that begins after the date that is one year after
9 the date of enactment of this Act and each fiscal
10 year thereafter in which a State or Indian Tribe re-
11 ceives funds under a Byrne grant program, the
12 State or Indian Tribe shall—

13 (A) report to the Attorney General, on a
14 quarterly basis and pursuant to guidelines es-
15 tablished by the Attorney General, information
16 regarding—

17 (i) any incident involving the use of
18 deadly force against a civilian by—

19 (I) a local law enforcement offi-
20 cer who is employed by the State or
21 by a unit of local government in the
22 State; or

23 (II) a tribal law enforcement offi-
24 cer who is employed by the Indian
25 Tribe;

1 (ii) any incident involving the shooting
2 of a local law enforcement officer or tribal
3 law enforcement officer described in clause
4 (i) by a civilian;

5 (iii) any incident involving the death
6 or arrest of a local law enforcement officer
7 or tribal law enforcement officer;

8 (iv) any incident during which use of
9 force by or against a local law enforcement
10 officer or tribal law enforcement officer de-
11 scribed in clause (i) occurs, which is not
12 reported under clause (i), (ii), or (iii);

13 (v) deaths in custody; and

14 (vi) uses of force in arrests and book-
15 ing;

16 (B) establish a system and a set of policies
17 to ensure that all use of force incidents are re-
18 ported by local law enforcement officers or trib-
19 al law enforcement officers; and

20 (C) submit to the Attorney General a plan
21 for the collection of data required to be re-
22 ported under this section, including any modi-
23 fications to a previously submitted data collec-
24 tion plan.

25 (2) REPORT INFORMATION REQUIRED.—

1 (A) IN GENERAL.—The report required
2 under paragraph (1)(A) shall contain informa-
3 tion that includes, at a minimum—

4 (i) the national origin, sex, race, eth-
5 nicity, age, disability, English language
6 proficiency, and housing status of each ci-
7 vilian against whom a local law enforce-
8 ment officer or tribal law enforcement offi-
9 cer used force;

10 (ii) the date, time, and location, in-
11 cluding whether it was on school grounds,
12 and the zip code, of the incident and
13 whether the jurisdiction in which the inci-
14 dent occurred allows for the open-carry or
15 concealed-carry of a firearm;

16 (iii) whether the civilian was armed,
17 and, if so, the type of weapon the civilian
18 had;

19 (iv) the type of force used against the
20 officer, the civilian, or both, including the
21 types of weapons used;

22 (v) the reason force was used;

23 (vi) a description of any injuries sus-
24 tained as a result of the incident;

1 (vii) the number of officers involved in
2 the incident;

3 (viii) the number of civilians involved
4 in the incident; and

5 (ix) a brief description regarding the
6 circumstances surrounding the incident,
7 which shall include information on—

8 (I) the type of force used by all
9 involved persons;

10 (II) the legitimate police objective
11 necessitating the use of force;

12 (III) the resistance encountered
13 by each local law enforcement officer
14 or tribal law enforcement officer in-
15 volved in the incident;

16 (IV) the efforts by local law en-
17 forcement officers or tribal law en-
18 forcement officers to—

19 (aa) de-escalate the situation
20 in order to avoid the use of force;
21 or

22 (bb) minimize the level of
23 force used; and

1 (V) if applicable, the reason why
2 efforts described in subclause (IV)
3 were not attempted.

4 (B) INCIDENTS REPORTED UNDER DEATH
5 IN CUSTODY REPORTING ACT.—A State or In-
6 dian Tribe is not required to include in a report
7 under subsection (a)(1) an incident reported by
8 the State or Indian Tribe in accordance with
9 section 20104(a)(2) of the Violent Crime Con-
10 trol and Law Enforcement Act of 1994 (34
11 U.S.C. 12104(a)(2)).

12 (C) RETENTION OF DATA.—Each law en-
13 forcement agency required to report data under
14 this section shall maintain records relating to
15 any matter so reportable for not less than 4
16 years after those records are created.

17 (3) AUDIT OF USE-OF-FORCE REPORTING.—Not
18 later than 1 year after the date of enactment of this
19 Act, and each year thereafter, each State or Indian
20 Tribe described in paragraph (1) shall—

21 (A) conduct an audit of the use of force in-
22 cident reporting system required to be estab-
23 lished under paragraph (1)(B); and

1 (B) submit a report to the Attorney Gen-
2 eral on the audit conducted under subpara-
3 graph (A).

4 (4) COMPLIANCE PROCEDURE.—Prior to sub-
5 mitting a report under paragraph (1)(A), the State
6 or Indian Tribe submitting such report shall com-
7 pare the information compiled to be reported pursu-
8 ant to clause (i) of paragraph (1)(A) to publicly
9 available sources, and shall revise such report to in-
10 clude any incident determined to be missing from
11 the report based on such comparison. Failure to
12 comply with the procedures described in the previous
13 sentence shall be considered a failure to comply with
14 the requirements of this section.

15 (b) INELIGIBILITY FOR FUNDS.—

16 (1) IN GENERAL.—For any fiscal year in which
17 a State or Indian Tribe fails to comply with this sec-
18 tion, the State or Indian Tribe, at the discretion of
19 the Attorney General, shall be subject to not more
20 than a 10-percent reduction of the funds that would
21 otherwise be allocated for that fiscal year to the
22 State or Indian Tribe under a Byrne grant program.

23 (2) REALLOCATION.—Amounts not allocated
24 under a Byrne grant program in accordance with
25 paragraph (1) to a State for failure to comply with

1 this section shall be reallocated under the Byrne
2 grant program to States that have not failed to com-
3 ply with this section.

4 (3) INFORMATION REGARDING SCHOOL RE-
5 SOURCE OFFICERS.—The State or Indian Tribe shall
6 ensure that all schools and local educational agencies
7 within the jurisdiction of the State or Indian Tribe
8 provide the State or Indian Tribe with the informa-
9 tion needed regarding school resource officers to
10 comply with this section.

11 (c) PUBLIC AVAILABILITY OF DATA.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, and each year
14 thereafter, the Attorney General shall publish, and
15 make available to the public, a report containing the
16 data reported to the Attorney General under this
17 section.

18 (2) PRIVACY PROTECTIONS.—Nothing in this
19 subsection shall be construed to supersede the re-
20 quirements or limitations under section 552a of title
21 5, United States Code (commonly known as the
22 “Privacy Act of 1974”).

23 (d) GUIDANCE.—Not later than 180 days after the
24 date of enactment of this Act, the Attorney General, in
25 coordination with the Director of the Federal Bureau of

1 Investigation, shall issue guidance on best practices relat-
2 ing to establishing standard data collection systems that
3 capture the information required to be reported under sub-
4 section (a)(2), which shall include standard and consistent
5 definitions for terms.

6 **SEC. 10044. USE OF FORCE DATA REPORTING.**

7 (a) TECHNICAL ASSISTANCE GRANTS AUTHOR-
8 IZED.—The Attorney General may make grants to eligible
9 law enforcement agencies to be used for the activities de-
10 scribed in subsection (c).

11 (b) ELIGIBILITY.—In order to be eligible to receive
12 a grant under this section a law enforcement agency
13 shall—

14 (1) be a tribal law enforcement agency or be lo-
15 cated in a State that receives funds under a Byrne
16 grant program;

17 (2) employ not more than 100 local or tribal law
18 enforcement officers;

19 (3) demonstrate that the use of force policy for
20 local law enforcement officers or tribal law enforce-
21 ment officers employed by the law enforcement agen-
22 cy is publicly available; and

23 (4) establish and maintain a complaint system
24 that—

1 (A) may be used by members of the public
2 to report incidents of use of force to the law en-
3 forcement agency;

4 (B) makes all information collected pub-
5 licly searchable and available; and

6 (C) provides information on the status of
7 an investigation related to a use of force com-
8 plaint.

9 (c) ACTIVITIES DESCRIBED.—A grant made under
10 this section may be used by a law enforcement agency
11 for—

12 (1) the cost of assisting the State or Indian
13 Tribe in which the law enforcement agency is located
14 in complying with the reporting requirements de-
15 scribed in section 10045;

16 (2) the cost of establishing necessary systems
17 required to investigate and report incidents as re-
18 quired under subsection (b)(4);

19 (3) public awareness campaigns designed to
20 gain information from the public on use of force by
21 or against local and tribal law enforcement officers,
22 including shootings, which may include tip lines, hot-
23 lines, and public service announcements; and

24 (4) use of force training for law enforcement
25 agencies and personnel, including training on de-es-

1 calation, implicit bias, crisis intervention techniques,
2 and adolescent development.

3 **SEC. 10045. COMPLIANCE WITH REPORTING REQUIRE-**
4 **MENTS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, and each year thereafter,
7 the Attorney General shall conduct an audit and review
8 of the information provided under this subpart to deter-
9 mine whether each State or Indian Tribe described in sec-
10 tion 223(a)(1) is in compliance with the requirements of
11 this subpart.

12 (b) CONSISTENCY IN DATA REPORTING.—

13 (1) IN GENERAL.—Any data reported under
14 this subpart shall be collected and reported—

15 (A) in a manner consistent with existing
16 programs of the Department of Justice that
17 collect data on local law enforcement officer en-
18 counters with civilians; and

19 (B) in a manner consistent with civil rights
20 laws for distribution of information to the pub-
21 lic.

22 (2) GUIDELINES.—Not later than 1 year after
23 the date of enactment of this Act, the Attorney Gen-
24 eral shall—

1 (A) issue guidelines on the reporting re-
2 quirement under section 10045; and

3 (B) seek public comment before finalizing
4 the guidelines required under subparagraph
5 (A).

6 **SEC. 10046. FEDERAL LAW ENFORCEMENT REPORTING.**

7 The head of each Federal law enforcement agency
8 shall submit to the Attorney General, on a quarterly basis
9 and pursuant to guidelines established by the Attorney
10 General, the information required to be reported by a
11 State or Indian Tribe under section 10044.

12 **SEC. 10047. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to the Attor-
14 ney General such sums as are necessary to carry out this
15 subpart.

16 **PART 3—IMPROVING POLICE TRAINING AND**
17 **POLICIES**

18 **Subpart I—End Racial and Religious Profiling Act**

19 **SEC. 10051. SHORT TITLE.**

20 This subpart may be cited as the “End Racial and
21 Religious Profiling Act of 2020” or “ERRPA”.

22 **SEC. 10052. DEFINITIONS.**

23 In this subpart:

1 (1) COVERED PROGRAM.—The term “covered
2 program” means any program or activity funded in
3 whole or in part with funds made available under—

4 (A) a Byrne grant program; and

5 (B) the COPS grant program, except that
6 no program, project, or other activity specified
7 in section 1701(b)(13) of part Q of title I of the
8 Omnibus Crime Control and Safe Streets Act of
9 1968 (34 U.S.C. 10381 et seq.) shall be a cov-
10 ered program under this paragraph.

11 (2) GOVERNMENTAL BODY.—The term “govern-
12 mental body” means any department, agency, special
13 purpose district, or other instrumentality of Federal,
14 State, local, or Indian Tribal government.

15 (3) HIT RATE.—The term “hit rate” means the
16 percentage of stops and searches in which a law en-
17 forcement agent finds drugs, a gun, or something
18 else that leads to an arrest. The hit rate is cal-
19 culated by dividing the total number of searches by
20 the number of searches that yield contraband. The
21 hit rate is complementary to the rate of false stops.

22 (4) LAW ENFORCEMENT AGENCY.—The term
23 “law enforcement agency” means any Federal,
24 State, or local public agency engaged in the preven-

tion, detection, or investigation of violations of criminal, immigration, or customs laws.

(5) LAW ENFORCEMENT AGENT.—The term “law enforcement agent” means any Federal, State, or local official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of a law enforcement agency.

(6) RACIAL PROFILING.—

(A) IN GENERAL.—The term “racial profiling” means the practice of a law enforcement agent or agency relying, to any degree, on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person with a particular characteristic described in this paragraph to an identified criminal incident or scheme.

(B) EXCEPTION.—For purposes of subparagraph (A), a tribal law enforcement officer

1 exercising law enforcement authority within In-
2 dian country, as that term is defined in section
3 1151 of title 18, United States Code, is not
4 considered to be racial profiling with respect to
5 making key jurisdictional determinations that
6 are necessarily tied to reliance on actual or per-
7 ceived race, ethnicity, or tribal affiliation.

8 (7) ROUTINE OR SPONTANEOUS INVESTIGATORY
9 ACTIVITIES.—The term “routine or spontaneous in-
10 vestigatory activities” means the following activities
11 by a law enforcement agent:

12 (A) Interviews.

13 (B) Traffic stops.

14 (C) Pedestrian stops.

15 (D) Frisks and other types of body
16 searches.

17 (E) Consensual or nonconsensual searches
18 of the persons, property, or possessions (includ-
19 ing vehicles) of individuals using any form of
20 public or private transportation, including mo-
21 torists and pedestrians.

22 (F) Data collection and analysis, assess-
23 ments, and predicated investigations.

1 (G) Inspections and interviews of entrants
2 into the United States that are more extensive
3 than those customarily carried out.

4 (H) Immigration-related workplace inves-
5 tigations.

6 (I) Such other types of law enforcement
7 encounters compiled for or by the Federal Bu-
8 reau of Investigation or the Department of Jus-
9 tice Bureau of Justice Statistics.

10 (8) REASONABLE REQUEST.—The term “rea-
11 sonable request” means all requests for information,
12 except for those that—

13 (A) are immaterial to the investigation;

14 (B) would result in the unnecessary disclo-
15 sure of personal information; or

16 (C) would place a severe burden on the re-
17 sources of the law enforcement agency given its
18 size.

19 **CHAPTER 1—PROHIBITION OF RACIAL**
20 **PROFILING**

21 **SEC. 10053. PROHIBITION.**

22 No law enforcement agent or law enforcement agency
23 shall engage in racial profiling.

1 **SEC. 10054. ENFORCEMENT.**

2 (a) REMEDY.—The United States, or an individual
3 injured by racial profiling, may enforce this part in a civil
4 action for declaratory or injunctive relief, filed either in
5 a State court of general jurisdiction or in a district court
6 of the United States.

7 (b) PARTIES.—In any action brought under this part,
8 relief may be obtained against—

9 (1) any governmental body that employed any
10 law enforcement agent who engaged in racial
11 profiling;

12 (2) any agent of such body who engaged in ra-
13 cial profiling; and

14 (3) any person with supervisory authority over
15 such agent.

16 (c) NATURE OF PROOF.—Proof that the routine or
17 spontaneous investigatory activities of law enforcement
18 agents in a jurisdiction have had a disparate impact on
19 individuals with a particular characteristic described in
20 section 10052(6) shall constitute prima facie evidence of
21 a violation of this part.

22 (d) ATTORNEY'S FEES.—In any action or proceeding
23 to enforce this part against any governmental body, the
24 court may allow a prevailing plaintiff, other than the
25 United States, reasonable attorney's fees as part of the
26 costs, and may include expert fees as part of the attorney's

1 fee. The term “prevailing plaintiff” means a plaintiff that
2 substantially prevails pursuant to a judicial or administra-
3 tive judgment or order, or an enforceable written agree-
4 ment.

5 **CHAPTER 2—PROGRAMS TO ELIMINATE**
6 **RACIAL PROFILING BY FEDERAL LAW**
7 **ENFORCEMENT AGENCIES**

8 **SEC. 10054. POLICIES TO ELIMINATE RACIAL PROFILING.**

9 (a) IN GENERAL.—Federal law enforcement agencies
10 shall—

11 (1) maintain adequate policies and procedures
12 designed to eliminate racial profiling; and

13 (2) cease existing practices that permit racial
14 profiling.

15 (b) POLICIES.—The policies and procedures de-
16 scribed in subsection (a)(1) shall include—

17 (1) a prohibition on racial profiling;

18 (2) training on racial profiling issues as part of
19 Federal law enforcement training;

20 (3) the collection of data in accordance with the
21 regulations issued by the Attorney General under
22 section 10060;

23 (4) procedures for receiving, investigating, and
24 responding meaningfully to complaints alleging ra-
25 cial profiling by law enforcement agents; and

1 (5) any other policies and procedures the Attor-
2 ney General determines to be necessary to eliminate
3 racial profiling by Federal law enforcement agencies.

4 **CHAPTER 3—PROGRAMS TO ELIMINATE**
5 **RACIAL PROFILING BY STATE AND**
6 **LOCAL LAW ENFORCEMENT AGENCIES**

7 **SEC. 10055. POLICIES REQUIRED FOR GRANTS.**

8 (a) IN GENERAL.—An application by a State or a
9 unit of local government for funding under a covered pro-
10 gram shall include a certification that such State, unit of
11 local government, and any law enforcement agency to
12 which it will distribute funds—

13 (1) maintains adequate policies and procedures
14 designed to eliminate racial profiling; and

15 (2) has eliminated any existing practices that
16 permit or encourage racial profiling.

17 (b) POLICIES.—The policies and procedures de-
18 scribed in subsection (a)(1) shall include—

19 (1) a prohibition on racial profiling;

20 (2) training on racial profiling issues as part of
21 law enforcement training;

22 (3) the collection of data in accordance with the
23 regulations issued by the Attorney General under
24 section 10060; and

1 (4) participation in an administrative complaint
2 procedure or independent audit program that meets
3 the requirements of section 10056.

4 (c) EFFECTIVE DATE.—This section shall take effect
5 12 months after the date of enactment of this Act.

6 **SEC. 10056. INVOLVEMENT OF ATTORNEY GENERAL.**

7 (a) REGULATIONS.—

8 (1) IN GENERAL.—Not later than 6 months
9 after the date of enactment of this Act and in con-
10 sultation with stakeholders, including Federal, State,
11 and local law enforcement agencies and community,
12 professional, research, and civil rights organizations,
13 the Attorney General shall issue regulations for the
14 operation of administrative complaint procedures
15 and independent audit programs to ensure that such
16 procedures and programs provide an appropriate re-
17 sponse to allegations of racial profiling by law en-
18 forcement agents or agencies.

19 (2) GUIDELINES.—The regulations issued
20 under paragraph (1) shall contain guidelines that
21 ensure the fairness, effectiveness, and independence
22 of the administrative complaint procedures and inde-
23 pendent auditor programs.

24 (b) NONCOMPLIANCE.—If the Attorney General de-
25 termines that the recipient of a grant from any covered

1 program is not in compliance with the requirements of sec-
2 tion 10055 or the regulations issued under subsection (a),
3 the Attorney General shall withhold, in whole or in part
4 (at the discretion of the Attorney General), funds for one
5 or more grants to the recipient under the covered pro-
6 gram, until the recipient establishes compliance.

7 (c) PRIVATE PARTIES.—The Attorney General shall
8 provide notice and an opportunity for private parties to
9 present evidence to the Attorney General that a recipient
10 of a grant from any covered program is not in compliance
11 with the requirements of this part.

12 **SEC. 10057. DATA COLLECTION DEMONSTRATION PROJECT.**

13 (a) TECHNICAL ASSISTANCE GRANTS FOR DATA
14 COLLECTION.—

15 (1) IN GENERAL.—The Attorney General may,
16 through competitive grants or contracts, carry out a
17 2-year demonstration project for the purpose of de-
18 veloping and implementing data collection programs
19 on the hit rates for stops and searches by law en-
20 forcement agencies. The data collected shall be
21 disaggregated by race, ethnicity, national origin,
22 gender, and religion.

23 (2) NUMBER OF GRANTS.—The Attorney Gen-
24 eral shall provide not more than 5 grants or con-
25 tracts under this section.

1 (3) ELIGIBLE GRANTEES.—Grants or contracts
2 under this section shall be awarded to law enforce-
3 ment agencies that serve communities where there is
4 a significant concentration of racial or ethnic minori-
5 ties and that are not already collecting data volun-
6 tarily.

7 (b) REQUIRED ACTIVITIES.—Activities carried out
8 with a grant under this section shall include—

9 (1) developing a data collection tool and report-
10 ing the compiled data to the Attorney General; and

11 (2) training of law enforcement personnel on
12 data collection, particularly for data collection on hit
13 rates for stops and searches.

14 (c) EVALUATION.—Not later than 3 years after the
15 date of enactment of this Act, the Attorney General shall
16 enter into a contract with an institution of higher edu-
17 cation (as defined in section 101 of the Higher Education
18 Act of 1965 (20 U.S.C. 1001)) to analyze the data col-
19 lected by each of the grantees funded under this section.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out activities
22 under this section—

23 (1) \$5,000,000, over a 2-year period, to carry
24 out the demonstration program under subsection
25 (a); and

1 (2) \$500,000 to carry out the evaluation under
2 subsection (c).

3 **SEC. 10058. DEVELOPMENT OF BEST PRACTICES.**

4 (a) **USE OF FUNDS REQUIREMENT.**—Section 502(a)
5 of title I of the Omnibus Crime Control and Safe Streets
6 Act of 1968 (34 U.S.C. 10153(a)), as amended by sections
7 10023 and 10024, is amended by adding at the end the
8 following:

9 “(9) An assurance that, for each fiscal year
10 covered by an application, the applicant will use not
11 less than 10 percent of the total amount of the
12 grant award for the fiscal year to develop and imple-
13 ment best practice devices and systems to eliminate
14 racial profiling in accordance with section 10058 of
15 the End Racial and Religious Profiling Act of
16 2020.”.

17 (b) **DEVELOPMENT OF BEST PRACTICES.**—Grant
18 amounts described in paragraph (9) of section 502(a) of
19 title I of the Omnibus Crime Control and Safe Streets Act
20 of 1968 (34 U.S.C. 10153(a)), as added by subsection (a)
21 of this section, shall be for programs that include the fol-
22 lowing:

23 (1) The development and implementation of
24 training to prevent racial profiling and to encourage
25 more respectful interaction with the public.

1 (2) The acquisition and use of technology to fa-
2 cilitate the accurate collection and analysis of data.

3 (3) The development and acquisition of feed-
4 back systems and technologies that identify law en-
5 forcement agents or units of agents engaged in, or
6 at risk of engaging in, racial profiling or other mis-
7 conduct.

8 (4) The establishment and maintenance of an
9 administrative complaint procedure or independent
10 auditor program.

11 **SEC. 10059. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the Attor-
13 ney General such sums as are necessary to carry out this
14 part.

15 **CHAPTER 4—DATA COLLECTION**

16 **SEC. 10060. ATTORNEY GENERAL TO ISSUE REGULATIONS.**

17 (a) REGULATIONS.—Not later than 6 months after
18 the date of enactment of this Act, the Attorney General,
19 in consultation with stakeholders, including Federal,
20 State, and local law enforcement agencies and community,
21 professional, research, and civil rights organizations, shall
22 issue regulations for the collection and compilation of data
23 under sections 10041 and 10051.

24 (b) REQUIREMENTS.—The regulations issued under
25 subsection (a) shall—

1 (1) provide for the collection of data on all rou-
2 tine and spontaneous investigatory activities;

3 (2) provide that the data collected shall—

4 (A) be disaggregated by race, ethnicity, na-
5 tional origin, gender, disability, and religion;

6 (B) include the date, time, and location of
7 such investigatory activities;

8 (C) include detail sufficient to permit an
9 analysis of whether a law enforcement agency is
10 engaging in racial profiling; and

11 (D) not include personally identifiable in-
12 formation;

13 (3) provide that a standardized form shall be
14 made available to law enforcement agencies for the
15 submission of collected data to the Department of
16 Justice;

17 (4) provide that law enforcement agencies shall
18 compile data on the standardized form made avail-
19 able under paragraph (3), and submit the form to
20 the Civil Rights Division and the Department of
21 Justice Bureau of Justice Statistics;

22 (5) provide that law enforcement agencies shall
23 maintain all data collected under this subpart for
24 not less than 4 years;

1 (6) include guidelines for setting comparative
2 benchmarks, consistent with best practices, against
3 which collected data shall be measured;

4 (7) provide that the Department of Justice Bu-
5 reau of Justice Statistics shall—

6 (A) analyze the data for any statistically
7 significant disparities, including—

8 (i) disparities in the percentage of
9 drivers or pedestrians stopped relative to
10 the proportion of the population passing
11 through the neighborhood;

12 (ii) disparities in the hit rate; and

13 (iii) disparities in the frequency of
14 searches performed on racial or ethnic mi-
15 nority drivers and the frequency of
16 searches performed on nonminority drivers;
17 and

18 (B) not later than 3 years after the date
19 of enactment of this Act, and annually there-
20 after—

21 (i) prepare a report regarding the
22 findings of the analysis conducted under
23 subparagraph (A);

24 (ii) provide such report to Congress;
25 and

1 (iii) make such report available to the
2 public, including on a website of the De-
3 partment of Justice, and in accordance
4 with accessibility standards under the
5 Americans with Disabilities Act of 1990
6 (42 U.S.C. 12101 et seq.); and

7 (8) protect the privacy of individuals whose
8 data is collected by—

9 (A) limiting the use of the data collected
10 under this subpart to the purposes set forth in
11 this subpart;

12 (B) except as otherwise provided in this
13 subpart, limiting access to the data collected
14 under this subpart to those Federal, State, or
15 local employees or agents who require such ac-
16 cess in order to fulfill the purposes for the data
17 set forth in this subpart;

18 (C) requiring contractors or other non-
19 governmental agents who are permitted access
20 to the data collected under this subpart to sign
21 use agreements incorporating the use and dis-
22 closure restrictions set forth in subparagraph
23 (A); and

1 (D) requiring the maintenance of adequate
2 security measures to prevent unauthorized ac-
3 cess to the data collected under this subpart.

4 **SEC. 10061. PUBLICATION OF DATA.**

5 The Director of the Bureau of Justice Statistics of
6 the Department of Justice shall provide to Congress and
7 make available to the public, together with each annual
8 report described in section 10060, the data collected pur-
9 suant to this subpart, excluding any personally identifiable
10 information described in section 10063.

11 **SEC. 10062. LIMITATIONS ON PUBLICATION OF DATA.**

12 The name or identifying information of a law enforce-
13 ment agent, complainant, or any other individual involved
14 in any activity for which data is collected and compiled
15 under this subpart shall not be—

16 (1) released to the public;

17 (2) disclosed to any person, except for—

18 (A) such disclosures as are necessary to
19 comply with this subpart;

20 (B) disclosures of information regarding a
21 particular person to that person; or

22 (C) disclosures pursuant to litigation; or

23 (3) subject to disclosure under section 552 of
24 title 5, United States Code (commonly known as the
25 Freedom of Information Act), except for disclosures

1 of information regarding a particular person to that
2 person.

3 **CHAPTER 5—DEPARTMENT OF JUSTICE**
4 **REGULATIONS AND REPORTS ON RA-**
5 **CIAL PROFILING IN THE UNITED**
6 **STATES**

7 **SEC. 10063. ATTORNEY GENERAL TO ISSUE REGULATIONS**
8 **AND REPORTS.**

9 (a) REGULATIONS.—In addition to the regulations re-
10 quired under sections 10057 and 10051, the Attorney
11 General shall issue such other regulations as the Attorney
12 General determines are necessary to implement this sub-
13 part.

14 (b) REPORTS.—

15 (1) IN GENERAL.—Not later than 2 years after
16 the date of enactment of this Act, and annually
17 thereafter, the Attorney General shall submit to
18 Congress a report on racial profiling by law enforce-
19 ment agencies.

20 (2) SCOPE.—Each report submitted under
21 paragraph (1) shall include—

22 (A) a summary of data collected under sec-
23 tions 10054(b)(3) and 10055(b)(3) and from
24 any other reliable source of information regard-
25 ing racial profiling in the United States;

1 (B) a discussion of the findings in the
2 most recent report prepared by the Department
3 of Justice Bureau of Justice Statistics under
4 section 10060(b)(7);

5 (C) the status of the adoption and imple-
6 mentation of policies and procedures by Federal
7 law enforcement agencies under section 10054
8 and by the State and local law enforcement
9 agencies under sections 10055 and 10056; and

10 (D) a description of any other policies and
11 procedures that the Attorney General believes
12 would facilitate the elimination of racial
13 profiling.

14 **Subpart II—Additional Reforms**

15 **SEC. 10064. TRAINING ON RACIAL BIAS AND DUTY TO IN-**
16 **TERVENE.**

17 (a) IN GENERAL.—The Attorney General shall estab-
18 lish—

19 (1) a training program for law enforcement of-
20 ficers to cover racial profiling, implicit bias, and pro-
21 cedural justice; and

22 (2) a clear duty for Federal law enforcement of-
23 ficers to intervene in cases where another law en-
24 forcement officer is using excessive force against a

1 civilian, and establish a training program that covers
2 the duty to intervene.

3 (b) MANDATORY TRAINING FOR FEDERAL LAW EN-
4 FORCEMENT OFFICERS.—The head of each Federal law
5 enforcement agency shall require each Federal law en-
6 forcement officer employed by the agency to complete the
7 training programs established under subsection (a).

8 (c) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-
9 ginning in the first fiscal year that begins after the date
10 that is one year after the date of enactment of this Act,
11 a State or unit of local government may not receive funds
12 under the Byrne grant program for a fiscal year if, on
13 the day before the first day of the fiscal year, the State
14 or unit of local government does not require each law en-
15 forcement officer in the State or unit of local government
16 to complete the training programs established under sub-
17 section (a).

18 (d) GRANTS TO TRAIN LAW ENFORCEMENT OFFI-
19 CERS ON USE OF FORCE.—Section 501(a)(1) of title I of
20 the Omnibus Crime Control and Safe Streets Act of 1968
21 (34 U.S.C. 10152(a)(1)) is amended by adding at the end
22 the following:

23 “(I) Training programs for law enforce-
24 ment officers, including training programs on
25 use of force and a duty to intervene.”.

1 **SEC. 10065. BAN ON NO-KNOCK WARRANTS IN DRUG CASES.**

2 (a) BAN ON FEDERAL WARRANTS IN DRUG CASES.—

3 Section 509 of the Controlled Substances Act (21 U.S.C.
4 879) is amended by adding at the end the following: “A
5 search warrant authorized under this section shall require
6 that a law enforcement officer execute the search warrant
7 only after providing notice of his or her authority and pur-
8 pose.”.

9 (b) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-
10 ginning in the first fiscal year that begins after the date
11 that is one year after the date of enactment of this Act,
12 a State or unit of local government may not receive funds
13 under the COPS grant program for a fiscal year if, on
14 the day before the first day of the fiscal year, the State
15 or unit of local government does not have in effect a law
16 that prohibits the issuance of a no-knock warrant in a
17 drug case.

18 (c) DEFINITION.—In this section, the term “no-
19 knock warrant” means a warrant that allows a law en-
20 forcement officer to enter a property without requiring the
21 law enforcement officer to announce the presence of the
22 law enforcement officer or the intention of the law enforce-
23 ment officer to enter the property.

1 **SEC. 10066. INCENTIVIZING BANNING OF CHOKEHOLDS**
2 **AND CAROTID HOLDS.**

3 (a) **DEFINITION.**—In this section, the term
4 “chokehold or carotid hold” means the application of any
5 pressure to the throat or windpipe, the use of maneuvers
6 that restrict blood or oxygen flow to the brain, or carotid
7 artery restraints that prevent or hinder breathing or re-
8 duce intake of air of an individual.

9 (b) **LIMITATION ON ELIGIBILITY FOR FUNDS.**—Be-
10 ginning in the first fiscal year that begins after the date
11 that is one year after the date of enactment of this Act,
12 a State or unit of local government may not receive funds
13 under the Byrne grant program or the COPS grant pro-
14 gram for a fiscal year if, on the day before the first day
15 of the fiscal year, the State or unit of local government
16 does not have in effect a law that prohibits law enforce-
17 ment officers in the State or unit of local government from
18 using a chokehold or carotid hold.

19 (c) **CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.**—

20 (1) **SHORT TITLE.**—This subsection may be
21 cited as the “Eric Garner Excessive Use of Force
22 Prevention Act”.

23 (2) **CHOKEHOLDS AS CIVIL RIGHTS VIOLA-**
24 **TIONS.**—Section 242 of title 18, United States Code,
25 as amended by section 10011, is amended by adding
26 at the end the following: “For the purposes of this

1 section, the application of any pressure to the throat
2 or windpipe, use of maneuvers that restrict blood or
3 oxygen flow to the brain, or carotid artery restraints
4 which prevent or hinder breathing or reduce intake
5 of air is a punishment, pain, or penalty.”.

6 **SEC. 10067. PEACE ACT.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Police Exercising Absolute Care With Everyone Act of
9 2020” or the “PEACE Act of 2020”.

10 (b) **USE OF FORCE BY FEDERAL LAW ENFORCE-**
11 **MENT OFFICERS.**—

12 (1) **DEFINITIONS.**—In this subsection:

13 (A) **DEESCALATION TACTICS AND TECH-**
14 **NIQUES.**—The term “deescalation tactics and
15 techniques” means proactive actions and ap-
16 proaches used by a Federal law enforcement of-
17 ficer to stabilize the situation so that more
18 time, options, and resources are available to
19 gain a person’s voluntary compliance and re-
20 duce or eliminate the need to use force, includ-
21 ing verbal persuasion, warnings, tactical tech-
22 niques, slowing down the pace of an incident,
23 waiting out a subject, creating distance between
24 the officer and the threat, and requesting addi-
25 tional resources to resolve the incident.

1 (B) NECESSARY.—The term “necessary”
2 means that another reasonable Federal law en-
3 forcement officer would objectively conclude,
4 under the totality of the circumstances, that
5 there was no reasonable alternative to the use
6 of force.

7 (C) REASONABLE ALTERNATIVES.—

8 (i) IN GENERAL.—The term “reason-
9 able alternatives” means tactics and meth-
10 ods used by a Federal law enforcement of-
11 ficer to effectuate an arrest that do not
12 unreasonably increase the risk posed to the
13 law enforcement officer or another person,
14 including verbal communication, distance,
15 warnings, deescalation tactics and tech-
16 niques, tactical repositioning, and other
17 tactics and techniques intended to stabilize
18 the situation and reduce the immediacy of
19 the risk so that more time, options, and re-
20 sources can be called upon to resolve the
21 situation without the use of force.

22 (ii) DEADLY FORCE.—With respect to
23 the use of deadly force, the term “reason-
24 able alternatives” includes the use of less
25 lethal force.

1 (D) TOTALITY OF THE CIRCUMSTANCES.—

2 The term “totality of the circumstances” means
3 all credible facts known to the Federal law en-
4 forcement officer leading up to and at the time
5 of the use of force, including the actions of the
6 person against whom the Federal law enforce-
7 ment officer uses such force and the actions of
8 the Federal law enforcement officer.

9 (2) PROHIBITION ON LESS LETHAL FORCE.—A
10 Federal law enforcement officer may not use any
11 less lethal force unless—

12 (A) the form of less lethal force used is
13 necessary and proportional in order to effec-
14 tuate an arrest of a person who the officer has
15 probable cause to believe has committed a
16 criminal offense; and

17 (B) reasonable alternatives to the use of
18 the form of less lethal force have been ex-
19 hausted.

20 (3) PROHIBITION ON DEADLY USE OF FORCE.—

21 A Federal law enforcement officer may not use
22 deadly force against a person unless—

23 (A) the form of deadly force used is nec-
24 essary, as a last resort, to prevent imminent

1 and serious bodily injury or death to the officer
2 or another person;

3 (B) the use of the form of deadly force cre-
4 ates no substantial risk of injury to a third per-
5 son; and

6 (C) reasonable alternatives to the use of
7 the form of deadly force have been exhausted.

8 (4) REQUIREMENT TO GIVE VERBAL WARN-
9 ING.—When feasible, prior to using force against a
10 person, a Federal law enforcement officer shall iden-
11 tify himself or herself as a Federal law enforcement
12 officer, and issue a verbal warning to the person
13 that the Federal law enforcement officer seeks to ap-
14 prehend, which shall—

15 (A) include a request that the person sur-
16 render to the law enforcement officer; and

17 (B) notify the person that the law enforce-
18 ment officer will use force against the person if
19 the person resists arrest or flees.

20 (5) GUIDANCE ON USE OF FORCE.—Not later
21 than 120 days after the date of enactment of this
22 Act, the Attorney General, in consultation with im-
23 pacted persons, communities, and organizations, in-
24 cluding representatives of civil and human rights or-
25 ganizations, victims of police use of force, and rep-

1 representatives of law enforcement associations, shall
2 provide guidance to Federal law enforcement agen-
3 cies on—

4 (A) the types of less lethal force and dead-
5 ly force that are prohibited under paragraphs
6 (2) and (3); and

7 (B) how a Federal law enforcement officer
8 can—

9 (i) assess whether the use of force is
10 appropriate and necessary; and

11 (ii) use the least amount of force
12 when interacting with—

13 (I) pregnant individuals;

14 (II) children and youth under 21
15 years of age;

16 (III) elderly persons;

17 (IV) persons with mental, behav-
18 ioral, or physical disabilities or im-
19 pairments;

20 (V) persons experiencing percep-
21 tual or cognitive impairments due to
22 use of alcohol, narcotics,
23 hallucinogens, or other drugs;

24 (VI) persons suffering from a se-
25 rious medical condition; and

1 (VII) persons with limited
2 English proficiency.

3 (6) TRAINING.—The Attorney General shall
4 provide training to Federal law enforcement officers
5 on interacting people described in subclauses (I)
6 through (VII) of paragraph (5)(B)(ii).

7 (7) LIMITATION ON JUSTIFICATION DE-
8 FENSE.—

9 (A) IN GENERAL.—Chapter 51 of title 18,
10 United States Code, is amended by adding at
11 the end the following:

12 **“§ 1123. Limitation on justification defense for Fed-**
13 **eral law enforcement officers**

14 “(a) IN GENERAL.—It is not a defense to an offense
15 under section 1111 or 1112 that the use of less lethal
16 force or deadly force by a Federal law enforcement officer
17 was justified if—

18 “(1) that officer’s use of use of such force was
19 inconsistent with section 10067(b) of the George
20 Floyd Justice in Policing Act of 2020; or

21 “(2) that officer’s gross negligence, leading up
22 to and at the time of the use of force, contributed
23 to the necessity of the use of such force.

24 “(b) DEFINITIONS.—In this section—

1 “(1) the terms ‘deadly force’ and ‘less lethal
2 force’ have the meanings given such terms in section
3 10002 and section 10067 of the George Floyd Jus-
4 tice in Policing Act of 2020; and

5 “(2) the term ‘Federal law enforcement officer’
6 has the meaning given such term in section 115.”.

7 (B) CLERICAL AMENDMENT.—The table of
8 sections for chapter 51 of title 18, United
9 States Code, is amended by inserting after the
10 item relating to section 1122 the following:

“1123. Limitation on justification defense for Federal law enforcement offi-
cers.”.

11 (c) LIMITATION ON THE RECEIPT OF FUNDS UNDER
12 THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
13 GRANT PROGRAM.—

14 (1) LIMITATION.—A State or unit of local gov-
15 ernment, other than an Indian Tribe, may not re-
16 ceive funds that the State or unit of local govern-
17 ment would otherwise receive under a Byrne grant
18 program for a fiscal year if, on the day before the
19 first day of the fiscal year, the State or unit of local
20 government does not have in effect a law that is con-
21 sistent with subsection (b) of this section and section
22 1123 of title 18, United States Code, as determined
23 by the Attorney General.

24 (2) SUBSEQUENT ENACTMENT.—

1 (A) IN GENERAL.—If funds described in
2 paragraph (1) are withheld from a State or unit
3 of local government pursuant to paragraph (1)
4 for 1 or more fiscal years, and the State or unit
5 of local government enacts or puts in place a
6 law described in paragraph (1), and dem-
7 onstrates substantial efforts to enforce such
8 law, subject to subparagraph (B), the State or
9 unit of local government shall be eligible, in the
10 fiscal year after the fiscal year during which the
11 State or unit of local government demonstrates
12 such substantial efforts, to receive the total
13 amount that the State or unit of local govern-
14 ment would have received during each fiscal
15 year for which funds were withheld.

16 (B) LIMIT ON AMOUNT OF PRIOR YEAR
17 FUNDS.—A State or unit of local government
18 may not receive funds under subparagraph (A)
19 in an amount that is more than the amount
20 withheld from the State or unit of local govern-
21 ment during the 5-fiscal-year period before the
22 fiscal year during which funds are received
23 under subparagraph (A).

24 (3) GUIDANCE.—Not later than 120 days after
25 the date of enactment of this Act, the Attorney Gen-

1 eral, in consultation with impacted persons, commu-
2 nities, and organizations, including representatives
3 of civil and human rights organizations, individuals
4 against whom a law enforcement officer used force,
5 and representatives of law enforcement associations,
6 shall make guidance available to States and units of
7 local government on the criteria that the Attorney
8 General will use in determining whether the State or
9 unit of local government has in place a law described
10 in paragraph (1).

11 (4) APPLICATION.—This subsection shall apply
12 to the first fiscal year that begins after the date that
13 is 1 year after the date of the enactment of this Act,
14 and each fiscal year thereafter.

15 **SEC. 10068. STOP MILITARIZING LAW ENFORCEMENT ACT.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) Under section 2576a of title 10, United
19 States Code, the Department of Defense is author-
20 ized to provide excess property to local law enforce-
21 ment agencies. The Defense Logistics Agency, ad-
22 ministers such section by operating the Law En-
23 forcement Support Office program.

24 (2) New and used material, including mine-re-
25 sistant ambush-protected vehicles and weapons de-

1 terminated by the Department of Defense to be “mili-
2 tary grade” are transferred to Federal, Tribal,
3 State, and local law enforcement agencies through
4 the program.

5 (3) As a result local law enforcement agencies,
6 including police and sheriff’s departments, are ac-
7 quiring this material for use in their normal oper-
8 ations.

9 (4) As a result of the wars in Iraq and Afghani-
10 stan, military equipment purchased for, and used in,
11 those wars has become excess property and has been
12 made available for transfer to local and Federal law
13 enforcement agencies.

14 (5) In Fiscal Year 2017, \$504,000,000 worth
15 of property was transferred to law enforcement
16 agencies.

17 (6) More than \$6,800,000,000 worth of weap-
18 ons and equipment have been transferred to police
19 organizations in all 50 States and four territories
20 through the program.

21 (7) In May 2012, the Defense Logistics Agency
22 instituted a moratorium on weapons transfers
23 through the program after reports of missing equip-
24 ment and inappropriate weapons transfers.

1 (8) Though the moratorium was widely pub-
2 licized, it was lifted in October 2013 without ade-
3 quate safeguards.

4 (9) On January 16, 2015, President Barack
5 Obama issued Executive Order 13688 to better co-
6 ordinate and regulate the federal transfer of military
7 weapons and equipment to State, local, and Tribal
8 law enforcement agencies.

9 (10) In July, 2017, the Government Account-
10 ability Office reported that the program’s internal
11 controls were inadequate to prevent fraudulent appli-
12 cants’ access to the program.

13 (11) On August, 28, 2017, President Donald
14 Trump rescinded Executive Order 13688 despite a
15 July 2017 Government Accountability Office report
16 finding deficiencies with the administration of the
17 1033 program.

18 (12) As a result, Federal, State, and local law
19 enforcement departments across the country are eli-
20 gible again to acquire free “military-grade” weapons
21 and equipment that could be used inappropriately
22 during policing efforts in which people and taxpayers
23 could be harmed.

24 (13) The Department of Defense categorizes
25 equipment eligible for transfer under the 1033 pro-

1 gram as “controlled” and “un-controlled” equip-
2 ment. “Controlled equipment” includes weapons, ex-
3 plosives such as flash-bang grenades, mine-resistant
4 ambush-protected vehicles, long-range acoustic de-
5 vices, aircraft capable of being modified to carry ar-
6 mament that are combat coded, and silencers,
7 among other military grade items.

8 (b) LIMITATION ON DEPARTMENT OF DEFENSE
9 TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW EN-
10 FORCEMENT AGENCIES.—

11 (1) IN GENERAL.—Section 2576a of title 10,
12 United States Code, is amended—

13 (A) in subsection (a)—

14 (i) in paragraph (1)(A), by striking
15 “counterdrug, counterterrorism, and bor-
16 der security activities” and inserting
17 “counterterrorism”; and

18 (ii) in paragraph (2), by striking “,
19 the Director of National Drug Control Pol-
20 icy,”;

21 (B) in subsection (b)—

22 (i) in paragraph (5), by striking
23 “and” at the end;

24 (ii) in paragraph (6), by striking the
25 period and inserting a semicolon; and

1 (iii) by adding at the end the fol-
2 lowing new paragraphs:

3 “(7) the recipient submits to the Department of
4 Defense a description of how the recipient expects to
5 use the property;

6 “(8) the recipient certifies to the Department of
7 Defense that if the recipient determines that the
8 property is surplus to the needs of the recipient, the
9 recipient will return the property to the Department
10 of Defense;

11 “(9) with respect to a recipient that is not a
12 Federal agency, the recipient certifies to the Depart-
13 ment of Defense that the recipient notified the local
14 community of the request for personal property
15 under this section by—

16 “(A) publishing a notice of such request on
17 a publicly accessible Internet website;

18 “(B) posting such notice at several promi-
19 nent locations in the jurisdiction of the recipi-
20 ent; and

21 “(C) ensuring that such notices were avail-
22 able to the local community for a period of not
23 less than 30 days; and

24 “(10) the recipient has received the approval of
25 the city council or other local governing body to ac-

1 quire the personal property sought under this sec-
2 tion.”;

3 (C) by striking subsection (d);

4 (D) by redesignating subsections (e) and
5 (f) as subsections (o) and (p), respectively; and

6 (E) by inserting after subsection (c) the
7 following new subsections:

8 “(d) ANNUAL CERTIFICATION ACCOUNTING FOR
9 TRANSFERRED PROPERTY.—(1) For each fiscal year, the
10 Secretary shall submit to Congress certification in writing
11 that each Federal or State agency to which the Secretary
12 has transferred property under this section—

13 “(A) has provided to the Secretary documenta-
14 tion accounting for all controlled property, including
15 arms and ammunition, that the Secretary has trans-
16 ferred to the agency, including any item described in
17 subsection (f) so transferred before the date of the
18 enactment of the George Floyd Justice in Policing
19 Act of 2020; and

20 “(B) with respect to a non-Federal agency, car-
21 ried out each of paragraphs (5) through (8) of sub-
22 section (b).

23 “(2) If the Secretary does not provide a certification
24 under paragraph (1) for a Federal or State agency, the

1 Secretary may not transfer additional property to that
2 agency under this section.

3 “(e) ANNUAL REPORT ON EXCESS PROPERTY.—Be-
4 fore making any property available for transfer under this
5 section, the Secretary shall annually submit to Congress
6 a description of the property to be transferred together
7 with a certification that the transfer of the property would
8 not violate this section or any other provision of law.

9 “(f) LIMITATIONS ON TRANSFERS.—(1) The Sec-
10 retary may not transfer to Federal, Tribal, State, or local
11 law enforcement agencies the following under this section:

12 “(A) Firearms, ammunition, bayonets, grenade
13 launchers, grenades (including stun and flash-bang),
14 and explosives.

15 “(B) Vehicles, except for passenger automobiles
16 (as such term is defined in section 32901(a)(18) of
17 title 49, United States Code) and bucket trucks.

18 “(C) Drones.

19 “(D) Controlled aircraft that—

20 “(i) are combat configured or combat
21 coded; or

22 “(ii) have no established commercial flight
23 application.

24 “(E) Silencers.

25 “(F) Long-range acoustic devices.

1 “(G) Items in the Federal Supply Class of
2 banned items.

3 “(2) The Secretary may not require, as a condition
4 of a transfer under this section, that a Federal or State
5 agency demonstrate the use of any small arms or ammuni-
6 tion.

7 “(3) The limitations under this subsection shall also
8 apply with respect to the transfer of previously transferred
9 property of the Department of Defense from one Federal
10 or State agency to another such agency.

11 “(4)(A) The Secretary may waive the applicability of
12 paragraph (1) to a vehicle described in subparagraph (B)
13 of such paragraph (other than a mine-resistant ambush-
14 protected vehicle), if the Secretary determines that such
15 a waiver is necessary for disaster or rescue purposes or
16 for another purpose where life and public safety are at
17 risk, as demonstrated by the proposed recipient of the ve-
18 hicle.

19 “(B) If the Secretary issues a waiver under subpara-
20 graph (A), the Secretary shall—

21 “(i) submit to Congress notice of the waiver,
22 and post such notice on a public Internet website of
23 the Department, by not later than 30 days after the
24 date on which the waiver is issued; and

1 “(ii) require, as a condition of the waiver, that
2 the recipient of the vehicle for which the waiver is
3 issued provides public notice of the waiver and the
4 transfer, including the type of vehicle and the pur-
5 pose for which it is transferred, in the jurisdiction
6 where the recipient is located by not later than 30
7 days after the date on which the waiver is issued.

8 “(5) The Secretary may provide for an exemption to
9 the limitation under subparagraph (D) of paragraph (1)
10 in the case of parts for aircraft described in such subpara-
11 graph that are transferred as part of regular maintenance
12 of aircraft in an existing fleet.

13 “(6) The Secretary shall require, as a condition of
14 any transfer of property under this section, that the Fed-
15 eral or State agency that receives the property shall return
16 the property to the Secretary if the agency—

17 “(A) is investigated by the Department of Jus-
18 tice for any violation of civil liberties; or

19 “(B) is otherwise found to have engaged in
20 widespread abuses of civil liberties.

21 “(g) CONDITIONS FOR EXTENSION OF PROGRAM.—
22 Notwithstanding any other provision of law, amounts au-
23 thorized to be appropriated or otherwise made available
24 for any fiscal year may not be obligated or expended to

1 carry out this section unless the Secretary submits to Con-
2 gress certification that for the preceding fiscal year that—

3 “(1) each Federal or State agency that has re-
4 ceived controlled property transferred under this sec-
5 tion has—

6 “(A) demonstrated 100 percent account-
7 ability for all such property, in accordance with
8 paragraph (2) or (3), as applicable; or

9 “(B) been suspended from the program
10 pursuant to paragraph (4);

11 “(2) with respect to each non-Federal agency
12 that has received controlled property under this sec-
13 tion, the State coordinator responsible for each such
14 agency has verified that the coordinator or an agent
15 of the coordinator has conducted an in-person inven-
16 tory of the property transferred to the agency and
17 that 100 percent of such property was accounted for
18 during the inventory or that the agency has been
19 suspended from the program pursuant to paragraph
20 (4);

21 “(3) with respect to each Federal agency that
22 has received controlled property under this section,
23 the Secretary of Defense or an agent of the Sec-
24 retary has conducted an in-person inventory of the
25 property transferred to the agency and that 100 per-

1 cent of such property was accounted for during the
2 inventory or that the agency has been suspended
3 from the program pursuant to paragraph (4);

4 “(4) the eligibility of any agency that has re-
5 ceived controlled property under this section for
6 which 100 percent of the property was not ac-
7 counted for during an inventory described in para-
8 graph (1) or (2), as applicable, to receive any prop-
9 erty transferred under this section has been sus-
10 pended; and

11 “(5) each State coordinator has certified, for
12 each non-Federal agency located in the State for
13 which the State coordinator is responsible that—

14 “(A) the agency has complied with all re-
15 quirements under this section; or

16 “(B) the eligibility of the agency to receive
17 property transferred under this section has been
18 suspended; and

19 “(6) the Secretary of Defense has certified, for
20 each Federal agency that has received property
21 under this section that—

22 “(A) the agency has complied with all re-
23 quirements under this section; or

1 “(B) the eligibility of the agency to receive
2 property transferred under this section has been
3 suspended.

4 “(h) PROHIBITION ON OWNERSHIP OF CONTROLLED
5 PROPERTY.—A Federal or State agency that receives con-
6 trolled property under this section may not take ownership
7 of the property.

8 “(i) NOTICE TO CONGRESS OF PROPERTY DOWN-
9 GRADES.—Not later than 30 days before downgrading the
10 classification of any item of personal property from con-
11 trolled or Federal Supply Class, the Secretary shall submit
12 to Congress notice of the proposed downgrade.

13 “(j) NOTICE TO CONGRESS OF PROPERTY CANNIBAL-
14 IZATION.—Before the Defense Logistics Agency author-
15 izes the recipient of property transferred under this sec-
16 tion to cannibalize the property, the Secretary shall submit
17 to Congress notice of such authorization, including the
18 name of the recipient requesting the authorization, the
19 purpose of the proposed cannibalization, and the type of
20 property proposed to be cannibalized.

21 “(k) QUARTERLY REPORTS ON USE OF CONTROLLED
22 EQUIPMENT.—Not later than 30 days after the last day
23 of a fiscal quarter, the Secretary shall submit to Congress
24 a report on any uses of controlled property transferred
25 under this section during that fiscal quarter.

1 “(l) REPORTS TO CONGRESS.—Not later than 30
2 days after the last day of a fiscal year, the Secretary shall
3 submit to Congress a report on the following for the pre-
4 ceding fiscal year:

5 “(1) The percentage of equipment lost by re-
6 cipients of property transferred under this section,
7 including specific information about the type of
8 property lost, the monetary value of such property,
9 and the recipient that lost the property.

10 “(2) The transfer of any new (condition code
11 A) property transferred under this section, including
12 specific information about the type of property, the
13 recipient of the property, the monetary value of each
14 item of the property, and the total monetary value
15 of all such property transferred during the fiscal
16 year.”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall apply with respect to any
19 transfer of property made after the date of the en-
20 actment of this Act.

21 **SEC. 10069. PUBLIC SAFETY INNOVATION GRANTS.**

22 (a) BYRNE GRANTS USED FOR LOCAL TASK FORCES
23 ON PUBLIC SAFETY INNOVATION.—Section 501(a) of the
24 Omnibus Crime Control and Safe Streets Act of 1968 (34

1 U.S.C. 10151(a)), as amended by this Act, is further
2 amended by adding at the end the following:

3 “(3) LOCAL TASK FORCES ON PUBLIC SAFETY
4 INNOVATION.—

5 “(A) IN GENERAL.—A law enforcement
6 program under paragraph (1)(A) may include
7 the development of best practices for and the
8 creation of local task forces on public safety in-
9 novation, charged with exploring and developing
10 new strategies for public safety, including non-
11 law enforcement strategies.

12 “(B) DEFINITION.—The term ‘local task
13 force on public safety innovation’ means an ad-
14 ministrative entity, created from partnerships
15 between community-based organizations and
16 other local stakeholders, that may develop inno-
17 vative law enforcement and non-law enforce-
18 ment strategies to enhance just and equitable
19 public safety, repair breaches of trust between
20 law enforcement agencies and the community
21 they pledge to serve, and enhance accountability
22 of law enforcement officers.”.

23 (b) CRISIS INTERVENTION TEAMS.—Section 501(c)
24 of title I of the Omnibus Crime Control and Safe Streets

1 Act of 1968 (34 U.S.C. 10152(c)) is amended by adding
2 at the end the following:

3 “(3) In the case of crisis intervention teams
4 funded under subsection (a)(1)(H), a program as-
5 sessment under this subsection shall contain a report
6 on best practices for crisis intervention.”.

7 (c) USE OF COPS GRANT PROGRAM TO HIRE LAW
8 ENFORCEMENT OFFICERS WHO ARE RESIDENTS OF THE
9 COMMUNITIES THEY SERVE.—Section 1701(b) of title I
10 of the Omnibus Crime Control and Safe Streets Act of
11 1968 (34 U.S.C. 10381(b)), as amended by this Act, is
12 further amended—

13 (1) by redesignating paragraphs (23) and (24)
14 as paragraphs (26) and (27), respectively;

15 (2) in paragraph (26), as so redesignated, by
16 striking “(22)” and inserting “(25)”; and

17 (3) by inserting after paragraph (22) the fol-
18 lowing:

19 “(23) to recruit, hire, incentivize, retain, de-
20 velop, and train new, additional career law enforce-
21 ment officers or current law enforcement officers
22 who are willing to relocate to communities—

23 “(A) where there are poor or fragmented
24 relationships between police and residents of the

1 community, or where there are high incidents of
2 crime; and

3 “(B) that are the communities that the law
4 enforcement officers serve, or that are in close
5 proximity to the communities that the law en-
6 forcement officers serve;

7 “(24) to collect data on the number of law en-
8 forcement officers who are willing to relocate to the
9 communities where they serve, and whether such law
10 enforcement officer relocations have impacted crime
11 in such communities;

12 “(25) to develop and publicly report strategies
13 and timelines to recruit, hire, promote, retain, de-
14 velop, and train a diverse and inclusive law enforce-
15 ment workforce, consistent with merit system prin-
16 ciples and applicable law;”.

17 **Subpart III—Law Enforcement Body Cameras**

18 **CHAPTER 1—FEDERAL POLICE CAMERA**

19 **AND ACCOUNTABILITY ACT**

20 **SEC. 10070. SHORT TITLE.**

21 This chapter may be cited as the “Federal Police
22 Camera and Accountability Act”.

1 **SEC. 10071. REQUIREMENTS FOR FEDERAL LAW ENFORCE-**
2 **MENT OFFICERS REGARDING THE USE OF**
3 **BODY CAMERAS.**

4 (a) DEFINITIONS.—In this section:

5 (1) MINOR.—The term “minor” means any in-
6 dividual under 18 years of age.

7 (2) SUBJECT OF THE VIDEO FOOTAGE.—The
8 term “subject of the video footage”—

9 (A) means any identifiable Federal law en-
10 forcement officer or any identifiable suspect,
11 victim, detainee, conversant, injured party, or
12 other similarly situated person who appears on
13 the body camera recording; and

14 (B) does not include people who only inci-
15 dentally appear on the recording.

16 (3) VIDEO FOOTAGE.—The term “video foot-
17 age” means any images or audio recorded by a body
18 camera.

19 (b) REQUIREMENT TO WEAR BODY CAMERA.—

20 (1) IN GENERAL.—Federal law enforcement of-
21 ficers shall wear a body camera.

22 (2) REQUIREMENT FOR BODY CAMERA.—A
23 body camera required under paragraph (1) shall—

24 (A) have a field of view at least as broad
25 as the officer’s vision; and

1 (B) be worn in a manner that maximizes
2 the camera's ability to capture video footage of
3 the officer's activities.

4 (c) REQUIREMENT TO ACTIVATE.—

5 (1) IN GENERAL.—Both the video and audio re-
6 cording functions of the body camera shall be acti-
7 vated whenever a Federal law enforcement officer is
8 responding to a call for service or at the initiation
9 of any other law enforcement or investigative stop
10 (as such term is defined in section 10072) between
11 a Federal law enforcement officer and a member of
12 the public, except that when an immediate threat to
13 the officer's life or safety makes activating the cam-
14 era impossible or dangerous, the officer shall acti-
15 vate the camera at the first reasonable opportunity
16 to do so.

17 (2) ALLOWABLE DEACTIVATION.—The body
18 camera shall not be deactivated until the stop has
19 fully concluded and the Federal law enforcement of-
20 ficer leaves the scene.

21 (d) NOTIFICATION OF SUBJECT OF RECORDING.—A
22 Federal law enforcement officer who is wearing a body
23 camera shall notify any subject of the recording that he
24 or she is being recorded by a body camera as close to the
25 inception of the stop as is reasonably possible.

1 (e) REQUIREMENTS.—Notwithstanding subsection
2 (c), the following shall apply to the use of a body camera:

3 (1) Prior to entering a private residence with-
4 out a warrant or in non-exigent circumstances, a
5 Federal law enforcement officer shall ask the occu-
6 pant if the occupant wants the officer to discontinue
7 use of the officer’s body camera. If the occupant re-
8 sponds affirmatively, the Federal law enforcement
9 officer shall immediately discontinue use of the body
10 camera.

11 (2) When interacting with an apparent crime
12 victim, a Federal law enforcement officer shall, as
13 soon as practicable, ask the apparent crime victim if
14 the apparent crime victim wants the officer to dis-
15 continue use of the officer’s body camera. If the ap-
16 parent crime victim responds affirmatively, the Fed-
17 eral law enforcement officer shall immediately dis-
18 continue use of the body camera.

19 (3) When interacting with a person seeking to
20 anonymously report a crime or assist in an ongoing
21 law enforcement investigation, a Federal law en-
22 forcement officer shall, as soon as practicable, ask
23 the person seeking to remain anonymous, if the per-
24 son seeking to remain anonymous wants the officer
25 to discontinue use of the officer’s body camera. If

1 the person seeking to remain anonymous responds
2 affirmatively, the Federal law enforcement officer
3 shall immediately discontinue use of the body cam-
4 era.

5 (f) RECORDING OF OFFERS TO DISCONTINUE USE
6 OF BODY CAMERA.—Each offer of a Federal law enforce-
7 ment officer to discontinue the use of a body camera made
8 pursuant to subsection (e), and the responses thereto,
9 shall be recorded by the body camera prior to dis-
10 continuing use of the body camera.

11 (g) LIMITATIONS ON USE OF BODY CAMERA.—Body
12 cameras shall not be used to gather intelligence informa-
13 tion based on First Amendment protected speech, associa-
14 tions, or religion, or to record activity that is unrelated
15 to a response to a call for service or a law enforcement
16 or investigative stop between a law enforcement officer
17 and a member of the public, and shall not be equipped
18 with or employ any facial recognition technologies.

19 (h) EXCEPTIONS.—Federal law enforcement offi-
20 cers—

21 (1) shall not be required to use body cameras
22 during investigative or enforcement stops with the
23 public in the case that—

1 (A) recording would risk the safety of a
2 confidential informant, citizen informant, or un-
3 dercover officer;

4 (B) recording would pose a serious risk to
5 national security; or

6 (C) the officer is a military police officer,
7 a member of the United States Army Criminal
8 Investigation Command, or a protective detail
9 assigned to a Federal or foreign official while
10 performing his or her duties; and

11 (2) shall not activate a body camera while on
12 the grounds of any public, private or parochial ele-
13 mentary or secondary school, except when respond-
14 ing to an imminent threat to life or health.

15 (i) RETENTION OF FOOTAGE.—

16 (1) IN GENERAL.—Body camera video footage
17 shall be retained by the law enforcement agency that
18 employs the officer whose camera captured the foot-
19 age, or an authorized agent thereof, for 6 months
20 after the date it was recorded, after which time such
21 footage shall be permanently deleted.

22 (2) RIGHT TO INSPECT.—During the 6-month
23 retention period described in paragraph (1), the fol-
24 lowing persons shall have the right to inspect the
25 body camera footage:

1 (A) Any person who is a subject of body
2 camera video footage, and their designated legal
3 counsel.

4 (B) A parent or legal guardian of a minor
5 subject of body camera video footage, and their
6 designated legal counsel.

7 (C) The spouse, next of kin, or legally au-
8 thorized designee of a deceased subject of body
9 camera video footage, and their designated legal
10 counsel.

11 (D) A Federal law enforcement officer
12 whose body camera recorded the video footage,
13 and their designated legal counsel, subject to
14 the limitations and restrictions in this part.

15 (E) The superior officer of a Federal law
16 enforcement officer whose body camera re-
17 corded the video footage, subject to the limita-
18 tions and restrictions in this part.

19 (F) Any defense counsel who claims, pur-
20 suant to a written affidavit, to have a reason-
21 able basis for believing a video may contain evi-
22 dence that exculpates a client.

23 (3) LIMITATION.—The right to inspect subject
24 to subsection (j)(1) shall not include the right to
25 possess a copy of the body camera video footage, un-

1 less the release of the body camera footage is other-
2 wise authorized by this part or by another applicable
3 law. When a body camera fails to capture some or
4 all of the audio or video of an incident due to mal-
5 function, displacement of camera, or any other
6 cause, any audio or video footage that is captured
7 shall be treated the same as any other body camera
8 audio or video footage under this part.

9 (j) ADDITIONAL RETENTION REQUIREMENTS.—Not-
10 withstanding the retention and deletion requirements in
11 subsection (i), the following shall apply to body camera
12 video footage under this part:

13 (1) Body camera video footage shall be auto-
14 matically retained for not less than 3 years if the
15 video footage captures an interaction or event involv-
16 ing—

17 (A) any use of force; or

18 (B) an stop about which a complaint has
19 been registered by a subject of the video foot-
20 age.

21 (2) Body camera video footage shall be retained
22 for not less than 3 years if a longer retention period
23 is voluntarily requested by—

24 (A) the Federal law enforcement officer
25 whose body camera recorded the video footage,

1 if that officer reasonably asserts the video foot-
2 age has evidentiary or exculpatory value in an
3 ongoing investigation;

4 (B) any Federal law enforcement officer
5 who is a subject of the video footage, if that of-
6 ficer reasonably asserts the video footage has
7 evidentiary or exculpatory value;

8 (C) any superior officer of a Federal law
9 enforcement officer whose body camera re-
10 corded the video footage or who is a subject of
11 the video footage, if that superior officer rea-
12 sonably asserts the video footage has evi-
13 dentiary or exculpatory value;

14 (D) any Federal law enforcement officer, if
15 the video footage is being retained solely and
16 exclusively for police training purposes;

17 (E) any member of the public who is a
18 subject of the video footage;

19 (F) any parent or legal guardian of a
20 minor who is a subject of the video footage; or

21 (G) a deceased subject's spouse, next of
22 kin, or legally authorized designee.

23 (k) PUBLIC REVIEW.—For purposes of subpara-
24 graphs (E), (F), and (G) of subsection (j)(2), any member
25 of the public who is a subject of video footage, the parent

1 or legal guardian of a minor who is a subject of the video
2 footage, or a deceased subject's next of kin or legally au-
3 thorized designee, shall be permitted to review the specific
4 video footage in question in order to make a determination
5 as to whether they will voluntarily request it be subjected
6 to a minimum 3-year retention period.

7 (l) DISCLOSURE.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), all video footage of an interaction or
10 event captured by a body camera, if that interaction
11 or event is identified with reasonable specificity and
12 requested by a member of the public, shall be pro-
13 vided to the person or entity making the request in
14 accordance with the procedures for requesting and
15 providing government records set forth in the section
16 552a of title 5, United States Code.

17 (2) EXCEPTIONS.—The following categories of
18 video footage shall not be released to the public in
19 the absence of express written permission from the
20 non-law enforcement subjects of the video footage:

21 (A) Video footage not subject to a min-
22 imum 3-year retention period pursuant to sub-
23 section (j).

24 (B) Video footage that is subject to a min-
25 imum 3-year retention period solely and exclu-

1 sively pursuant to paragraph (1)(B) or (2) of
2 subsection (j).

3 (3) PRIORITY OF REQUESTS.—Notwithstanding
4 any time periods established for acknowledging and
5 responding to records requests in section 552a of
6 title 5, United States Code, responses to requests for
7 video footage that is subject to a minimum 3-year
8 retention period pursuant to subsection (j)(1)(A),
9 where a subject of the video footage is recorded
10 being killed, shot by a firearm, or grievously injured,
11 shall be prioritized and, if approved, the requested
12 video footage shall be provided as expeditiously as
13 possible, but in no circumstances later than 5 days
14 following receipt of the request.

15 (4) USE OF REDACTION TECHNOLOGY.—

16 (A) IN GENERAL.—Whenever doing so is
17 necessary to protect personal privacy, the right
18 to a fair trial, the identity of a confidential
19 source or crime victim, or the life or physical
20 safety of any person appearing in video footage,
21 redaction technology may be used to obscure
22 the face and other personally identifying char-
23 acteristics of that person, including the tone of
24 the person's voice, provided the redaction does
25 not interfere with a viewer's ability to fully,

1 completely, and accurately comprehend the
2 events captured on the video footage.

3 (B) REQUIREMENTS.—The following re-
4 quirements shall apply to redactions under sub-
5 paragraph (A):

6 (i) When redaction is performed on
7 video footage pursuant to this paragraph,
8 an unedited, original version of the video
9 footage shall be retained pursuant to the
10 requirements of subsections (i) and (j).

11 (ii) Except pursuant to the rules for
12 the redaction of video footage set forth in
13 this subsection or where it is otherwise ex-
14 pressly authorized by this Act, no other ed-
15 iting or alteration of video footage, includ-
16 ing a reduction of the video footage's reso-
17 lution, shall be permitted.

18 (m) PROHIBITED WITHHOLDING OF FOOTAGE.—
19 Body camera video footage may not be withheld from the
20 public on the basis that it is an investigatory record or
21 was compiled for law enforcement purposes where any per-
22 son under investigation or whose conduct is under review
23 is a police officer or other law enforcement employee and
24 the video footage relates to that person's conduct in their
25 official capacity.

1 (n) ADMISSIBILITY.—Any video footage retained be-
2 yond 6 months solely and exclusively pursuant to sub-
3 section (j)(2)(D) shall not be admissible as evidence in any
4 criminal or civil legal or administrative proceeding.

5 (o) CONFIDENTIALITY.—No government agency or
6 official, or law enforcement agency, officer, or official may
7 publicly disclose, release, or share body camera video foot-
8 age unless—

9 (1) doing so is expressly authorized pursuant to
10 this part or another applicable law; or

11 (2) the video footage is subject to public release
12 pursuant to subsection (l), and not exempted from
13 public release pursuant to subsection (l)(1).

14 (p) LIMITATION ON FEDERAL LAW ENFORCEMENT
15 OFFICER VIEWING OF BODY CAMERA FOOTAGE.—No
16 Federal law enforcement officer shall review or receive an
17 accounting of any body camera video footage that is sub-
18 ject to a minimum 3-year retention period pursuant to
19 subsection (j)(1) prior to completing any required initial
20 reports, statements, and interviews regarding the recorded
21 event, unless doing so is necessary, while in the field, to
22 address an immediate threat to life or safety.

23 (q) ADDITIONAL LIMITATIONS.—Video footage may
24 not be—

1 (1) in the case of footage that is not subject to
2 a minimum 3-year retention period, viewed by any
3 superior officer of a Federal law enforcement officer
4 whose body camera recorded the footage absent a
5 specific allegation of misconduct; or

6 (2) divulged or used by any law enforcement
7 agency for any commercial or other non-law enforce-
8 ment purpose.

9 (r) THIRD PARTY MAINTENANCE OF FOOTAGE.—

10 Where a law enforcement agency authorizes a third party
11 to act as its agent in maintaining body camera footage,
12 the agent shall not be permitted to independently access,
13 view, or alter any video footage, except to delete videos
14 as required by law or agency retention policies.

15 (s) ENFORCEMENT.—

16 (1) IN GENERAL.—If any Federal law enforce-
17 ment officer, or any employee or agent of a Federal
18 law enforcement agency fails to adhere to the re-
19 cording or retention requirements contained in this
20 part, intentionally interferes with a body camera's
21 ability to accurately capture video footage, or other-
22 wise manipulates the video footage captured by a
23 body camera during or after its operation—

1 (A) appropriate disciplinary action shall be
2 taken against the individual officer, employee,
3 or agent;

4 (B) a rebuttable evidentiary presumption
5 shall be adopted in favor of a criminal defend-
6 ant who reasonably asserts that exculpatory evi-
7 dence was destroyed or not captured; and

8 (C) a rebuttable evidentiary presumption
9 shall be adopted on behalf of a civil plaintiff
10 suing the Government, a Federal law enforce-
11 ment agency, or a Federal law enforcement offi-
12 cer for damages based on misconduct who rea-
13 sonably asserts that evidence supporting their
14 claim was destroyed or not captured.

15 (2) PROOF COMPLIANCE WAS IMPOSSIBLE.—
16 The disciplinary action requirement and rebuttable
17 presumptions described in paragraph (1) may be
18 overcome by contrary evidence or proof of exigent
19 circumstances that made compliance impossible.

20 (t) USE OF FORCE INVESTIGATIONS.—In the case
21 that a Federal law enforcement officer equipped with a
22 body camera is involved in, a witness to, or within viewable
23 sight range of either the use of force by another law en-
24 forcement officer that results in a death, the use of force
25 by another law enforcement officer, during which the dis-

1 charge of a firearm results in an injury, or the conduct
2 of another law enforcement officer that becomes the sub-
3 ject of a criminal investigation—

4 (1) the law enforcement agency that employs
5 the law enforcement officer, or the agency or depart-
6 ment conducting the related criminal investigation,
7 as appropriate, shall promptly take possession of the
8 body camera, and shall maintain such camera, and
9 any data on such camera, in accordance with the ap-
10 plicable rules governing the preservation of evidence;

11 (2) a copy of the data on such body camera
12 shall be made in accordance with prevailing forensic
13 standards for data collection and reproduction; and

14 (3) such copied data shall be made available to
15 the public in accordance with subsection (l).

16 (u) LIMITATION ON USE OF FOOTAGE AS EVI-
17 DENCE.—Any body camera video footage recorded by a
18 Federal law enforcement officer that violates this part or
19 any other applicable law may not be offered as evidence
20 by any government entity, agency, department, prosecu-
21 torial office, or any other subdivision thereof in any crimi-
22 nal or civil action or proceeding against any member of
23 the public.

24 (v) PUBLICATION OF AGENCY POLICIES.—Any Fed-
25 eral law enforcement agency policy or other guidance re-

1 guarding body cameras, their use, or the video footage
2 therefrom that is adopted by a Federal agency or depart-
3 ment, shall be made publicly available on that agency's
4 website.

5 (w) RULE OF CONSTRUCTION.—Nothing in this part
6 shall be construed to preempt any laws governing the
7 maintenance, production, and destruction of evidence in
8 criminal investigations and prosecutions.

9 **SEC. 10072. PATROL VEHICLES WITH IN-CAR VIDEO RE-**
10 **CORDING CAMERAS.**

11 (a) DEFINITIONS.—In this section:

12 (1) AUDIO RECORDING.—The term “audio re-
13 cording” means the recorded conversation between a
14 Federal law enforcement officer and a second party.

15 (2) EMERGENCY LIGHTS.—The term “emer-
16 gency lights” means oscillating, rotating, or flashing
17 lights on patrol vehicles.

18 (3) ENFORCEMENT OR INVESTIGATIVE STOP.—
19 The term “enforcement or investigative stop” means
20 an action by a Federal law enforcement officer in re-
21 lation to enforcement and investigation duties, in-
22 cluding traffic stops, pedestrian stops, abandoned
23 vehicle contacts, motorist assists, commercial motor
24 vehicle stops, roadside safety checks, requests for

1 identification, or responses to requests for emer-
2 gency assistance.

3 (4) IN-CAR VIDEO CAMERA.—The term “in-car
4 video camera” means a video camera located in a
5 patrol vehicle.

6 (5) IN-CAR VIDEO CAMERA RECORDING EQUIP-
7 MENT.—The term “in-car video camera recording
8 equipment” means a video camera recording system
9 located in a patrol vehicle consisting of a camera as-
10 sembly, recording mechanism, and an in-car video
11 recording medium.

12 (6) RECORDING.—The term “recording” means
13 the process of capturing data or information stored
14 on a recording medium as required under this sec-
15 tion.

16 (7) RECORDING MEDIUM.—The term “record-
17 ing medium” means any recording medium for the
18 retention and playback of recorded audio and video
19 including VHS, DVD, hard drive, solid state, digital,
20 or flash memory technology.

21 (8) WIRELESS MICROPHONE.—The term “wire-
22 less microphone” means a device worn by a Federal
23 law enforcement officer or any other equipment used
24 to record conversations between the officer and a

1 second party and transmitted to the recording equip-
2 ment.

3 (b) REQUIREMENTS.—

4 (1) IN GENERAL.—Each Federal law enforce-
5 ment agency shall install in-car video camera record-
6 ing equipment in all patrol vehicles with a recording
7 medium capable of recording for a period of 10
8 hours or more and capable of making audio record-
9 ings with the assistance of a wireless microphone.

10 (2) RECORDING EQUIPMENT REQUIREMENTS.—

11 In-car video camera recording equipment with a re-
12 cording medium capable of recording for a period of
13 10 hours or more shall record activities—

14 (A) whenever a patrol vehicle is assigned
15 to patrol duty;

16 (B) outside a patrol vehicle whenever—

17 (i) a Federal law enforcement officer
18 assigned that patrol vehicle is conducting
19 an enforcement or investigative stop;

20 (ii) patrol vehicle emergency lights are
21 activated or would otherwise be activated if
22 not for the need to conceal the presence of
23 law enforcement; or

24 (iii) an officer reasonably believes re-
25 cording may assist with prosecution, en-

1 hance safety, or for any other lawful pur-
2 pose; and

3 (C) inside the vehicle when transporting an
4 arrestee or when an officer reasonably believes
5 recording may assist with prosecution, enhance
6 safety, or for any other lawful purpose.

7 (3) REQUIREMENTS FOR RECORDING.—

8 (A) IN GENERAL.—A Federal law enforce-
9 ment officer shall begin recording for an en-
10 forcement or investigative stop when the officer
11 determines an enforcement stop is necessary
12 and shall continue until the enforcement action
13 has been completed and the subject of the en-
14 forcement or investigative stop or the officer
15 has left the scene.

16 (B) ACTIVATION WITH LIGHTS.—A Fed-
17 eral law enforcement officer shall begin record-
18 ing when patrol vehicle emergency lights are ac-
19 tivated or when they would otherwise be acti-
20 vated if not for the need to conceal the presence
21 of law enforcement, and shall continue until the
22 reason for the activation ceases to exist, regard-
23 less of whether the emergency lights are no
24 longer activated.

1 (C) PERMISSIBLE RECORDING.—A Federal
2 law enforcement officer may begin recording if
3 the officer reasonably believes recording may
4 assist with prosecution, enhance safety, or for
5 any other lawful purpose; and shall continue
6 until the reason for recording ceases to exist.

7 (4) ENFORCEMENT OR INVESTIGATIVE
8 STOPS.—A Federal law enforcement officer shall
9 record any enforcement or investigative stop. Audio
10 recording shall terminate upon release of the violator
11 and prior to initiating a separate criminal investiga-
12 tion.

13 (c) RETENTION OF RECORDINGS.—Recordings made
14 on in-car video camera recording medium shall be retained
15 for a storage period of at least 90 days. Under no cir-
16 cumstances shall any recording made on in-car video cam-
17 era recording medium be altered or erased prior to the
18 expiration of the designated storage period. Upon comple-
19 tion of the storage period, the recording medium may be
20 erased and reissued for operational use unless otherwise
21 ordered or if designated for evidentiary or training pur-
22 poses.

23 (d) ACCESSIBILITY OF RECORDINGS.—Audio or video
24 recordings made pursuant to this section shall be available
25 under the applicable provisions of section 552a of title 5,

1 United States Code. Only recorded portions of the audio
2 recording or video recording medium applicable to the re-
3 quest will be available for inspection or copying.

4 (e) MAINTENANCE REQUIRED.—The agency shall en-
5 sure proper care and maintenance of in-car video camera
6 recording equipment and recording medium. An officer op-
7 erating a patrol vehicle must immediately document and
8 notify the appropriate person of any technical difficulties,
9 failures, or problems with the in-car video camera record-
10 ing equipment or recording medium. Upon receiving no-
11 tice, every reasonable effort shall be made to correct and
12 repair any of the in-car video camera recording equipment
13 or recording medium and determine if it is in the public
14 interest to permit the use of the patrol vehicle.

15 **SEC. 10073. FACIAL RECOGNITION TECHNOLOGY.**

16 No camera or recording device authorized or required
17 to be used under this part may be equipped with or employ
18 facial recognition technology, and footage from such a
19 camera or recording device may not be subjected to facial
20 recognition technology.

21 **SEC. 10074. GAO STUDY.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall conduct a study on Federal law enforcement officer

1 training, vehicle pursuits, use of force, and interaction
 2 with citizens, and submit a report on such study to—

3 (1) the Committees on the Judiciary of the
 4 House of Representatives and of the Senate;

5 (2) the Committee on Oversight and Reform of
 6 the House of Representatives; and

7 (3) the Committee on Homeland Security and
 8 Governmental Affairs of the Senate.

9 **SEC. 10075. REGULATIONS.**

10 Not later than 6 months after the date of the enact-
 11 ment of this Act, the Attorney General shall issue such
 12 final regulations as are necessary to carry out this part.

13 **SEC. 10076. RULE OF CONSTRUCTION.**

14 Nothing in this part shall be construed to impose any
 15 requirement on a Federal law enforcement officer outside
 16 of the course of carrying out that officer's duty.

17 **CHAPTER 2—POLICE CAMERA ACT**

18 **SEC. 10077. SHORT TITLE.**

19 This part may be cited as the “Police Creating Ac-
 20 countability by Making Effective Recording Available Act
 21 of 2020” or the “Police CAMERA Act of 2020”.

22 **SEC. 10078. LAW ENFORCEMENT BODY-WORN CAMERA RE-**
 23 **QUIREMENTS.**

24 (a) **USE OF FUNDS REQUIREMENT.**—Section 502(a)
 25 of title I of the Omnibus Crime Control and Safe Streets

1 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
 2 10058, is amended by adding at the end the following:

3 “(10) An assurance that, for each fiscal year
 4 covered by an application, the applicant will use not
 5 less than 5 percent of the total amount of the grant
 6 award for the fiscal year to develop policies and pro-
 7 tocols in compliance with part OO.”.

8 (b) REQUIREMENTS.—Title I of the Omnibus Crime
 9 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
 10 et seq.) is amended by adding at the end the following:

11 **“PART OO—LAW ENFORCEMENT BODY-WORN**

12 **CAMERAS AND RECORDED DATA**

13 **“SEC. 3051. USE OF GRANT FUNDS.**

14 “(a) IN GENERAL.—Grant amounts described in
 15 paragraph (10) of section 502(a) of this title—

16 “(1) shall be used—

17 “(A) to purchase or lease body-worn cam-
 18 eras for use by State, local, and tribal law en-
 19 forcement officers (as defined in section 2503);

20 “(B) for expenses related to the implemen-
 21 tation of a body-worn camera program in order
 22 to deter excessive force, improve accountability
 23 and transparency of use of force by law enforce-
 24 ment officers, assist in responding to com-

1 plaints against law enforcement officers, and
2 improve evidence collection; and

3 “(C) to implement policies or procedures to
4 comply with the requirements described in sub-
5 section (b); and

6 “(2) may not be used for expenses related to fa-
7 cial recognition technology.

8 “(b) REQUIREMENTS.—A recipient of a grant under
9 subpart 1 of part E of this title shall—

10 “(1) establish policies and procedures in accord-
11 ance with the requirements described in subsection
12 (c) before law enforcement officers use of body-worn
13 cameras;

14 “(2) adopt recorded data collection and reten-
15 tion protocols as described in subsection (d) before
16 law enforcement officers use of body-worn cameras;

17 “(3) make the policies and protocols described
18 in paragraphs (1) and (2) available to the public;
19 and

20 “(4) comply with the requirements for use of
21 recorded data under subsection (f).

22 “(c) REQUIRED POLICIES AND PROCEDURES.—A re-
23 cipient of a grant under subpart 1 of part E of this title
24 shall—

1 “(1) develop with community input and publish
2 for public view policies and protocols for—

3 “(A) the safe and effective use of body-
4 worn cameras;

5 “(B) the secure storage, handling, and de-
6 struction of recorded data collected by body-
7 worn cameras;

8 “(C) protecting the privacy rights of any
9 individual who may be recorded by a body-worn
10 camera;

11 “(D) the release of any recorded data col-
12 lected by a body-worn camera in accordance
13 with the open records laws, if any, of the State;
14 and

15 “(E) making recorded data available to
16 prosecutors, defense attorneys, and other offi-
17 cers of the court in accordance with subpara-
18 graph (E); and

19 “(2) conduct periodic evaluations of the security
20 of the storage and handling of the body-worn camera
21 data.

22 “(d) RECORDED DATA COLLECTION AND RETEN-
23 TION PROTOCOL.—The recorded data collection and reten-
24 tion protocol described in this paragraph is a protocol
25 that—

1 “(1) requires—

2 “(A) a law enforcement officer who is
3 wearing a body-worn camera to provide an ex-
4 planation if an activity that is required to be re-
5 corded by the body-worn camera is not re-
6 corded;

7 “(B) a law enforcement officer who is
8 wearing a body-worn camera to obtain consent
9 to be recorded from a crime victim or witness
10 before interviewing the victim or witness;

11 “(C) the collection of recorded data unre-
12 lated to a legitimate law enforcement purpose
13 be minimized to the greatest extent practicable;

14 “(D) the system used to store recorded
15 data collected by body-worn cameras to log all
16 viewing, modification, or deletion of stored re-
17 corded data and to prevent, to the greatest ex-
18 tent practicable, the unauthorized access or dis-
19 closure of stored recorded data;

20 “(E) any law enforcement officer be pro-
21 hibited from accessing the stored data without
22 an authorized purpose; and

23 “(F) the law enforcement agency to collect
24 and report statistical data on—

1 “(i) incidences of use of force,
2 disaggregated by race, ethnicity, gender,
3 and age of the victim;

4 “(ii) the number of complaints filed
5 against law enforcement officers;

6 “(iii) the disposition of complaints
7 filed against law enforcement officers;

8 “(iv) the number of times camera
9 footage is used for evidence collection in
10 investigations of crimes; and

11 “(v) any other additional statistical
12 data that the Director determines should
13 be collected and reported;

14 “(2) allows an individual to file a complaint
15 with a law enforcement agency relating to the im-
16 proper use of body-worn cameras; and

17 “(3) complies with any other requirements es-
18 tablished by the Director.

19 “(e) REPORTING.—Statistical data required to be col-
20 lected under subsection (d)(1)(D) shall be reported to the
21 Director, who shall—

22 “(1) establish a standardized reporting system
23 for statistical data collected under this program; and

24 “(2) establish a national database of statistical
25 data recorded under this program.

1 “(f) USE OR TRANSFER OF RECORDED DATA.—

2 “(1) IN GENERAL.—Recorded data collected by
3 an entity receiving a grant under a grant under sub-
4 part 1 of part E of this title from a body-worn cam-
5 era shall be used only in internal and external inves-
6 tigations of misconduct by a law enforcement agency
7 or officer, if there is reasonable suspicion that a re-
8 cording contains evidence of a crime, or for limited
9 training purposes. The Director shall establish rules
10 to ensure that the recorded data is used only for the
11 purposes described in this paragraph.

12 “(2) PROHIBITION ON TRANSFER.—Except as
13 provided in paragraph (3), an entity receiving a
14 grant under subpart 1 of part E of this title may
15 not transfer any recorded data collected by the enti-
16 ty from a body-worn camera to another law enforce-
17 ment or intelligence agency.

18 “(3) EXCEPTIONS.—

19 “(A) CRIMINAL INVESTIGATION.—An enti-
20 ty receiving a grant under subpart 1 of part E
21 of this title may transfer recorded data collected
22 by the entity from a body-worn camera to an-
23 other law enforcement agency or intelligence
24 agency for use in a criminal investigation if the
25 requesting law enforcement or intelligence agen-

1 cy has reasonable suspicion that the requested
2 data contains evidence relating to the crime
3 being investigated.

4 “(B) CIVIL RIGHTS CLAIMS.—An entity re-
5 ceiving a grant under subpart 1 of part E of
6 this title may transfer recorded data collected
7 by the law enforcement agency from a body-
8 worn camera to another law enforcement agen-
9 cy for use in an investigation of the violation of
10 any right, privilege, or immunity secured or
11 protected by the Constitution or laws of the
12 United States.

13 “(g) AUDIT AND ASSESSMENT.—

14 “(1) IN GENERAL.—Not later than 2 years
15 after the date of enactment of this part, the Director
16 of the Office of Audit, Assessment, and Management
17 shall perform an assessment of the use of funds
18 under this section and the policies and protocols of
19 the grantees.

20 “(2) REPORTS.—Not later than September 1 of
21 each year, beginning 2 years after the date of enact-
22 ment of this part, each recipient of a grant under
23 subpart 1 of part E of this title shall submit to the
24 Director of the Office of Audit, Assessment, and
25 Management a report that—

1 “(A) describes the progress of the body-
2 worn camera program; and

3 “(B) contains recommendations on ways in
4 which the Federal Government, States, and
5 units of local government can further support
6 the implementation of the program.

7 “(3) REVIEW.—The Director of the Office of
8 Audit, Assessment, and Management shall evaluate
9 the policies and protocols of the grantees and take
10 such steps as the Director of the Office of Audit, As-
11 sessment, and Management determines necessary to
12 ensure compliance with the program.

13 **“SEC. 3052. BODY-WORN CAMERA TRAINING TOOLKIT.**

14 “(a) IN GENERAL.—The Director shall establish and
15 maintain a body-worn camera training toolkit for law en-
16 forcement agencies, academia, and other relevant entities
17 to provide training and technical assistance, including best
18 practices for implementation, model policies and proce-
19 dures, and research materials.

20 “(b) MECHANISM.—In establishing the toolkit re-
21 quired to under subsection (a), the Director may consoli-
22 date research, practices, templates, and tools that been de-
23 veloped by expert and law enforcement agencies across the
24 country.

1 **“SEC. 3053. STUDY.**

2 “(a) IN GENERAL.—Not later than 2 years after the
3 date of enactment of the Police CAMERA Act of 2020,
4 the Director shall conduct a study on—

5 “(1) the efficacy of body-worn cameras in deter-
6 ring excessive force by law enforcement officers;

7 “(2) the impact of body-worn cameras on the
8 accountability and transparency of the use of force
9 by law enforcement officers;

10 “(3) the impact of body-worn cameras on re-
11 sponses to and adjudications of complaints of exces-
12 sive force;

13 “(4) the effect of the use of body-worn cameras
14 on the safety of law enforcement officers on patrol;

15 “(5) the effect of the use of body-worn cameras
16 on public safety;

17 “(6) the impact of body-worn cameras on evi-
18 dence collection for criminal investigations;

19 “(7) issues relating to the secure storage and
20 handling of recorded data from the body-worn cam-
21 eras;

22 “(8) issues relating to the privacy of individuals
23 and officers recorded on body-worn cameras;

24 “(9) issues relating to the constitutional rights
25 of individuals on whom facial recognition technology
26 is used;

1 “(10) issues relating to limitations on the use
2 of facial recognition technology;

3 “(11) issues relating to the public’s access to
4 body-worn camera footage;

5 “(12) the need for proper training of law en-
6 forcement officers that use body-worn cameras;

7 “(13) best practices in the development of pro-
8 tocols for the safe and effective use of body-worn
9 cameras;

10 “(14) a review of law enforcement agencies that
11 found body-worn cameras to be unhelpful in the op-
12 erations of the agencies; and

13 “(15) any other factors that the Director deter-
14 mines are relevant in evaluating the efficacy of body-
15 worn cameras.

16 “(b) REPORT.—Not later than 180 days after the
17 date on which the study required under subsection (a) is
18 completed, the Director shall submit to Congress a report
19 on the study, which shall include any policy recommenda-
20 tions that the Director considers appropriate.”.

21 **PART 4—CLOSING THE LAW ENFORCEMENT**

22 **CONSENT LOOPHOLE**

23 **SEC. 10081. SHORT TITLE.**

24 This part may be cited as the “Closing the Law En-
25 forcement Consent Loophole Act of 2020”.

1 **SEC. 10082. PROHIBITION ON ENGAGING IN SEXUAL ACTS**
2 **WHILE ACTING UNDER COLOR OF LAW.**

3 (a) IN GENERAL.—Section 2243 of title 18, United
4 States Code, is amended—

5 (1) in the section heading, by adding at the end
6 the following: “**or by any person acting**
7 **under color of law**”;

8 (2) by redesignating subsections (c) and (d) as
9 subsections (d) and (e), respectively;

10 (3) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) OF AN INDIVIDUAL BY ANY PERSON ACTING
13 UNDER COLOR OF LAW.—

14 “(1) IN GENERAL.—Whoever, acting under
15 color of law, knowingly engages in a sexual act with
16 an individual, including an individual who is under
17 arrest, in detention, or otherwise in the actual cus-
18 tody of any Federal law enforcement officer, shall be
19 fined under this title, imprisoned not more than 15
20 years, or both.

21 “(2) DEFINITION.—In this subsection, the term
22 ‘sexual act’ has the meaning given the term in sec-
23 tion 2246.”; and

24 (4) in subsection (d), as so redesignated, by
25 adding at the end the following:

1 “(3) In a prosecution under subsection (c), it is not
2 a defense that the other individual consented to the sexual
3 act.”.

4 (b) DEFINITION.—Section 2246 of title 18, United
5 States Code, is amended—

6 (1) in paragraph (5), by striking “and” at the
7 end;

8 (2) in paragraph (6), by striking the period at
9 the end and inserting “; and”; and

10 (3) by inserting after paragraph (6) the fol-
11 lowing:

12 “(7) the term ‘Federal law enforcement officer’
13 has the meaning given the term in section 115.”.

14 (c) CLERICAL AMENDMENT.—The table of sections
15 for chapter 109A of title 18, United States Code, is
16 amended by amending the item related to section 2243
17 to read as follows:

“2243. Sexual abuse of a minor or ward or by any person acting under color
of law.”.

18 **SEC. 10083. ENACTMENT OF LAWS PENALIZING ENGAGING**
19 **IN SEXUAL ACTS WHILE ACTING UNDER**
20 **COLOR OF LAW.**

21 (a) IN GENERAL.—Beginning in the first fiscal year
22 that begins after the date that is one year after the date
23 of enactment of this Act, in the case of a State or unit
24 of local government that does not have in effect a law de-

1 scribed in subsection (b), if that State or unit of local gov-
2 ernment that would otherwise receive funds under the
3 COPS grant program, that State or unit of local govern-
4 ment shall not be eligible to receive such funds. In the
5 case of a multi-jurisdictional or regional consortium, if any
6 member of that consortium is a State or unit of local gov-
7 ernment that does not have in effect a law described in
8 subsection (b), if that consortium would otherwise receive
9 funds under the COPS grant program, that consortium
10 shall not be eligible to receive such funds.

11 (b) DESCRIPTION OF LAW.—A law described in this
12 subsection is a law that—

13 (1) makes it a criminal offense for any person
14 acting under color of law of the State or unit of local
15 government to engage in a sexual act with an indi-
16 vidual, including an individual who is under arrest,
17 in detention, or otherwise in the actual custody of
18 any law enforcement officer; and

19 (2) prohibits a person charged with an offense
20 described in paragraph (1) from asserting the con-
21 sent of the other individual as a defense.

22 (c) REPORTING REQUIREMENT.—A State or unit of
23 local government that receives a grant under the COPS
24 grant program shall submit to the Attorney General, on
25 an annual basis, information on—

1 (1) the number of reports made to law enforce-
2 ment agencies in that State or unit of local govern-
3 ment regarding persons engaging in a sexual act
4 while acting under color of law during the previous
5 year; and

6 (2) the disposition of each case in which sexual
7 misconduct by a person acting under color of law
8 was reported during the previous year.

9 **SEC. 10084. REPORTS TO CONGRESS.**

10 (a) REPORT BY ATTORNEY GENERAL.—Not later
11 than 1 year after the date of enactment of this Act, and
12 each year thereafter, the Attorney General shall submit
13 to Congress a report containing—

14 (1) the information required to be reported to
15 the Attorney General under section 10083(b); and

16 (2) information on—

17 (A) the number of reports made, during
18 the previous year, to Federal law enforcement
19 agencies regarding persons engaging in a sexual
20 act while acting under color of law; and

21 (B) the disposition of each case in which
22 sexual misconduct by a person acting under
23 color of law was reported.

24 (b) REPORT BY GAO.—Not later than 1 year after
25 the date of enactment of this Act, and each year there-

1 after, the Comptroller General of the United States shall
2 submit to Congress a report on any violations of section
3 2243(c) of title 18, United States Code, as amended by
4 section 10082, committed during the 1-year period cov-
5 ered by the report.

6 **SEC. 10085. DEFINITION.**

7 In this subpart, the term “sexual act” has the mean-
8 ing given the term in section 2246 of title 18, United
9 States Code.

10 **PART 5—MISCELLANEOUS PROVISIONS**

11 **SEC. 10091. SEVERABILITY.**

12 If any provision of this Act, or the application of such
13 a provision to any person or circumstance, is held to be
14 unconstitutional, the remainder of this Act and the appli-
15 cation of the remaining provisions of this Act to any per-
16 son or circumstance shall not be affected thereby.

17 **SEC. 10092. SAVINGS CLAUSE.**

18 Nothing in this Act shall be construed—

19 (1) to limit legal or administrative remedies
20 under section 1979 of the Revised Statutes of the
21 United States (42 U.S.C. 1983), section 210401 of
22 the Violent Crime Control and Law Enforcement
23 Act of 1994 (34 U.S.C. 12601), title I of the Omni-
24 bus Crime Control and Safe Streets Act of 1968 (34

1 U.S.C. 10101 et seq.), or title VI of the Civil Rights
2 Act of 1964 (42 U.S.C. 2000d et seq.);

3 (2) to affect any Federal, State, or Tribal law
4 that applies to an Indian Tribe because of the polit-
5 ical status of the Tribe; or

6 (3) to waive the sovereign immunity of an In-
7 dian Tribe without the consent of the Tribe.

8 **Subtitle B—SAFETY Through**
9 **Nonviolence**

10 **SEC. 10201. SHORT TITLE.**

11 This subtitle may be cited as the “Securing American
12 Families by Educating and Training You (SAFETY)
13 Through Nonviolence Act of 2020”.

14 **SEC. 10202. FINDINGS.**

15 Congress finds the following:

16 (1) The concept and practice of nonviolent
17 thoughts, words, and actions have a history and a
18 legacy in the United States and the global commu-
19 nity.

20 (2) In the 19th century, American philosophers
21 and authors Ralph Waldo Emerson and Henry
22 David Thoreau were leaders of the transcendentalist
23 philosophical movement which emphasized the poten-
24 tial good of humanity, the importance of truth, and
25 the courage and power of peace.

1 (3) In the early 20th century, Mohandas (Ma-
2 hatma) Gandhi advanced the concepts and practices
3 of ahimsa, or non-injury, and satya, or truth as inte-
4 gral to social and active concepts and practices.

5 (4) Gandhi continued Thoreau's ideas of Civil
6 Disobedience in developing the doctrine of satyagra-
7 ha which connects truth and nonviolence to active ef-
8 forts in nonviolent, civil disobedience.

9 (5) Dr. Martin Luther King, Jr., built upon
10 these philosophies in developing six principles of
11 nonviolence. He explained these to be a way of life
12 which sought to build friendships and under-
13 standing, defeat injustice, accept suffering as a way
14 to educate and transform, and to choose love instead
15 of hate. Nonviolence's strength is reinforced by the
16 universe siding with justice.

17 (6) Rev. James E. Lawson, Jr., a leading theo-
18 rist and strategist, helped spread the philosophy and
19 doctrine of nonviolence by organizing and teaching
20 workshops to young activists during the American
21 Civil Rights Movement.

22 (7) During his Presidency, Nelson Rolihlahla
23 Mandela expanded the spirit of ubuntu, the African
24 philosophy of the interconnectedness, caring, shar-

1 ing, and harmony of humanity, throughout the
2 world.

3 (8) According to the 2019 Global Peace Index,
4 violence cost \$14,100,000,000 in constant pur-
5 chasing power parity terms or \$1,853 per person in
6 2018. The fiscal loss resulting from conflict greatly
7 exceeds investments in peacebuilding and peace-
8 keeping.

9 (9) Given its proven success and evolution, the
10 philosophy and doctrine of nonviolence can and
11 should play an important role in breaking the cycle
12 and reducing the frequency of violence throughout
13 the United States and as a model to the global com-
14 munity.

15 (10) These lessons, principles, and practices
16 should be made available to Americans of all ages
17 and backgrounds in all parts of the country.

18 **SEC. 10203. GRANTS TO EDUCATE AMERICANS ABOUT THE**
19 **PRINCIPLES AND PRACTICE OF NON-**
20 **VIOLENCE.**

21 (a) GRANTS.—The Attorney General may make
22 grants to eligible entities to prevent or alleviate the effects
23 of community violence by providing education, mentoring,
24 and counseling regarding the principles and application of
25 nonviolence in conflict resolution.

1 (b) PRIORITY.—In awarding grants under this sec-
2 tion, the Attorney General shall give priority to applicants
3 that agree to use the grant in one or more eligible urban,
4 rural, tribal, and suburban communities that can certify—

5 (1) an increased or sustained level of violence or
6 tension in the community; or

7 (2) a lack of monetary or other resources to
8 adopt innovative, integrated, community-based vio-
9 lence prevention programs.

10 (c) LIMITATION.—The Attorney General may not
11 make a grant to an eligible entity under this section unless
12 the entity agrees to use not less than 70 percent of such
13 grant for nonviolence-prevention education and program
14 development.

15 (d) DEFINITIONS.—In this section, the term “eligible
16 entity” means a State or local government entity (includ-
17 ing law enforcement), educational institution, nonprofit
18 community, or faith-based organization.

19 [(e) AUTHORIZATION OF APPROPRIATIONS.—To
20 carry out this section, there is authorized to be appro-
21 priated \$60,000,000 for each of the fiscal years 2020
22 through 2025.]

1 **Subtitle C—Local Public Health**
2 **And Safety Protection**

3 **SEC. 10301. SHORT TITLE.**

4 This subtitle may be cited as the “Local Public
5 Health And Safety Protection Act”.

6 **SEC. 10302. FINDINGS.**

7 Congress finds the following:

8 (1) When it comes to gun violence, local laws
9 serve the important purpose of addressing the
10 unique issues and dangers facing each different com-
11 munity.

12 (2) Most State constitutions generally allocate
13 authority to local governments to regulate in the in-
14 terests of the public health, safety, and welfare.
15 States that have removed authority from local gov-
16 ernments to regulate guns and ammunition have cre-
17 ated a dangerous exception to the traditional rule of
18 local authority.

19 (3) Broad State preemption statutes ignore im-
20 portant local variations that may necessitate distinct
21 approaches to the problem of gun violence. State
22 preemption statutes threaten public safety because
23 they prevent local governments from implementing
24 customized solutions to gun violence in their commu-
25 nities.

1 (4) By mandating a one-size-fits-all approach to
2 firearms regulation, preemption statutes deprive the
3 public of a critical problem-solving resource—local
4 innovation. Local governments are often the source
5 of cutting-edge laws to reduce gun violence, which
6 are proven successful and later adopted at the state-
7 wide level.

8 (5) State preemption statutes impede local gov-
9 ernment’s ability to fill regulatory gaps created by
10 inaction at the State and Federal level. Restrictions
11 on State and Federal resources also make an extra
12 level of local involvement necessary to properly en-
13 force many gun laws. For example, local law en-
14 forcement may provide much needed oversight of
15 gun businesses, which the Bureau of Alcohol, To-
16 bacco, Firearms & Explosives is too underfunded to
17 provide.

18 (6) States should not prohibit or restrict a local
19 government from imposing or implementing laws
20 that are more restrictive than the laws of the rel-
21 evant State with respect to—

22 (A) any background check requirement in
23 relation to any firearm transaction;

1 (B) the ability to carry a firearm in public
2 places or in locations owned or controlled by a
3 unit of local government;

4 (C) any requirement relating to the sale of
5 ammunition, such as a limitation on the
6 amount an individual is allowed to purchase at
7 one time;

8 (D) any additional requirements relating to
9 licensing or permitting the purchase of a fire-
10 arm;

11 (E) any requirement that firearm owners
12 safely store their firearms, or prevent children
13 or any other unauthorized person from access-
14 ing their firearms;

15 (F) taxes on the sale of firearms and am-
16 munition, unless the State prohibits or restricts
17 local governments from imposing such taxes on
18 most other consumer products;

19 (G) the sale, transfer, or possession of spe-
20 cific types of unusually dangerous firearms and
21 accessories, such as assault weapons, bump
22 stocks, and high capacity magazines;

23 (H) the discharge of firearms in public
24 parks and other public places;

25 (I) zoning restrictions on gun dealers; and

1 (J) purchasing or obtaining a firearm on
2 behalf of a third party.

3 **SEC. 10303. GRANTS TO REDUCE GUN VIOLENCE THROUGH**
4 **LOCAL REGULATION.**

5 (a) IN GENERAL.—The Attorney General may make
6 grants to States that meet the eligibility requirements of
7 subsection (b) for the purposes described in subsection
8 (c)(4).

9 (b) ELIGIBILITY.—

10 (1) IN GENERAL.—To be eligible for a grant
11 under this section, a State may not through statute
12 or regulation prohibit or restrict a local government
13 from imposing laws that are more restrictive than
14 the laws of the relevant State with respect to—

15 (A) any background check requirement in
16 relation to any firearm transaction;

17 (B) the ability to carry a firearm in public
18 places or in locations owned or controlled by a
19 unit of local government;

20 (C) any requirement relating to the sale of
21 ammunition, such as a limitation on the
22 amount an individual is allowed to purchase at
23 one time;

1 (D) any additional requirements relating to
2 licensing or permitting the purchase of a fire-
3 arm;

4 (E) any requirement that firearm owners
5 safely store their firearms, or prevent children
6 or any other unauthorized person from access-
7 ing their firearms;

8 (F) taxes on the sale of firearms and am-
9 munition, unless the State prohibits or restricts
10 local governments from imposing such taxes on
11 most other consumer products;

12 (G) the sale, transfer, or possession of spe-
13 cific types of unusually dangerous firearms and
14 accessories, such as assault weapons, bump
15 stocks, and high capacity magazines;

16 (H) the discharge of firearms in public
17 parks and other public places;

18 (I) zoning restrictions on gun dealers; and

19 (J) purchasing or obtaining a firearm on
20 behalf of a third party.

21 (2) APPLICATION.—To receive a grant under
22 this section, a State shall submit to the Attorney
23 General an application at such time, in such man-
24 ner, and containing such information as the Attor-
25 ney General may reasonably require.

1 (c) SUBGRANTS.—

2 (1) IN GENERAL.—A State that receives a
3 grant under this section shall use the grant to make
4 subgrants to any local government that has enacted
5 a law that is more restrictive than the laws of the
6 State with respect to at least 1 of the following:

7 (A) Any background check requirement in
8 relation to any firearm transaction.

9 (B) The ability to carry a firearm in public
10 places or in locations owned or controlled by a
11 unit of local government.

12 (C) Any requirement relating to the sale of
13 ammunition, such as a limitation on the
14 amount an individual is allowed to purchase at
15 one time.

16 (D) Any additional requirements relating
17 to licensing or permitting the purchase of a
18 firearm.

19 (E) Any requirement that firearm owners
20 safely store their firearms, or prevent children
21 or any other unauthorized person from access-
22 ing their firearms.

23 (F) Taxes on the sale of firearms and am-
24 munition, unless the State prohibits or restricts

1 local governments from imposing such taxes on
2 most other consumer products.

3 (G) The sale, transfer, or possession of
4 specific types of unusually dangerous firearms
5 and accessories, such as assault weapons, bump
6 stocks, and high capacity magazines.

7 (H) The discharge of firearms in public
8 parks and other public places.

9 (I) Zoning restrictions on gun dealers.

10 (J) Purchasing or obtaining a firearm on
11 behalf of a third party.

12 (2) ELIGIBILITY.—To be eligible for a subgrant
13 under this subsection, a local government shall sub-
14 mit to the State an application for the subgrant, at
15 such time, in such manner, and containing such in-
16 formation as the State may reasonably require.

17 (3) PREFERENCE IN AWARDS.—A State shall
18 give preference in the awarding of the subgrants to
19 local governments that have disproportionate levels
20 of gun violence or gun homicide.

21 (4) USE OF FUNDS.—A subgrantee under this
22 section shall use the subgrant to implement and en-
23 force any requirement referred to in paragraph (1),
24 including through the development of protocols, poli-
25 cies, procedures, or training for law enforcement,

1 and the development or use of technology by law en-
 2 forcement, in connection with the implementation or
 3 enforcement of any such requirement.

4 (d) ADMINISTRATION.—A State that receives a grant
 5 under this section may use not more than 5 percent of
 6 the grant for the administration of subgrants under sub-
 7 section (c).

8 **Subtitle D—Marijuana Opportunity** 9 **Reinvestment and Expungement**

10 **SEC. 10401. SHORT TITLE.**

11 This subtitle may be cited as the “Marijuana Oppor-
 12 tunity Reinvestment and Expungement Act of 2020” or
 13 the “MORE Act of 2020”.

14 **SEC. 10402. DECRIMINALIZATION OF CANNABIS.**

15 (a) CANNABIS REMOVED FROM SCHEDULE OF CON-
 16 TROLLED SUBSTANCES.—

17 (1) REMOVAL IN STATUTE.—Subsection (c) of
 18 schedule I of section 202(c) of the Controlled Sub-
 19 stances Act (21 U.S.C. 812) is amended—

20 (A) by striking “(10) Marihuana.”; and

21 (B) by striking “(17)
 22 Tetrahydrocannabinols, except for
 23 tetrahydrocannabinols in hemp (as defined in
 24 section 297A of the Agricultural Marketing Act
 25 of 1946).”.

1 (2) REMOVAL FROM SCHEDULE.—Not later
2 than 180 days after the date of the enactment of
3 this Act, the Attorney General shall finalize a rule-
4 making under section 201(a)(2) removing mari-
5 huana and tetrahydrocannabinols from the schedules
6 of controlled substances. Marihuana and
7 tetrahydrocannabinols shall each be deemed to be a
8 drug or other substance that does not meet the re-
9 quirements for inclusion in any schedule. A rule-
10 making under this paragraph shall be considered to
11 have taken effect as of the date of enactment of this
12 Act for purposes of any offense committed, case
13 pending, conviction entered, and, in the case of a ju-
14 venile, any offense committed, case pending, and ad-
15 judication of juvenile delinquency entered before, on,
16 or after the date of enactment of this Act.

17 (b) CONFORMING AMENDMENTS TO CONTROLLED
18 SUBSTANCES ACT.—The Controlled Substances Act (21
19 U.S.C. 801 et seq.) is amended—

20 (1) in section 102(44) (21 U.S.C. 802(44)), by
21 striking “marihuana,”;

22 (2) in section 401(b) (21 U.S.C. 841(b))—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A)—

1 (I) in clause (vi), by inserting
2 “or” after the semicolon;

3 (II) by striking clause (vii); and

4 (III) by redesignating clause
5 (viii) as clause (vii);

6 (ii) in subparagraph (B)—

7 (I) in clause (vi), by inserting
8 “or” after the semicolon;

9 (II) by striking clause (vii); and

10 (III) by redesignating clause
11 (viii) as clause (vii);

12 (iii) in subparagraph (C), in the first
13 sentence, by striking “subparagraphs (A),
14 (B), and (D)” and inserting “subpara-
15 graphs (A) and (B)”;

16 (iv) by striking subparagraph (D);

17 (v) by redesignating subparagraph (E)
18 as subparagraph (D); and

19 (vi) in subparagraph (D)(i), as so re-
20 designated, by striking “subparagraphs (C)
21 and (D)” and inserting “subparagraph
22 (C)”;

23 (B) by striking paragraph (4); and

1 (C) by redesignating paragraphs (5), (6),
2 and (7) as paragraphs (4), (5), and (6), respec-
3 tively;

4 (3) in section 402(c)(2)(B) (21 U.S.C.
5 842(c)(2)(B)), by striking “, marihuana,”;

6 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),
7 by striking “, marihuana,”;

8 (5) in section 418(a) (21 U.S.C. 859(a)), by
9 striking the last sentence;

10 (6) in section 419(a) (21 U.S.C. 860(a)), by
11 striking the last sentence;

12 (7) in section 422(d) (21 U.S.C. 863(d))—

13 (A) in the matter preceding paragraph (1),
14 by striking “marijuana,”; and

15 (B) in paragraph (5), by striking “, such
16 as a marihuana cigarette,”; and

17 (8) in section 516(d) (21 U.S.C. 886(d)), by
18 striking “section 401(b)(6)” each place the term ap-
19 pears and inserting “section 401(b)(5)”.

20 (c) OTHER CONFORMING AMENDMENTS.—

21 (1) NATIONAL FOREST SYSTEM DRUG CONTROL
22 ACT OF 1986.—The National Forest System Drug
23 Control Act of 1986 (16 U.S.C. 559b et seq.) is
24 amended—

1 (A) in section 15002(a) (16 U.S.C.
2 559b(a)) by striking “marijuana and other”;

3 (B) in section 15003(2) (16 U.S.C.
4 559c(2)) by striking “marijuana and other”;
5 and

6 (C) in section 15004(2) (16 U.S.C.
7 559d(2)) by striking “marijuana and other”.

8 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-
9 tion 2516 of title 18, United States Code, is amend-
10 ed—

11 (A) in subsection (1)(e), by striking “mari-
12 huana,”; and

13 (B) in subsection (2) by striking “mari-
14 huana”.

15 (d) RETROACTIVITY.—The amendments made by this
16 section to the Controlled Substances Act (21 U.S.C. 801
17 et seq.) are retroactive and shall apply to any offense com-
18 mitted, case pending, conviction entered, and, in the case
19 of a juvenile, any offense committed, case pending, or ad-
20 judication of juvenile delinquency entered before, on, or
21 after the date of enactment of this Act.

1 **SEC. 10403. DEMOGRAPHIC DATA OF CANNABIS BUSINESS**
2 **OWNERS AND EMPLOYEES.**

3 (a) IN GENERAL.—The Bureau of Labor Statistics
4 shall regularly compile, maintain, and make public data
5 on the demographics of—

6 (1) individuals who are business owners in the
7 cannabis industry; and

8 (2) individuals who are employed in the can-
9 nabis industry.

10 (b) DEMOGRAPHIC DATA.—The data collected under
11 subsection (a) shall include data regarding—

12 (1) age;

13 (2) certifications and licenses;

14 (3) disability status;

15 (4) educational attainment;

16 (5) family and marital status;

17 (6) nativity;

18 (7) race and Hispanic ethnicity;

19 (8) school enrollment;

20 (9) veteran status; and

21 (10) sex.

22 (c) CONFIDENTIALITY.—The name, address, and
23 other identifying information of individuals employed in
24 the cannabis industry shall be kept confidential by the Bu-
25 reau and not be made available to the public.

26 (d) DEFINITIONS.—In this section:

1 (1) CANNABIS.—The term “cannabis” means
2 either marijuana or cannabis as defined under the
3 State law authorizing the sale or use of cannabis in
4 which the individual or entity is located.

5 (2) CANNABIS INDUSTRY.—The term “cannabis
6 industry” means an individual or entity that is li-
7 censed or permitted under a State or local law to en-
8 gage in commercial cannabis-related activity.

9 (3) OWNER.—The term “owner” means an in-
10 dividual or entity that is defined as an owner under
11 the State or local law where the individual or busi-
12 ness is licensed or permitted.

13 **SEC. 10404. CREATION OF OPPORTUNITY TRUST FUND AND**
14 **IMPOSITION OF TAX ON CANNABIS PROD-**
15 **UCTS.**

16 (a) TRUST FUND.—

17 (1) ESTABLISHMENT.—Subchapter A of chap-
18 ter 98 of the Internal Revenue Code of 1986 is
19 amended by adding at the end the following new sec-
20 tion:

21 **“SEC. 9512. OPPORTUNITY TRUST FUND.**

22 “(a) CREATION OF TRUST FUND.—There is estab-
23 lished in the Treasury of the United States a trust fund
24 to be known as the ‘Opportunity Trust Fund’ (referred
25 to in this section as the ‘Trust Fund’), consisting of such

1 amounts as may be appropriated or credited to such fund
2 as provided in this section or section 9602(b).

3 “(b) TRANSFERS TO TRUST FUND.—There are here-
4 by appropriated to the Trust Fund amounts equivalent to
5 the net revenues received in the Treasury from the tax
6 imposed by section 5701(h).

7 “(c) EXPENDITURES.—Amounts in the Trust Fund
8 shall be available, without further appropriation, only as
9 follows:

10 “(1) 50 percent to the Attorney General to
11 carry out section 3052(a) of part OO of the Omni-
12 bus Crime Control and Safe Streets Act of 1968.

13 “(2) 10 percent to the Attorney General to
14 carry out section 3052(b) of part OO of the Omni-
15 bus Crime Control and Safe Streets Act of 1968.

16 “(3) 20 percent to the Administrator of the
17 Small Business Administration to carry out section
18 5(b)(1) of the Marijuana Opportunity Reinvestment
19 and Expungement Act of 2020.

20 “(4) 20 percent to the Administrator of the
21 Small Business Administration to carry out section
22 5(b)(2) of the Marijuana Opportunity Reinvestment
23 and Expungement Act of 2020.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions for subchapter A of chapter 98 of such Code

1 is amended by adding at the end the following new
2 item:

“Sec. 9512. Opportunity trust fund.”.

3 (b) IMPOSITION OF TAX.—

4 (1) IN GENERAL.—Section 5701 of the Internal
5 Revenue Code of 1986 is amended by redesignating
6 subsection (h) as subsection (i) and by inserting
7 after subsection (g) the following new subsection:

8 “(h) CANNABIS PRODUCTS.—On cannabis products,
9 manufactured in or imported into the United States, there
10 shall be imposed a tax equal to 5 percent of the price for
11 which sold.”.

12 (2) CANNABIS PRODUCT DEFINED.—Section
13 5702 of such Code is amended by adding at the end
14 the following new subsection:

15 “(q) CANNABIS PRODUCT.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), the term ‘cannabis product’ means any
18 cannabis or any article which contains cannabis or
19 any derivative thereof.

20 “(2) EXCEPTION.—The term ‘cannabis product’
21 shall not include any medicine or drug that is a pre-
22 scribed drug (as such term is defined in section
23 213(d)(3)).

24 “(3) CANNABIS.—The term ‘cannabis’—

1 “(A) means all parts of the plant *Cannabis*
2 *sativa* L., whether growing or not; the seeds
3 thereof; the resin extracted from any part of
4 such plant; and every compound, manufacture,
5 salt, derivative, mixture, or preparation of such
6 plant, its seeds or resin; and

7 “(B) does not include—

8 “(i) hemp, as defined in section 297A
9 of the Agricultural Marketing Act of 1946;
10 or

11 “(ii) the mature stalks of such plant,
12 fiber produced from such stalks, oil or cake
13 made from the seeds of such plant, any
14 other compound, manufacture, salt, deriva-
15 tive, mixture, or preparation of such ma-
16 ture stalks (except the resin extracted
17 therefrom), fiber, oil, or cake, or the steri-
18 lized seed of such plant which is incapable
19 of germination.”.

20 (3) CANNABIS PRODUCTS TREATED AS TO-
21 BACCO PRODUCTS.—Section 5702(c) of such Code is
22 amended by striking “and roll-your-own tobacco”
23 and inserting “roll-your-own tobacco, and cannabis
24 products”.

1 (4) MANUFACTURER OF CANNABIS PRODUCTS
2 TREATED AS MANUFACTURER OF TOBACCO PROD-
3 UCTS.—Section 5702 of such Code is amended by
4 adding at the end the following new subsection:

5 “(r) MANUFACTURER OF CANNABIS PRODUCTS.—

6 “(1) IN GENERAL.—Any person who plants,
7 cultivates, harvests, produces, manufactures, com-
8 pounds, converts, processes, prepares, or packages
9 any cannabis product shall be treated as a manufac-
10 turer of cannabis products (and as manufacturing
11 such cannabis product).

12 “(2) EXCEPTION.—Paragraph (1) shall not
13 apply with respect to any cannabis product which is
14 for such person’s own personal consumption or use.

15 “(3) APPLICATION OF RULES RELATED TO
16 MANUFACTURERS OF TOBACCO PRODUCTS.—Any
17 reference to a manufacturer of tobacco products, or
18 to manufacturing tobacco products, shall be treated
19 as including a reference to a manufacturer of can-
20 nabis products, or to manufacturing cannabis prod-
21 ucts, respectively.”.

22 (5) APPLICATION OF CERTAIN RULES FOR DE-
23 TERMINING PRICE.—Section 5702(l) of such Code is
24 amended—

1 (A) by striking “section 5701(a)(2)” and
2 inserting “subsections (a)(2) and (h) of section
3 5701”; and

4 (B) by inserting “AND CANNABIS PROD-
5 UCTS” after “CIGARS” in the heading thereof.

6 (6) CONFORMING AMENDMENT.—Section
7 5702(j) of such Code is amended by adding at the
8 end the following new sentence: “In the case of a
9 cannabis product, the previous sentence shall be ap-
10 plied by substituting ‘from a facility of a manufac-
11 turer required to file a bond under section 5711’ for
12 ‘from the factory or from internal revenue bond
13 under section 5704’.”.

14 (c) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in this subsection, the amendments made by
17 this section shall apply to articles manufactured or
18 imported in calendar quarters beginning more than
19 one year after the date of the enactment of this Act.

20 (2) TRUST FUND.—The amendments made by
21 subsection (a) shall take effect on the date of the en-
22 actment of this Act.

23 **SEC. 10405. OPPORTUNITY TRUST FUND PROGRAMS.**

24 (a) CANNABIS JUSTICE OFFICE; COMMUNITY REIN-
25 VESTMENT GRANT PROGRAM.—

1 (1) CANNABIS JUSTICE OFFICE.—Part A of
2 title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is
4 amended by inserting after section 109 the fol-
5 lowing:

6 **“SEC. 110. CANNABIS JUSTICE OFFICE.**

7 “(a) ESTABLISHMENT.—There is established within
8 the Office of Justice Programs a Cannabis Justice Office.

9 “(b) DIRECTOR.—The Cannabis Justice Office shall
10 be headed by a Director who shall be appointed by the
11 Assistant Attorney General for the Office of Justice Pro-
12 grams. The Director shall report to the Assistant Attorney
13 General for the Office of Justice Programs. The Director
14 shall award grants and may enter into compacts, coopera-
15 tive agreements, and contracts on behalf of the Cannabis
16 Justice Office. The Director may not engage in any em-
17 ployment other than that of serving as the Director, nor
18 may the Director hold any office in, or act in any capacity
19 for, any organization, agency, or institution with which the
20 Office makes any contract or other arrangement.

21 “(c) EMPLOYEES.—

22 “(1) IN GENERAL.—The Director shall employ
23 as many full-time employees as are needed to carry
24 out the duties and functions of the Cannabis Justice

1 Office under subsection (d). Such employees shall be
2 exclusively assigned to the Cannabis Justice Office.

3 “(2) INITIAL HIRES.—Not later than 6 months
4 after the date of enactment of this section, the Di-
5 rector shall—

6 “(A) hire no less than one-third of the
7 total number of employees of the Cannabis Jus-
8 tice Office; and

9 “(B) no more than one-half of the employ-
10 ees assigned to the Cannabis Justice Office by
11 term appointment that may after 2 years be
12 converted to career appointment.

13 “(3) LEGAL COUNSEL.—At least one employee
14 hired for the Cannabis Justice Office shall serve as
15 legal counsel to the Director and shall provide coun-
16 sel to the Cannabis Justice Office.

17 “(d) DUTIES AND FUNCTIONS.—The Cannabis Jus-
18 tice Office is authorized to—

19 “(1) administer the Community Reinvestment
20 Grant Program; and

21 “(2) perform such other functions as the Assist-
22 ant Attorney General for the Office of Justice Pro-
23 grams may delegate, that are consistent with the
24 statutory obligations of this section.”.

7 “SEC. 3052. AUTHORIZATION.

14 “(1) job training;
15 “(2) reentry services;
16 “(3) legal aid for civil and criminal cases, in-
17 cluding expungement of cannabis convictions;
18 “(4) literacy programs;
19 “(5) youth recreation or mentoring programs;
20 and
21 “(6) health education programs.

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1 administer substance use treatment services for individ-
2 uals most adversely impacted by the War on Drugs.

3 **“SEC. 3053. FUNDING FROM OPPORTUNITY TRUST FUND.**

4 “The Director shall carry out the program under this
5 part using funds made available under section 9512(c)(1)
6 and (2) of the Internal Revenue Code.

7 **“SEC. 3054. DEFINITIONS.**

8 “In this part:

9 “(1) The term ‘cannabis conviction’ means a
10 conviction, or adjudication of juvenile delinquency,
11 for a cannabis offense (as such term is defined in
12 section 12(2) of the Marijuana Opportunity Rein-
13 vestment and Expungement Act of 2020).

14 “(2) The term ‘substance use treatment’ means
15 an evidence-based, professionally directed, deliberate,
16 and planned regimen including evaluation, observa-
17 tion, medical monitoring, harm reduction, and reha-
18 bilitative services and interventions such as
19 pharmacotherapy, mental health services, and indi-
20 vidual and group counseling, on an inpatient or out-
21 patient basis, to help patients with substance use
22 disorder reach remission and maintain recovery.

23 “(3) The term ‘eligible entity’ means a non-
24 profit organization, as defined in section 501(c)(3)
25 of the Internal Revenue Code, that is representative

1 of a community or a significant segment of a com-
2 munity with experience in providing relevant services
3 to individuals most adversely impacted by the War
4 on Drugs in that community.

5 “(4) The term ‘individuals most adversely im-
6 pacted by the War on Drugs’ has the meaning given
7 that term in section 5 of the Marijuana Opportunity
8 Reinvestment and Expungement Act of 2020.”.

9 (b) CANNABIS OPPORTUNITY PROGRAM; EQUITABLE
10 LICENSING GRANT PROGRAM.—

11 (1) CANNABIS OPPORTUNITY PROGRAM.—The
12 Administrator of the Small Business Administration
13 shall establish and carry out a program, to be known
14 as the “Cannabis Opportunity Program” to provide
15 any eligible State or locality funds to make loans
16 under section 7(m) of the Small Business Act (15
17 U.S.C. 363(m)) to assist small business concerns
18 owned and controlled by socially and economically
19 disadvantaged individuals, as defined in section
20 8(d)(3)(C) of the Small Business Act (15 U.S.C.
21 637(d)(3)(C)) that operate in the cannabis industry.

22 (2) EQUITABLE LICENSING GRANT PROGRAM.—
23 The Administrator of the Small Business Adminis-
24 tration shall establish and carry out a grant pro-
25 gram, to be known as the “Equitable Licensing

1 Grant Program”, to provide any eligible State of lo-
2 cality funds to develop and implement equitable can-
3 nabis licensing programs that minimize barriers to
4 cannabis licensing and employment for individuals
5 most adversely impacted by the War on Drugs, pro-
6 vided that each grantee includes in its cannabis li-
7 censing program at least four of the following:

8 (A) A waiver of cannabis license applica-
9 tion fees for individuals who have had an in-
10 come below 250 percent of the Federal Poverty
11 Level for at least 5 of the past 10 years who
12 are first-time applicants.

13 (B) A prohibition on the denial of a can-
14 nabis license based on a conviction for a can-
15 nabis offense that took place prior to State le-
16 galization of cannabis or the date of enactment
17 of this Act, as appropriate.

18 (C) A prohibition on criminal conviction re-
19 strictions for licensing except with respect to a
20 conviction related to owning and operating a
21 business.

22 (D) A prohibition on cannabis license hold-
23 ers engaging in suspicionless cannabis drug
24 testing of their prospective or current employ-
25 ees, except with respect to drug testing for safe-

1 ty-sensitive positions, as defined under the Om-
2 nibus Transportation Testing Act of 1991.

3 (E) The establishment of a cannabis li-
4 censing board that is reflective of the racial,
5 ethnic, economic, and gender composition of the
6 State or locality, to serve as an oversight body
7 of the equitable licensing program.

8 (3) DEFINITIONS.—In this subsection:

9 (A) The term “individual most adversely
10 impacted by the War on Drugs” means an indi-
11 vidual—

12 (i) who has had an income below 250
13 percent of the Federal Poverty Level for at
14 least 5 of the past 10 years; and

15 (ii) has been arrested for or convicted
16 of the sale, possession, use, manufacture,
17 or cultivation of cannabis or a controlled
18 substance (except for a conviction involving
19 distribution to a minor), or whose parent,
20 sibling, spouse, or child has been arrested
21 for or convicted of such an offense.

22 (B) The term “eligible State or locality”
23 means a State or locality that has taken steps
24 to—

1 (i) create an automatic process, at no
2 cost to the individual, for the
3 expungement, destruction, or sealing of
4 criminal records for cannabis offenses; and

5 (ii) eliminate violations or other pen-
6 alties for persons under parole, probation,
7 pre-trial, or other State or local criminal
8 supervision for a cannabis offense.

9 (C) The term “State” means each of the
10 several States, the District of Columbia, Puerto
11 Rico, any territory or possession of the United
12 States, and any Indian Tribe (as defined in sec-
13 tion 201 of Public Law 90–294 (25 U.S.C.
14 1301) (commonly known as the “Indian Civil
15 Rights Act of 1968”)).

16 **SEC. 10406. AVAILABILITY OF SMALL BUSINESS ADMINIS-**
17 **TRATION PROGRAMS AND SERVICES TO CAN-**
18 **NABIS-RELATED LEGITIMATE BUSINESSES**
19 **AND SERVICE PROVIDERS.**

20 (a) DEFINITIONS RELATING TO CANNABIS-RELATED
21 LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—
22 Section 3 of the Small Business Act (15 U.S.C. 632) is
23 amended by adding at the end the following new sub-
24 section:

1 “(ff) CANNABIS-RELATED LEGITIMATE BUSINESSES
2 AND SERVICE PROVIDERS.—In this Act:

3 “(1) CANNABIS.—The term ‘cannabis’—

4 “(A) means all parts of the plant Cannabis
5 sativa L., whether growing or not; the seeds
6 thereof; the resin extracted from any part of
7 such plant; and every compound, manufacture,
8 salt, derivative, mixture, or preparation of such
9 plant, its seeds or resin; and

10 “(B) does not include—

11 “(i) hemp, as defined in section 297A
12 of the Agricultural Marketing Act of 1946;
13 or

14 “(ii) the mature stalks of such plant,
15 fiber produced from such stalks, oil or cake
16 made from the seeds of such plant, any
17 other compound, manufacture, salt, deriva-
18 tive, mixture, or preparation of such ma-
19 ture stalks (except the resin extracted
20 therefrom), fiber, oil, or cake, or the steri-
21 lized seed of such plant which is incapable
22 of germination.

23 “(2) CANNABIS-RELATED LEGITIMATE BUSI-
24 NESS.—The term ‘cannabis-related legitimate busi-
25 ness’ means a manufacturer, producer, or any per-

1 son or company that is a small business concern and
2 that—

3 “(A) engages in any activity described in
4 subparagraph (B) pursuant to a law established
5 by a State or a political subdivision of a State,
6 as determined by such State or political sub-di-
7 vision; and

8 “(B) participates in any business or orga-
9 nized activity that involves handling cannabis or
10 cannabis products, including cultivating, pro-
11 ducing, manufacturing, selling, transporting,
12 displaying, dispensing, distributing, or pur-
13 chasing cannabis or cannabis products.

14 “(3) SERVICE PROVIDER.—The term ‘service
15 provider’—

16 “(A) means a business, organization, or
17 other person that—

18 “(i) sells goods or services to a can-
19 nabis-related legitimate business; or

20 “(ii) provides any business services,
21 including the sale or lease of real or any
22 other property, legal or other licensed serv-
23 ices, or any other ancillary service, relating
24 to cannabis; and

1 “(B) does not include a business, organiza-
2 tion, or other person that participates in any
3 business or organized activity that involves han-
4 dling cannabis or cannabis products, including
5 cultivating, producing, manufacturing, selling,
6 transporting, displaying, dispensing, distrib-
7 uting, or purchasing cannabis or cannabis prod-
8 ucts.”.

9 (b) SMALL BUSINESS DEVELOPMENT CENTERS.—
10 Section 21(c) of the Small Business Act (15 U.S.C.
11 648(c)) is amended by adding at the end the following new
12 paragraph:

13 “(9) SERVICES FOR CANNABIS-RELATED LE-
14 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
15 A small business development center may not decline
16 to provide services to an otherwise eligible small
17 business concern under this section solely because
18 such concern is a cannabis-related legitimate busi-
19 ness or service provider.”.

20 (c) WOMEN’S BUSINESS CENTERS.—Section 29 of
21 the Small Business Act (15 U.S.C. 656) is amended by
22 adding at the end the following new subsection:

23 “(p) SERVICES FOR CANNABIS-RELATED LEGITI-
24 MATE BUSINESSES AND SERVICE PROVIDERS.—A wom-
25 en’s business center may not decline to provide services

1 to an otherwise eligible small business concern under this
2 section solely because such concern is a cannabis-related
3 legitimate business or service provider.”.

4 (d) SCORE.—Section 8(b)(1)(B) of the Small Busi-
5 ness Act (15 U.S.C. 637(b)(1)(B)) is amended by adding
6 at the end the following new sentence: “The head of the
7 SCORE program established under this subparagraph
8 may not decline to provide services to an otherwise eligible
9 small business concern solely because such concern is a
10 cannabis-related legitimate business or service provider.”.

11 (e) VETERAN BUSINESS OUTREACH CENTERS.—Sec-
12 tion 32 of the Small Business Act (15 U.S.C. 657b) is
13 amended by adding at the end the following new sub-
14 section:

15 “(h) SERVICES FOR CANNABIS-RELATED LEGITI-
16 MATE BUSINESSES AND SERVICE PROVIDERS.—A Vet-
17 eran Business Outreach Center may not decline to provide
18 services to an otherwise eligible small business concern
19 under this section solely because such concern is a can-
20 nabis-related legitimate business or service provider.”.

21 (f) 7(a) LOANS.—Section 7(a) of the Small Business
22 Act (15 U.S.C. 636(a)) is amended by adding at the end
23 the following new paragraph:

24 “(36) LOANS TO CANNABIS-RELATED LEGITI-
25 MATE BUSINESSES AND SERVICE PROVIDERS.—The

1 Administrator may not decline to provide a guar-
2 antee for a loan under this subsection to an other-
3 wise eligible small business concern solely because
4 such concern is a cannabis-related legitimate busi-
5 ness or service provider.”.

6 (g) DISASTER LOANS.—Section 7(b) of the Small
7 Business Act (15 U.S.C. 636(b)) is amended by inserting
8 after paragraph (15) the following new paragraph:

9 “(16) ASSISTANCE TO CANNABIS-RELATED LE-
10 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
11 The Administrator may not decline to provide assist-
12 ance under this subsection to an otherwise eligible
13 borrower solely because such borrower is a cannabis-
14 related legitimate business or service provider.”.

15 (h) MICROLOANS.—Section 7(m) of the Small Busi-
16 ness Act (15 U.S.C. 636(m)) is amended by adding at the
17 end the following new paragraph:

18 “(14) ASSISTANCE TO CANNABIS-RELATED LE-
19 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
20 An eligible intermediary may not decline to provide
21 assistance under this subsection to an otherwise eli-
22 gible borrower solely because such borrower is a can-
23 nabis-related legitimate business or service pro-
24 vider.”.

1 (i) STATE OR LOCAL DEVELOPMENT COMPANY
 2 LOANS.—Title V of the Small Business Investment Act
 3 of 1958 (15 U.S.C. 695 et seq.) is amended by adding
 4 at the end the following new section:

5 **“SEC. 511. LOANS TO CANNABIS-RELATED LEGITIMATE**
 6 **BUSINESSES AND SERVICE PROVIDERS.**

7 “The Administrator may not decline to provide a
 8 guarantee for a loan under this title to an otherwise eligi-
 9 ble State or local development company solely because
 10 such State or local development company provides financ-
 11 ing to an entity that is a cannabis-related legitimate busi-
 12 ness or service provider (as defined in section 3(ff) of the
 13 Small Business Act).”.

14 **SEC. 10407. NO DISCRIMINATION IN THE PROVISION OF A**
 15 **FEDERAL PUBLIC BENEFIT ON THE BASIS OF**
 16 **CANNABIS.**

17 (a) IN GENERAL.—No person may be denied any
 18 Federal public benefit (as such term is defined in section
 19 401(c) of the Personal Responsibility and Work Oppor-
 20 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))) on
 21 the basis of any use or possession of cannabis, or on the
 22 basis of a conviction or adjudication of juvenile delin-
 23 quency for a cannabis offense, by that person.

24 (b) SECURITY CLEARANCES.—Federal agencies may
 25 not use past or present cannabis or marijuana use as cri-

1 teria for granting, denying, or rescinding a security clear-
2 ance.

3 **SEC. 10408. NO ADVERSE EFFECT FOR PURPOSES OF THE**
4 **IMMIGRATION LAWS.**

5 (a) IN GENERAL.—For purposes of the immigration
6 laws (as such term is defined in section 101 of the Immi-
7 gration and Nationality Act), cannabis may not be consid-
8 ered a controlled substance, and an alien may not be de-
9 nied any benefit or protection under the immigration laws
10 based on any event, including conduct, a finding, an ad-
11 mission, addiction or abuse, an arrest, a juvenile adjudica-
12 tion, or a conviction, relating to cannabis, regardless of
13 whether the event occurred before, on, or after the effec-
14 tive date of this subtitle.

15 (b) CANNABIS DEFINED.—The term “cannabis”—

16 (1) means all parts of the plant *Cannabis sativa*
17 *L.*, whether growing or not; the seeds thereof; the
18 resin extracted from any part of such plant; and
19 every compound, manufacture, salt, derivative, mix-
20 ture, or preparation of such plant, its seeds or resin;
21 and

22 (2) does not include—

23 (A) hemp, as defined in section 297A of
24 the Agricultural Marketing Act of 1946; or

1 (B) the mature stalks of such plant, fiber
2 produced from such stalks, oil or cake made
3 from the seeds of such plant, any other com-
4 pound, manufacture, salt, derivative, mixture,
5 or preparation of such mature stalks (except
6 the resin extracted therefrom), fiber, oil, or
7 cake, or the sterilized seed of such plant which
8 is incapable of germination.

9 (c) CONFORMING AMENDMENTS TO IMMIGRATION
10 AND NATIONALITY ACT.—The Immigration and Nation-
11 ality Act (8 U.S.C. 1101 et seq.) is amended—

12 (1) in section 212(h), by striking “and subpara-
13 graph (A)(i)(II) of such subsection insofar as it re-
14 lates to a single offense of simple possession of 30
15 grams or less of marijuana”;

16 (2) in section 237(a)(2)(B)(i), by striking
17 “other than a single offense involving possession for
18 one’s own use of 30 grams or less of marijuana”;

19 (3) in section 101(f)(3), by striking “(except as
20 such paragraph relates to a single offense of simple
21 possession of 30 grams or less of marihuana)”;

22 (4) in section 244(c)(2)(A)(iii)(II) by striking
23 “except for so much of such paragraph as relates to
24 a single offense of simple possession of 30 grams or
25 less of marijuana”;

1 (5) in section 245(h)(2)(B) by striking “(except
2 for so much of such paragraph as related to a single
3 offense of simple possession of 30 grams or less of
4 marijuana)”;

5 (6) in section 210(c)(2)(B)(ii)(III) by striking
6 “, except for so much of such paragraph as relates
7 to a single offense of simple possession of 30 grams
8 or less of marihuana”; and

9 (7) in section 245A(d)(2)(B)(ii)(II) by striking
10 “, except for so much of such paragraph as relates
11 to a single offense of simple possession of 30 grams
12 or less of marihuana”.

13 **SEC. 10409. RESENTENCING AND EXPUNGEMENT.**

14 (a) **EXPUNGEMENT OF FEDERAL CANNABIS OF-**
15 **FENSE CONVICTIONS FOR INDIVIDUALS NOT UNDER A**
16 **CRIMINAL JUSTICE SENTENCE.—**

17 (1) **IN GENERAL.**—Not later than 1 year after
18 the date of the enactment of this Act, each Federal
19 district shall conduct a comprehensive review and
20 issue an order expunging each conviction or adju-
21 dication of juvenile delinquency for a Federal can-
22 nabis offense entered by each Federal court in the
23 district before the date of enactment of this Act and
24 on or after May 1, 1971. Each Federal court shall
25 also issue an order expunging any arrests associated

1 with each expunged conviction or adjudication of ju-
2 venile delinquency.

3 (2) NOTIFICATION.—To the extent practicable,
4 each Federal district shall notify each individual
5 whose arrest, conviction, or adjudication of delin-
6 quency has been expunged pursuant to this sub-
7 section that their arrest, conviction, or adjudication
8 of juvenile delinquency has been expunged, and the
9 effect of such expungement.

10 (3) RIGHT TO PETITION COURT FOR
11 EXPUNGEMENT.—At any point after the date of en-
12 actment of this Act, any individual with a prior con-
13 viction or adjudication of juvenile delinquency for a
14 Federal cannabis offense, who is not under a crimi-
15 nal justice sentence, may file a motion for
16 expungement. If the expungement of such a convic-
17 tion or adjudication of juvenile delinquency is re-
18 quired pursuant to this subtitle, the court shall ex-
19 punge the conviction or adjudication, and any associ-
20 ated arrests. If the individual is indigent, counsel
21 shall be appointed to represent the individual in any
22 proceedings under this subsection.

23 (4) SEALED RECORD.—The court shall seal all
24 records related to a conviction or adjudication of ju-
25 venile delinquency that has been expunged under

1 this subsection. Such records may only be made
2 available by further order of the court.

3 (b) SENTENCING REVIEW FOR INDIVIDUALS UNDER
4 A CRIMINAL JUSTICE SENTENCE.—

5 (1) IN GENERAL.—For any individual who is
6 under a criminal justice sentence for a Federal can-
7 nabis offense, the court that imposed the sentence
8 shall, on motion of the individual, the Director of
9 the Bureau of Prisons, the attorney for the Govern-
10 ment, or the court, conduct a sentencing review
11 hearing. If the individual is indigent, counsel shall
12 be appointed to represent the individual in any sen-
13 tencing review proceedings under this subsection.

14 (2) POTENTIAL REDUCED RESENTENCING.—
15 After a sentencing hearing under paragraph (1), a
16 court shall—

17 (A) expunge each conviction or adjudica-
18 tion of juvenile delinquency for a Federal can-
19 nabis offense entered by the court before the
20 date of enactment of this Act, and any associ-
21 ated arrest;

22 (B) vacate the existing sentence or disposi-
23 tion of juvenile delinquency and, if applicable,
24 impose any remaining sentence or disposition of
25 juvenile delinquency on the individual as if this

1 subtitle, and the amendments made by this sub-
2 title, were in effect at the time the offense was
3 committed; and

4 (C) order that all records related to a con-
5 viction or adjudication of juvenile delinquency
6 that has been expunged or a sentence or dis-
7 position of juvenile delinquency that has been
8 vacated under this subtitle be sealed and only
9 be made available by further order of the court.

10 (c) EFFECT OF EXPUNGEMENT.—An individual who
11 has had an arrest, a conviction, or juvenile delinquency
12 adjudication expunged under this section—

13 (1) may treat the arrest, conviction, or adju-
14 dication as if it never occurred; and

15 (2) shall be immune from any civil or criminal
16 penalties related to perjury, false swearing, or false
17 statements, for a failure to disclose such arrest, con-
18 viction, or adjudication.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “Federal cannabis offense” means
21 an offense that is no longer punishable pursuant to
22 this subtitle or the amendments made under this
23 subtitle.

24 (2) The term “expunge” means, with respect to
25 an arrest, a conviction, or a juvenile delinquency ad-

1 judication, the removal of the record of such arrest,
2 conviction, or adjudication from each official index
3 or public record.

4 (3) The term “under a criminal justice sen-
5 tence” means, with respect to an individual, that the
6 individual is serving a term of probation, parole, su-
7 pervised release, imprisonment, official detention,
8 pre-release custody, or work release, pursuant to a
9 sentence or disposition of juvenile delinquency im-
10 posed on or after the effective date of the Controlled
11 Substances Act (May 1, 1971).

12 **SEC. 10410. REFERENCES IN EXISTING LAW TO MARIJUANA**
13 **OR MARIHUANA.**

14 Wherever, in the statutes of the United States or in
15 the rulings, regulations, or interpretations of various ad-
16 ministrative bureaus and agencies of the United States—

17 (1) there appears or may appear the term
18 “marihuana” or “marijuana”, that term shall be
19 struck and the term “cannabis” shall be inserted;
20 and

21 (2) there appears or may appear the term
22 “Marihuana” or “Marijuana”, that term shall be
23 struck and the term “Cannabis” shall be inserted.

1 **SEC. 10411. SEVERABILITY.**

2 If any provision of this subtitle or an amendment
3 made by this subtitle, or any application of such provision
4 to any person or circumstance, is held to be unconstitu-
5 tional, the remainder of this subtitle, the amendments
6 made by this subtitle, and the application of this subtitle
7 and the amendments made by this subtitle to any other
8 person or circumstance shall not be affected.

9 **SEC. 10412. CANNABIS OFFENSE DEFINED.**

10 For purposes of this subtitle, the term “cannabis of-
11 fense” means a criminal offense related to cannabis—

12 (1) that, under Federal law, is no longer pun-
13 ishable pursuant to this subtitle or the amendments
14 made under this subtitle; or

15 (2) that, under State law, is no longer an of-
16 fense or that was designated a lesser offense or for
17 which the penalty was reduced under State law pur-
18 suant to or following the adoption of a State law au-
19 thorizing the sale or use of cannabis.

20 **SEC. 10413. RULEMAKING.**

21 Unless otherwise provided in this subtitle, not later
22 than 1 year after the date of enactment of this Act, the
23 Department of the Treasury, the Department of Justice,
24 and the Small Business Administration shall issue or
25 amend any rules, standard operating procedures, and
26 other legal or policy guidance necessary to carry out imple-

8 SEC. 10501. SHORT TITLE.

11 **SEC. 10502. FINDINGS.**

(1) Body cameras employed in police actions have led to increases in public trust and decreases in police violence.

21 SEC. 10503. USE OF BODY CAMERAS BY CERTAIN ICE OFFI-
22 CERS.

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1 sure that all deportation officers of Enforcement and Re-
2 moval Operations of ICE wear body cameras when such
3 officers are engaged in field operations or removal pro-
4 ceedings.

5 (b) IMPLEMENTATION.—To carry out subsection (a),
6 the Director of ICE shall, not later than 12 months after
7 the date of the enactment of this Act—

8 (1) establish policies and procedures for when
9 deportation officers of Enforcement and Removal
10 Operations of ICE should wear, activate, and deacti-
11 vate body cameras;

12 (2) develop standards for the effective place-
13 ment of such cameras;

14 (3) publish and implement best practices for re-
15 ceiving and storing accurate recordings from such
16 cameras;

17 (4) establish guidelines and training for such
18 officers on the proper management and use of such
19 cameras; and

20 (5) establish policies for the availability of such
21 recordings to the subjects of removal proceedings,
22 victims of crime, internal use by law enforcement of-
23 ficials, and the general public.

1 **SEC. 10504. RECORDINGS TO BE PROVIDED TO CERTAIN**
2 **PERSONS.**

3 A recording made by a body camera worn by a depor-
4 tation officer during an enforcement action shall be pro-
5 vided, in the case of any administrative proceeding (in-
6 cluding a removal proceeding), civil action, or criminal
7 prosecution to which such recording pertains, to each
8 party to the proceeding, action, or prosecution.

9 **SEC. 10505. WITHHOLDING OF CERTAIN FUNDS.**

10 Any funds necessary to purchase, store, use, or main-
11 tain body cameras described in this subtitle shall be de-
12 rived from funds made available to purchase new weapons
13 for ICE officials.

14 **Subtitle G—Demanding Oversight**
15 **From Justice**

16 **SEC. 10701. SHORT TITLE.**

17 This subtitle may be cited as the “Demanding Over-
18 sight from Justice Act of 2020”.

19 **SEC. 10702. CIVIL ACTION BY ATTORNEY GENERAL.**

20 Section 210401(b) of the Violent Crime Control and
21 Law Enforcement Act of 1994 (34 U.S.C. 12601(b)) is
22 amended by striking “may in a civil action” and inserting
23 “shall in a civil action”.

24 **SEC. 10703. ANNUAL REPORTING REQUIREMENT.**

25 Not later than 1 year after the date of enactment
26 of this section, and annually thereafter, the Attorney Gen-

1 eral shall publish a report describing the complaints re-
2 ceived by the Department of Justice alleging violations of
3 section 210401 of the Violent Crime Control and Law En-
4 forcement Act of 1994, including—

5 (1) information on each investigation conducted
6 and each civil action initiated—

7 (A) pursuant to all such complaints; or

8 (B) without such a complaint having been
9 filed; and

10 (2) for each complaint received for which the
11 Attorney General does not initiate an investigation
12 or a civil action, an explanation as to why no inves-
13 tigation or civil action was initiated.

14 **Subtitle H—Building Bridges and**
15 **Transforming Resentment and**
16 **Unfairness to Support and Trust**
17 **for Municipal Law Enforcement**

18 **SEC. 10801. SHORT TITLE.**

19 This subtitle may be cited as the “Building Bridges
20 and Transforming Resentment and Unfairness to Support
21 and Trust for Municipal Law Enforcement Act of 2020”
22 or the “Build TRUST Act of 2020”.

23 **SEC. 10802. FINDINGS.**

24 Congress finds the following:

1 (1) The growing trend of local units of govern-
2 ment using traffic fines and traffic court fees and
3 costs as revenue generators promotes unfair, exces-
4 sive targeting of citizens by law enforcement agents,
5 infringes on civil liberties, and promotes reliance on
6 unpredictable revenue sources.

7 (2) The growing trend of local units of govern-
8 ment using traffic fines and traffic court fees and
9 costs as revenue generators has the potential to
10 breed public cynicism and distrust of local law en-
11 forcement agencies, and to lessen public confidence
12 that the laws are being enforced impartially and the
13 criminal justice system is administered equally.

14 **SEC. 10803. REDUCTION IN GRANT FUNDING FOR UNITS OF**
15 **LOCAL GOVERNMENT.**

16 (a) COLLECTION OF FINES FOR VIOLATIONS OF
17 TRAFFIC LAWS.—Except as provided in subsection (b) or
18 section 10804, a unit of local government which, during
19 the previous 3 fiscal years, funded an amount that, on
20 average, was greater than 18 percent of its operating
21 budget using revenue generated from collecting fines and
22 other fees related to violations of traffic laws, shall, in the
23 case of a unit of local government receiving grant funds
24 under subpart 1 of part E of title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968 (42 U.S.C. 3750

1 et seq.), receive only 25 percent of the grant award that
2 would have otherwise been awarded to that unit of local
3 government under such subpart.

4 (b) DISPROPORTIONATE RACIAL COMPOSITION OF
5 LAW ENFORCEMENT AGENCIES.—In the case of a unit of
6 local government described in subsection (a) for which,
7 during the previous fiscal year, the percentage of individ-
8 uals who identify as a race who were employees of the
9 law enforcement agency for that unit of local government,
10 and the percentage of individuals who identify as that race
11 who live in the jurisdiction which that law enforcement
12 agency serves, differs by greater than 30 percent, the unit
13 of local government shall receive only 5 percent of the
14 grant award that would have otherwise been awarded to
15 that unit of local government under subpart 1 of part E
16 of title I of the Omnibus Crime Control and Safe Streets
17 Act of 1968 (42 U.S.C. 3750 et seq.).

18 (c) OBLIGATION OF STATES.—A State that receives
19 a grant award under subpart 1 of part E of title I of the
20 Omnibus Crime Control and Safe Streets Act of 1968 (42
21 U.S.C. 3750 et seq.), which does not reduce a subgrant
22 award made under such grant to a unit of local govern-
23 ment in its jurisdiction in accordance with this section,
24 shall, in the succeeding fiscal year, receive only 50 percent

1 of the grant award that would have otherwise been award-
2 ed to that State under such subpart.

3 (d) REALLOCATION.—Any funds withheld from a
4 State or unit of local government from a direct grant
5 award by the Attorney General shall be reallocated in ac-
6 cordance with subpart 1 of part E of title I of the Omni-
7 bus Crime Control and Safe Streets Act of 1968 (42
8 U.S.C. 3750 et seq.).

9 **SEC. 10804. EXEMPTIONS.**

10 The provisions of section 10803 shall not apply in
11 the case of any unit of local government—

12 (1) that serves a population of less than 15,000
13 people and so certifies to the Attorney General; or

14 (2) to which the Attorney General has granted
15 a waiver under section 10805.

16 **SEC. 10805. WAIVERS.**

17 The Attorney General may, in his or her discretion,
18 grant a waiver under this section to any unit of local gov-
19 ernment for good cause shown, and shall consider the fol-
20 lowing factors:

21 (1) Whether, resulting from allegations of ex-
22 cessive uses of force, false arrests, improper searches
23 and seizures, failures to discipline officers suffi-
24 ciently, or failure to supervise officers, the unit of
25 local government is subject to a consent decree or

1 Memorandum of Understanding, or the subject of an
2 investigation by the Special Litigation Section of the
3 Civil Rights Division of the Department of Justice.

4 (2) Whether the unit of local government has
5 taken affirmative action to ensure that adequate
6 practices and procedures are in place to increase
7 public trust and confidence in the impartial and eq-
8 uitable administration of justice, including—

9 (A) whether incidents of officer involved
10 shootings and uses of excessive force are inves-
11 tigated by a Special Prosecutor appointed by
12 the Governor, State Attorney General, or Pre-
13 siding Judge of the local court of jurisdiction;

14 (B) whether incidents of officer involved
15 shootings and uses of excessive force are adju-
16 dicated in a public proceeding rather than the
17 grand jury process.

18 (3) Whether the minority community is equi-
19 tably represented in the municipality's legislative
20 body and executive departments.

21 **Subtitle I—Clarification of Right to** 22 **Counsel**

23 **SEC. 10901. CLARIFICATION OF RIGHT TO COUNSEL.**

24 (a) RIGHT TO COUNSEL IN IMMIGRATION PRO-
25 CEEDINGS.—

1 (1) Subparagraph (A) of section 240(b)(4) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1229a(b)(4)) is amended to read as follows:

4 “(A) the alien shall have the privilege of
5 being represented by counsel of the alien’s
6 choosing who is authorized to practice in such
7 proceedings,”.

8 (2) Section 292 of the Immigration and Nation-
9 ality Act (8 U.S.C. 1362) is amended to read as fol-
10 lows:

11 **“SEC. 292. RIGHT TO COUNSEL.**

12 “(a) IN GENERAL.—In any removal, exclusion, or de-
13 portation proceeding or inspection under section 235(a),
14 235(b), 236, 238, 240, or 241, the person subject to such
15 proceeding shall be entitled to representation by such au-
16 thorized counsel as the person may choose.

17 “(b) REDRESS OPTIONS.—If counsel cannot person-
18 ally meet with a person subject to holding, detention, or
19 inspection at a port of entry, U.S. Customs and Border
20 Protection or U.S. Immigration and Customs Enforce-
21 ment, as appropriate, shall provide redress options
22 through which counsel may communicate remotely with
23 the held or detained person during the first hour and
24 thereafter of such holding or detention, regardless of the
25 day or time when such holding or detention began.

1 “(c) RECORD OF ABANDONMENT OF LAWFUL PER-
2 MANENT RESIDENT STATUS OR WITHDRAWAL OF APPLI-
3 CATION FOR ADMISSION.—A person held or detained at
4 a port of entry may not submit a valid Record of Abandon-
5 ment of Lawful Permanent Resident Status or Withdrawal
6 of Application for Admission if such person has been de-
7 nied access to counsel in accordance with this section.

8 “(d) DEFINITIONS.—In this section:

9 “(1) INSPECTION.—The term ‘inspection’ does
10 not include primary inspection (as defined in the
11 policies of the Department of Homeland Security).

12 “(2) PERSON.—The term ‘person’ has the
13 meaning given the term in section 101(b)(3).”.

14 (b) RIGHT TO COUNSEL OR REPRESENTATION.—Sec-
15 tion 555(b) of title 5, United States Code, is amended by
16 adding at the end the following: “The right to be accom-
17 panied, represented, and advised by counsel or other quali-
18 fied representative under this subsection shall extend to
19 any person subject to a proceeding, examination, holding,
20 or detention described in section 292 of the Immigration
21 and Nationality Act (8 U.S.C. 1362).”.

22 (c) SAVINGS PROVISION.—Nothing in this section, or
23 in any amendment made by this section, may be construed
24 to limit any preexisting right to counsel under section 292
25 of the Immigration and Nationality Act (8 U.S.C. 1362),

1 as in effect on the day before the date of the enactment
2 of this Act, or under any other law.

3 **SEC. 10902. TREATMENT OF INDIVIDUALS HELD OR DE-**
4 **TAINED AT PORTS OF ENTRY OR AT ANY CBP**
5 **OR ICE DETENTION FACILITY.**

6 (a) IN GENERAL.—The holding or detention of indi-
7 viduals at a port of entry or at any holding or detention
8 facility overseen by U.S. Customs and Border Protection
9 or U.S. Immigration and Customs Enforcement—

10 (1) shall be limited to the briefest term and the
11 least restrictive conditions practicable and consistent
12 with the rationale for such holding or detention; and

13 (2) shall include access to food, water, and rest-
14 room facilities.

15 (b) SAVINGS PROVISION.—Nothing in this section
16 may be construed to limit agencies from complying with
17 other legal authorities, policies, or standards with respect
18 to treatment of individuals held or detained at ports of
19 entry or at any holding or detention facility overseen by
20 U.S. Customs and Border Protection or U.S. Immigration
21 and Customs Enforcement.

1 **Subtitle J—Equal Justice Under**
2 **Law**

3 **SEC. 11001. SHORT TITLE.**

4 This subtitle may be cited as the “Equal Justice
5 Under Law Act of 2020”.

6 **SEC. 11002. EFFECTIVE ASSISTANCE OF COUNSEL.**

7 (a) IN GENERAL.—An indigent individual facing
8 criminal prosecution or juvenile delinquency in a State
9 court shall be entitled to the effective assistance of coun-
10 sel, as guaranteed by the Sixth and Fourteenth Amend-
11 ments to the Constitution of the United States, at the ex-
12 pense of the State.

13 (b) DELEGATION.—If a State delegates fiscal or ad-
14 ministrative authority over the indigent defense function
15 to a political subdivision of the State, the State shall se-
16 cure effective assistance of counsel for the individual.

17 (c) INEFFECTIVE ASSISTANCE.—For purposes of this
18 section, the assistance of counsel is ineffective if the per-
19 formance of counsel was not reasonable under prevailing
20 professional norms.

21 **SEC. 11003. REMEDY.**

22 (a) CLASS ACTION AUTHORIZED.—If a State official
23 or one or more of a political subdivision of the State fails
24 on a systemic basis to guarantee the right to the assist-
25 ance of effective counsel as guaranteed by the Sixth and

1 Fourteenth Amendments to the Constitution of the United
2 States, an individual aggrieved by a violation of section
3 11002 may commence a civil class action in an appropriate
4 district court of the United States to seek declaratory, in-
5 junctive, or other equitable relief.

6 (b) ABSTENTION DOCTRINE.—A court entertaining a
7 petition for relief filed under this subtitle need not apply
8 the abstention doctrine established in *Younger v. Harris*
9 (401 U.S. 37).

10 (c) ATTORNEY'S FEES.—In any action or proceeding
11 under this section, the court, in its discretion, may allow
12 the prevailing party, other than a named official of a State
13 or political subdivision of a State, a reasonable attorney's
14 fee as part of the costs. In awarding an attorney's fee
15 under this subsection, the court, in its discretion, may in-
16 clude expert fees as part of the attorney's fee.

17 (d) SAVINGS PROVISION.—Nothing in this section
18 shall restrict any right that any individual has under any
19 other statute or under common law to seek redress for
20 a violation of the right to counsel.

21 **SEC. 11004. EDWARD BYRNE MEMORIAL JUSTICE ASSIST-**
22 **ANCE GRANT PROGRAM.**

23 Section 501(b) of the Omnibus Crime Control and
24 Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended

1 by inserting “, in consultation with public defenders,” be-
 2 fore “may”.

3 **Subtitle K—Clarence Gideon Full**
 4 **Access to Justice**

5 **SEC. 11101. SHORT TITLE.**

6 This subtitle may be cited as the “Clarence Gideon
 7 Full Access to Justice Act” or the “Gideon Act”.

8 **SEC. 11102. DEFENDER OFFICE FOR SUPREME COURT AD-**
 9 **VOCACY.**

10 (a) IN GENERAL.—Chapter 201 of title 18, United
 11 States Code, is amended by inserting after section 3006A
 12 the following:

13 **“§ 3006B. Defender Office for Supreme Court Advo-**
 14 **cacy**

15 “(a) DEFINITIONS.—In this section—

16 “(1) the term ‘Board’ means the Board of Di-
 17 rectors established under subsection (d) for the Of-
 18 fice;

19 “(2) the term ‘consult’ includes, with respect to
 20 covered cases—

21 “(A) giving advice;

22 “(B) drafting or editing briefs;

23 “(C) providing assistance with moot
 24 courts; and

1 “(D) organizing or coordinating the draft-
2 ing, editing, and filing of amicus curiae briefs;

3 “(3) the term ‘covered case’ means a noncapital
4 case involving an issue of Federal criminal statutory
5 or constitutional law;

6 “(4) the term ‘Director’ means the Director of
7 the Office selected in accordance with subsection (e);
8 and

9 “(5) the term ‘Office’ means the Defender Of-
10 fice for Supreme Court Advocacy established under
11 subsection (b).

12 “(b) ESTABLISHMENT; PURPOSES.—There is estab-
13 lished in the District of Columbia a private nonmember-
14 ship nonprofit corporation, which shall be known as the
15 Defender Office for Supreme Court Advocacy, for the pur-
16 pose of—

17 “(1) advocating on behalf of individuals in cov-
18 ered cases before—

19 “(A) the Supreme Court of the United
20 States; and

21 “(B) when resources permit, the highest
22 court of a State; and

23 “(2) providing assistance to attorneys advo-
24 cating on behalf of individuals in covered cases de-
25 scribed in paragraph (1).

1 “(c) PRINCIPAL OFFICE.—The Office shall maintain
2 its principal office in the District of Columbia.

3 “(d) BOARD OF DIRECTORS.—

4 “(1) IN GENERAL.—The Office shall have a
5 Board of Directors consisting of 18 voting mem-
6 bers—

7 “(A) 6 of whom shall be Federal Public
8 Defenders or Executive Directors of Community
9 Defender Organizations described in section
10 3006A, elected by the Federal Public Defenders
11 and the Executive Directors of Community De-
12 fender Organizations in each district;

13 “(B) 6 of whom shall be attorneys from a
14 panel described in section 3006A(b), elected by
15 the panel attorney district representatives; and

16 “(C) 6 of whom shall be State or local
17 public defenders from geographically diverse
18 States, who shall be elected by the individuals
19 elected under subparagraphs (A) and (B) not
20 later than 6 months after the date of the first
21 meeting of the Board.

22 “(2) STAGGERED TERMS.—

23 “(A) IN GENERAL.—A member of the
24 Board shall serve a term of 4 years, except that
25 the first members elected to the Board under

1 subparagraph (A) or (B) of paragraph (1) shall
2 be divided into Class A and Class B.

3 “(B) CLASSES.—Class A and Class B shall
4 each consist of—

5 “(i) 3 members elected under para-
6 graph (1)(A); and

7 “(ii) 3 members elected under para-
8 graph (1)(B).

9 “(C) TERMS.—

10 “(i) INITIAL TERMS.—For the initial
11 members of the Board—

12 “(I) members of Class A shall
13 serve a term of 2 years;

14 “(II) members of Class B shall
15 serve a term of 4 years; and

16 “(III) members elected under
17 paragraph (1)(C) shall serve a term of
18 4 years.

19 “(ii) SUBSEQUENT TERMS.—All sub-
20 sequent terms shall be for a term of 4
21 years.

22 “(D) MEMBERSHIP OF EACH CLASS.—The
23 membership of each class shall be determined
24 by the members of the Board at the first meet-
25 ing of the Board of Directors.

1 “(E) VACANCIES.—Interim elections may
2 be held to fill any vacancies.

3 “(3) BYLAWS.—The Board shall establish by-
4 laws to govern the operations of the Office.

5 “(e) DIRECTOR.—

6 “(1) IN GENERAL.—The Board of Directors
7 shall appoint a Director for the Office.

8 “(2) REQUIREMENT.—The Director appointed
9 under paragraph (1) shall not be a member of the
10 Board of Directors.

11 “(f) GENERAL REQUIREMENTS FOR DIRECTOR.—
12 The Director shall be learned and experienced in the law
13 applicable to Federal criminal appellate practice.

14 “(g) FUNCTIONS OF THE OFFICE.—

15 “(1) GRANTS OF PETITIONS FOR WRITS OF
16 CERTIORARI IN THE SUPREME COURT OF THE
17 UNITED STATES.—

18 “(A) IN GENERAL.—On the granting of a
19 petition for a writ of certiorari by the Supreme
20 Court of the United States in a covered case,
21 the Office shall—

22 “(i) consult with any counsel in a cov-
23 ered case in which the defendant was pre-
24 viously represented by counsel appointed
25 under section 3006A; and

1 “(ii) when resources permit, be avail-
2 able to consult with counsel in any other
3 covered case.

4 “(B) ARGUING CASE.—In any covered
5 case, an attorney described in clause (i) or (ii)
6 of subparagraph (A) may—

7 “(i) advocate on behalf of an indi-
8 vidual before the Supreme Court of the
9 United States; or

10 “(ii) permit the Office to advocate on
11 behalf of an individual before the Supreme
12 Court of the United States.

13 “(2) FILING OF AMICUS CURIAE BRIEFS.—The
14 Office may file an amicus curiae brief—

15 “(A) in any covered case in the Supreme
16 Court of the United States; and

17 “(B) when resources permit, in a covered
18 case in the highest courts of States.

19 “(3) CALL FOR THE VIEWS OF THE OFFICE;
20 LEAVE TO PARTICIPATE IN ORAL ARGUMENT.—In
21 any covered case—

22 “(A) upon request by the Supreme Court
23 of the United States—

24 “(i) the Office may provide the views
25 of the Office on the covered case; and

1 “(ii) an employee of the Office may
2 participate in oral argument as amicus cu-
3 riae; and

4 “(B) upon request by the highest court of
5 a State, and when resources permit—

6 “(i) the Office may provide the views
7 of the Office on the covered case; and

8 “(ii) an employee of the Office may
9 participate in oral argument as amicus cu-
10 riae.

11 “(4) MONITORING COURT DECISIONS AND FIL-
12 ING PETITIONS FOR CERTIORARI.—The Office
13 may—

14 “(A) monitor issues in covered cases—

15 “(i) on which the courts of appeals of
16 the United States are divided; or

17 “(ii) that involve significant Federal
18 criminal statutory or constitutional issues;
19 and

20 “(B) draft, edit, and file a petition for cer-
21 tiorari in the Supreme Court of the United
22 States on behalf of an individual seeking review
23 by the Supreme Court of the United States of
24 a covered case.

1 “(5) TRAINING.—The Office may provide train-
 2 ing to carry out the purpose and functions of the Of-
 3 fice.

4 “(6) OTHER FUNCTIONS.—In addition to the
 5 functions described in paragraphs (1) through (5),
 6 the Director may allocate any funds made available
 7 to the Office for any other function that the Direc-
 8 tor determines is necessary to carry out the purposes
 9 of the Office, including, when resources permit, ad-
 10 vocacy in a covered case before the highest court of
 11 a State.

12 “(h) EMPLOYEES.—The Director, subject to general
 13 policies established by the Office, has the authority to ap-
 14 point and remove such employees of the Office as the Di-
 15 rector determines necessary to carry out the purposes of
 16 the Office.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 18 The table of sections for chapter 201 of title 18, United
 19 States Code, is amended by inserting after the item relat-
 20 ing to section 3006A the following:

“3006B. Defender Office for Supreme Court Advocacy.”.

21 **Subtitle L—Funding Attorneys for**
 22 **Indigent Removal Proceedings**

23 **SEC. 11201. SHORT TITLE.**

24 This subtitle may be cited as the “Funding Attorneys
 25 for Indigent Removal (FAIR) Proceedings Act”.

1 **SEC. 11202. IMPROVING IMMIGRATION COURT EFFICIENCY**
2 **AND REDUCING COSTS BY INCREASING AC-**
3 **CESS TO LEGAL INFORMATION.**

4 (a) APPOINTMENT OF COUNSEL IN CERTAIN CASES;
5 RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL
6 PROCEEDINGS.—Section 240(b) of the Immigration and
7 Nationality Act (8 U.S.C. 1229a(b)) is amended—

8 (1) in paragraph (4)—

9 (A) in subparagraph (A)—

10 (i) by striking “, at no expense to the
11 Government,”; and

12 (ii) by striking the comma at the end
13 and inserting a semicolon;

14 (B) by redesignating subparagraphs (B)
15 and (C) as subparagraphs (D) and (E), respec-
16 tively;

17 (C) by inserting after subparagraph (A)
18 the following:

19 “(B) the Attorney General may appoint or
20 provide counsel, at Government expense, to
21 aliens in immigration proceedings;

22 “(C) the alien shall, at the beginning of
23 the proceedings or as expeditiously as possible,
24 automatically receive a complete copy of all rel-
25 evant documents in the possession of the De-
26 partment of Homeland Security, including all

1 documents (other than documents protected
2 from disclosure by privilege, including national
3 security information referred to in subpara-
4 graph (D), law enforcement sensitive informa-
5 tion, and information prohibited from disclosure
6 pursuant to any other provision of law) con-
7 tained in the file maintained by the Government
8 that includes information with respect to all
9 transactions involving the alien during the im-
10 migration process (commonly referred to as an
11 ‘A-file’), and all documents pertaining to the
12 alien that the Department of Homeland Secu-
13 rity has obtained or received from other govern-
14 ment agencies, unless the alien waives the right
15 to receive such documents by executing a know-
16 ing and voluntary written waiver in a language
17 that he or she understands fluently;” and

18 (D) in subparagraph (D), as redesignated,
19 by striking “, and” and inserting “; and”; and
20 (2) by adding at the end the following:

21 “(8) FAILURE TO PROVIDE ALIEN REQUIRED
22 DOCUMENTS.—In the absence of a waiver under
23 paragraph (4)(C), a removal proceeding may not
24 proceed until the alien—

1 “(A) has received the documents as re-
2 quired under such paragraph; and

3 “(B) has been provided meaningful time to
4 review and assess such documents.”.

5 (b) CLARIFICATION REGARDING THE AUTHORITY OF
6 THE ATTORNEY GENERAL TO APPOINT COUNSEL TO
7 ALIENS IN IMMIGRATION PROCEEDINGS.—Section 292 of
8 the Immigration and Nationality Act (8 U.S.C. 1362) is
9 amended—

10 (1) by striking “In any” and inserting the fol-
11 lowing:

12 “(a) IN GENERAL.—In any proceeding conducted
13 under section 235, 236, 238, 240, 241, or any other sec-
14 tion of this Act, including”;

15 (2) in subsection (a), as redesignated—

16 (A) by striking “(at no expense to the Gov-
17 ernment)”;

18 (B) by striking “he shall” and inserting
19 “the person shall”; and

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

21 “(b) ACCESS TO COUNSEL.—The Attorney General
22 may appoint or provide counsel to aliens in any proceeding
23 conducted under section 235, 236, 238, 240, or 241 or
24 any other section of this Act. The Secretary of Homeland

1 Security shall ensure that aliens have access to counsel
2 inside all immigration detention and border facilities.”.

3 (c) APPOINTMENT OF COUNSEL FOR CHILDREN AND
4 VULNERABLE ALIENS.—

5 (1) IN GENERAL.—Section 292 of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1362), as amend-
7 ed by subsection (b), is further amended by adding
8 at the end the following:

9 “(c) CHILDREN AND VULNERABLE ALIENS.—Not-
10 withstanding subsection (b), the Attorney General shall
11 appoint or provide counsel, at the expense of the Govern-
12 ment if necessary, at the beginning of the proceedings or
13 as expeditiously as possible, to represent in such pro-
14 ceedings any alien who has been determined by the Sec-
15 retary of Homeland Security or the Attorney General to
16 be—

17 “(1) a child (as defined in section 101(b)(1) of
18 this Act);

19 “(2) a particularly vulnerable individual, such
20 as—

21 “(A) a person with a disability; or

22 “(B) a victim of abuse, torture, or violence;

23 “(3) an individual whose income is at or below
24 200 percent of the poverty line (as defined by the
25 Office of Management and Budget and revised an-

1 nually in accordance with section 673(2) of the
2 Community Services Block Grant Act (42 U.S.C.
3 9902(2))) applicable to a family of the size involved;
4 or

5 “(4) an individual whose circumstances are
6 such that the appointment of counsel is necessary to
7 help ensure fair resolution and efficient adjudication
8 of the proceedings.

9 “(d) EXTENSION TO CONSOLIDATED CASES.—If the
10 Attorney General has consolidated the case of any alien
11 for whom counsel was appointed under subsection (c) with
12 that of any other alien, and that other alien does not have
13 counsel, then the counsel appointed under subsection (c)
14 shall be appointed to represent such other alien.

15 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to the Executive Office
17 of Immigration Review of the Department of Justice, in
18 addition to amounts available in the Immigration Counsel
19 Account under section 295, such sums as may be nec-
20 essary to carry out this section.”.

21 (2) RULEMAKING.—The Attorney General shall
22 promulgate regulations to implement section 292(c)
23 of the Immigration and Nationality Act, as added by
24 paragraph (1), in accordance with the requirements

1 set forth in section 3006A of title 18, United States
2 Code.

3 **SEC. 11203. ACCESS BY COUNSEL AND LEGAL ORIENTATION**
4 **AT DETENTION FACILITIES.**

5 (a) ACCESS TO COUNSEL.—The Secretary of Home-
6 land Security shall facilitate access to counsel for all aliens
7 detained in facilities under the supervision of U.S. Immi-
8 gration and Customs Enforcement or of U.S. Customs and
9 Border Protection, including providing information to
10 aliens in detention about legal services programs at deten-
11 tion facilities.

12 (b) ACCESS TO LEGAL ORIENTATION PROGRAMS.—
13 The Secretary of Homeland Security, in consultation with
14 the Attorney General, shall establish procedures to ensure
15 that legal orientation programs are available for all de-
16 tained aliens, including aliens held in U.S. Customs and
17 Border Protection facilities, to inform such aliens of the
18 basic procedures of immigration hearings, their rights re-
19 lating to those hearings under Federal immigration laws,
20 information that may deter such aliens from filing frivo-
21 lous legal claims, and any other information that the At-
22 torney General considers appropriate, such as a contact
23 list of potential legal resources and providers. Access to
24 legal orientation programs shall not be limited by the

1 alien's current immigration status, prior immigration his-
2 tory, or potential for immigration relief.

3 **SEC. 11204. REPORT ON ACCESS TO COUNSEL.**

4 (a) REPORT.—Not later than December 31 of each
5 year, the Secretary of Homeland Security, in consultation
6 with the Attorney General, shall prepare and submit a re-
7 port to the Committee on the Judiciary of the Senate and
8 the Committee on the Judiciary of the House of Rep-
9 resentatives regarding the extent to which aliens described
10 in section 292(c) of the Immigration and Nationality Act,
11 as added by section 11202(c)(1), have been provided ac-
12 cess to counsel.

13 (b) CONTENTS.—Each report submitted under para-
14 graph (a) shall include, for the immediately preceding 1-
15 year period—

16 (1) the number and percentage of aliens de-
17 scribed in paragraphs (1), (2), (3), and (4), respec-
18 tively, of section 292(c) of the Immigration and Na-
19 tionality Act, as added by section 11202(c)(1), who
20 were represented by counsel, including information
21 specifying—

22 (A) the stage of the legal process at which
23 the alien was represented; and

24 (B) whether the alien was in government
25 custody; and

1 (2) the number and percentage of aliens who
2 received legal orientation presentations.

3 **SEC. 11205. MOTIONS TO REOPEN.**

4 Section 240(c)(7)(C) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1229a(c)(7)(C)) is amended by adding
6 at the end the following:

7 “(v) SPECIAL RULE FOR ALIENS EN-
8 TITLED TO APPOINTMENT OF COUNSEL.—
9 If the Attorney General fails to appoint
10 counsel for an alien in violation of section
11 292(c)—

12 “(I) no limitation under this
13 paragraph pertaining to the filing of
14 any motion under this paragraph by
15 such alien shall apply; and

16 “(II) the filing of such a motion
17 shall stay the removal of the alien.”.

18 **SEC. 11206. SUPPLEMENTARY SURCHARGE.**

19 (a) IN GENERAL.—Chapter 9 of the Immigration and
20 Nationality Act is amended by adding at the end the fol-
21 lowing:

22 **“SEC. 295. SUPPLEMENTARY SURCHARGE.**

23 “(a) IN GENERAL.—There is established in the gen-
24 eral fund of the Treasury a separate account which shall
25 be known as the ‘Immigration Counsel Account’. Notwith-

1 standing any other section of this title, there shall be de-
2 posited as offsetting receipts into the Immigration Counsel
3 Account all fees collected under subsection (c) of this sec-
4 tion, to remain available until expended for purposes of
5 providing access to counsel when required or authorized
6 under this Act and facilitating access to counsel under the
7 Funding Attorneys for Indigent Removal (FAIR) Pro-
8 ceedings Act.

9 “(b) REPORT.—At the end of each 2-year period, be-
10 ginning with the creation of this account, the Secretary
11 of Homeland Security, following a public rulemaking with
12 opportunity for notice and comment, shall submit a report
13 to the Congress concerning the status of the account, in-
14 cluding any balances therein, and recommend any adjust-
15 ment in the prescribed fee that may be required to ensure
16 that the receipts collected from the fee charged for the
17 succeeding two years equal, as closely as possible, the cost
18 of providing access to counsel when required or authorized
19 under this Act and facilitating access counsel under the
20 Funding Attorneys for Indigent Removal (FAIR) Pro-
21 ceedings Act.

22 “(c) RECEIPTS.—In any case in which a fee is
23 charged pursuant to this Act or any of the other immigra-
24 tion laws, an additional surcharge of \$10 shall also be im-
25 posed and collected.”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 such Act is amended by inserting after the item relating
3 to section 294 the following:

“Sec. 295. Supplementary surcharge.”.

4 **Subtitle M—Tax Relief for Guard**
5 **and Reserve Training**

6 **SEC. 11301. SHORT TITLE.**

7 This subtitle may be cited as the “Tax Relief for
8 Guard and Reserve Training Act”.

9 **SEC. 11302. REDUCTION OF MILEAGE THRESHOLD FOR DE-**
10 **DUCTION IN DETERMINING ADJUSTED GROSS**
11 **INCOME.**

12 (a) IN GENERAL.—Subparagraph (E) of section
13 62(a)(2) of the Internal Revenue Code of 1986 is amend-
14 ed—

15 (1) by striking “100 miles” and inserting “50
16 miles”, and

17 (2) by striking “for any period” and inserting
18 “for any period (without regard to whether such pe-
19 riod includes an overnight stay)”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2016.

1 **SEC. 11303. EXEMPTION FROM 2 PERCENT FLOOR ON MIS-**
2 **CELLANEOUS ITEMIZED DEDUCTIONS.**

3 (a) IN GENERAL.—Subsection (b) of section 67 of the
4 Internal Revenue Code of 1986 is amended—

5 (1) by striking “and” at the end of paragraph
6 (11),

7 (2) by striking the period at the end of para-
8 graph (12) and inserting “, and”, and

9 (3) by adding at the end the following new
10 paragraph:

11 “(13) the deductions allowed by section 162
12 which consist of expenses paid or incurred by the
13 taxpayer in connection with the performance of serv-
14 ices by such taxpayer as a member of a reserve com-
15 ponent of the Armed Forces of the United States for
16 any period (without regard to whether such period
17 includes an overnight stay) during which such indi-
18 vidual is more than 50 miles away from home in
19 connection with such services.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2016.

1 **Subtitle N—Maintaining Dignity**
 2 **and Eliminating Unnecessary**
 3 **Restrictive Confinement of**
 4 **Youths**

5 **SEC. 11401. SHORT TITLE.**

6 This subtitle may be cited as the “Maintaining dig-
 7 nity and Eliminating unnecessary Restrictive Confinement
 8 of Youths Act of 2020” or the “MERCY Act”.

9 **SEC. 11402. JUVENILE SOLITARY CONFINEMENT.**

10 (a) IN GENERAL.—Chapter 403 of title 18, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing:

13 **“§ 5043. Juvenile solitary confinement**

14 “(a) DEFINITIONS.—In this section—

15 “(1) the term ‘covered juvenile’ means—

16 “(A) a juvenile who—

17 “(i) is being proceeded against under
 18 this chapter for an alleged act of juvenile
 19 delinquency; or

20 “(ii) has been adjudicated delinquent
 21 under this chapter; or

22 “(B) a juvenile who is being proceeded
 23 against as an adult in a district court of the
 24 United States for an alleged criminal offense;

1 “(2) the term ‘juvenile facility’ means any facil-
2 ity where covered juveniles are—

3 “(A) committed pursuant to an adjudica-
4 tion of delinquency under this chapter; or

5 “(B) detained prior to disposition or con-
6 viction; and

7 “(3) the term ‘room confinement’ means the in-
8 voluntary placement of a covered juvenile alone in a
9 cell, room, or other area for any reason.

10 “(b) PROHIBITION ON ROOM CONFINEMENT IN JU-
11 VENILE FACILITIES.—

12 “(1) IN GENERAL.—The use of room confine-
13 ment at a juvenile facility for discipline, punishment,
14 retaliation, or any reason other than as a temporary
15 response to a covered juvenile’s behavior that poses
16 a serious and immediate risk of physical harm to
17 any individual, including the covered juvenile, is pro-
18 hibited.

19 “(2) JUVENILES POSING RISK OF HARM.—

20 “(A) REQUIREMENT TO USE LEAST RE-
21 STRICTIVE TECHNIQUES.—

22 “(i) IN GENERAL.—Before a staff
23 member of a juvenile facility places a cov-
24 ered juvenile in room confinement, the

1 staff member shall attempt to use less re-
2 strictive techniques, including—

3 “(I) talking with the covered ju-
4 venile in an attempt to de-escalate the
5 situation; and

6 “(II) permitting a qualified men-
7 tal health professional, or a staff
8 member who has received training in
9 de-escalation techniques and trauma-
10 informed care, to talk to the covered
11 juvenile.

12 “(ii) EXPLANATION.—If, after at-
13 tempting to use less restrictive techniques
14 as required under clause (i), a staff mem-
15 ber of a juvenile facility decides to place a
16 covered juvenile in room confinement, the
17 staff member shall first—

18 “(I) explain to the covered juve-
19 nile the reasons for the room confine-
20 ment; and

21 “(II) inform the covered juvenile
22 that release from room confinement
23 will occur—

24 “(aa) immediately when the
25 covered juvenile regains self-con-

2000

trol, as described in subparagraph (B)(i); or

“(bb) not later than after the expiration of the time period described in subclause (I) or (II) of subparagraph (B)(ii), as applicable.

“(B) MAXIMUM PERIOD OF CONFINEMENT.—If a covered juvenile is placed in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others, the covered juvenile shall be released—

“(i) immediately when the covered juvenile has sufficiently gained control so as to no longer engage in behavior that threatens serious and immediate risk of physical harm to himself or herself, or to others; or

“(ii) if a covered juvenile does not sufficiently gain control as described in clause (i), not later than—

“(I) 3 hours after being placed in room confinement, in the case of a covered juvenile who poses a serious

1 and immediate risk of physical harm
2 to others; or

3 “(II) 30 minutes after being
4 placed in room confinement, in the
5 case of a covered juvenile who poses a
6 serious and immediate risk of physical
7 harm only to himself or herself.

8 “(C) RISK OF HARM AFTER MAXIMUM PE-
9 RIOD OF CONFINEMENT.—If, after the applica-
10 ble maximum period of confinement under sub-
11 clause (I) or (II) of subparagraph (B)(ii) has
12 expired, a covered juvenile continues to pose a
13 serious and immediate risk of physical harm de-
14 scribed in that subclause—

15 “(i) the covered juvenile shall be
16 transferred immediately to another juvenile
17 facility or internal location where services
18 can be provided to the covered juvenile
19 without relying on room confinement; or

20 “(ii) if a qualified mental health pro-
21 fessional believes the level of crisis service
22 needed is not currently available, a staff
23 member of the juvenile facility shall imme-
24 diately transport the juvenile to—

1 “(I) an emergency medical facil-
2 ity; or

3 “(II) an equivalent location that
4 can meet the needs of the covered ju-
5 venile.

6 “(D) ACTION BEFORE EXPIRATION OF
7 TIME LIMIT.—Nothing in subparagraph (C)
8 shall be construed to prohibit an action de-
9 scribed in clause (i) or (ii) of that subparagraph
10 from being taken before the applicable max-
11 imum period of confinement under subclause (I)
12 or (II) of subparagraph (B)(ii) has expired.

13 “(E) CONDITIONS.—A room used for room
14 confinement for a juvenile shall—

15 “(i) have not less than 80 square feet
16 of floor space;

17 “(ii) have adequate lighting, heating
18 or cooling (as applicable), and ventilation
19 for the comfort of the juvenile;

20 “(iii) be suicide-resistant and protru-
21 sion-free; and

22 “(iv) have access to clean potable
23 water, toilet facilities, and hygiene sup-
24 plies.

25 “(F) NOTICE.—

1 “(i) USE OF ROOM CONFINEMENT.—
 2 Not later than 1 business day after the
 3 date on which a juvenile facility places a
 4 covered juvenile in room confinement, the
 5 juvenile facility shall provide notice to the
 6 attorney of record for the juvenile.

7 “(ii) TRANSFER.—Not later than 24
 8 hours after a covered juvenile is trans-
 9 ferred from a juvenile facility to another
 10 location, the juvenile facility shall provide
 11 notice to—

12 “(I) the attorney of record for
 13 the juvenile; and

14 “(II) an authorized parent or
 15 guardian of the juvenile.

16 “(G) SPIRIT AND PURPOSE.—The use of
 17 consecutive periods of room confinement to
 18 evade the spirit and purpose of this subsection
 19 shall be prohibited.

20 “(c) STUDY AND REPORT.—Not later than 2 years
 21 after the date of enactment of this section, and each year
 22 thereafter, the Attorney General shall submit to Congress
 23 a report that—

1 “(1) contains a detailed description of the type
2 of physical force, restraints, and room confinement
3 used at juvenile facilities;

4 “(2) describes the number of instances in which
5 physical force, restraints, or room confinement are
6 used at juvenile facilities, disaggregated by race, eth-
7 nicity, and gender; and

8 “(3) contains a detailed description of steps
9 taken, in each instance in which room confinement
10 is used at a juvenile facility, to address and remedy
11 the underlying issue that led to behavioral interven-
12 tion resulting in the use of room confinement, in-
13 cluding any positive or negative outcomes.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—
15 The table of sections for chapter 403 of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

“5043. Juvenile solitary confinement.”.

18 **Subtitle O—Dignity for**
19 **Incarcerated Women**

20 **SEC. 11501. SHORT TITLE.**

21 This subtitle may be cited as the “Dignity for Incar-
22 cerated Women Act of 2020” or the “Dignity Act”.

1 **SEC. 11502. IMPROVING THE TREATMENT OF PRIMARY**
2 **CARETAKER PARENTS AND OTHER INDIVID-**
3 **UALS IN FEDERAL PRISONS.**

4 (a) IN GENERAL.—Chapter 303 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 4051. Treatment of primary caretaker parents and**
8 **other individuals**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘correctional officer’ means a cor-
11 rectional officer of the Bureau of Prisons;

12 “(2) the term ‘covered institution’ means a
13 Federal penal or correctional institution;

14 “(3) the term ‘Director’ means the Director of
15 the Bureau of Prisons;

16 “(4) the term ‘post-partum recovery’ has the
17 meaning given the term ‘postpartum recovery’ in
18 section 4322;

19 “(5) the term ‘primary caretaker parent’ has
20 the meaning given the term in section 31903 of the
21 Family Unity Demonstration Project Act (34 U.S.C.
22 12242);

23 “(6) the term ‘prisoner’ means an individual
24 who is incarcerated in a covered institution, includ-
25 ing a vulnerable person; and

1 “(7) the term ‘vulnerable person’ means an in-
2 dividual who—

3 “(A) is under 21 years of age or over 60
4 years of age;

5 “(B) is pregnant;

6 “(C) identifies as lesbian, gay, bisexual,
7 transgender, or intersex;

8 “(D) is victim of or witness to a crime;

9 “(E) has filed a nonfrivolous civil rights
10 claim in Federal or State court;

11 “(F) has a serious mental or physical ill-
12 ness or disability; or

13 “(G) during the period of incarceration,
14 has been determined to have experienced or to
15 be experiencing severe trauma or to be the vic-
16 tim of gender-based violence—

17 “(i) by any court or administrative ju-
18 dicial proceeding;

19 “(ii) by any corrections official;

20 “(iii) by the individual’s attorney or
21 legal service provider; or

22 “(iv) by the individual.

23 “(b) VISITATION RULES.—The Director shall pro-
24 mulgate regulations for visitation between prisoners who

1 are primary caretaker parents and their family members
2 under which—

3 “(1) a prisoner may receive visits not fewer
4 than 6 days per week, which shall include Saturday
5 and Sunday;

6 “(2) a Federal penal or correctional institution
7 shall be open for visitation for not fewer than 8
8 hours per day;

9 “(3) a prisoner may have up to 5 adult visitors
10 and an unlimited number of child visitors per visit;
11 and

12 “(4) a prisoner may have physical contact with
13 visitors unless the prisoner presents an immediate
14 physical danger to the visitors.

15 “(c) PROHIBITION ON PLACEMENT OF PREGNANT
16 PRISONERS OR PRISONERS IN POST-PARTUM RECOVERY
17 IN SEGREGATED HOUSING UNITS.—

18 “(1) PLACEMENT IN SEGREGATED HOUSING
19 UNITS.—A covered institution may not place a pris-
20 oner who is pregnant or in post-partum recovery in
21 a segregated housing unit unless the prisoner pre-
22 sents an immediate risk of harm to the prisoner or
23 others.

1 “(2) RESTRICTIONS.—Any placement of a pris-
2 oner described in subparagraph (A) in a segregated
3 housing unit shall be limited and temporary.

4 “(d) PARENTING CLASSES.—The Director shall pro-
5 vide parenting classes to each prisoner who is a primary
6 caretaker parent.

7 “(e) TRAUMA SCREENING.—The Director shall pro-
8 vide training to each correctional officer and each em-
9 ployee of the Bureau of Prisons who regularly interacts
10 with prisoners, including each instructor and health care
11 professional, to enable those correctional officers and em-
12 ployees to—

13 “(1) identify a prisoner who has a mental or
14 physical health need relating to trauma the prisoner
15 has experienced; and

16 “(2) refer a prisoner described in paragraph (1)
17 to the proper healthcare professional for treatment.

18 “(f) OMBUDSMAN.—The Attorney General shall des-
19 ignate an ombudsman to oversee and monitor, with re-
20 spect to Federal penal and correctional institutions—

21 “(1) prisoner transportation;

22 “(2) use of segregated housing;

23 “(3) strip searches of prisoners; and

24 “(4) civil rights violations.

25 “(g) TELECOMMUNICATIONS.—

1 “(1) IN GENERAL.—The Director—

2 “(A) may not charge a fee for a telephone
3 call made by a prisoner; and

4 “(B) shall make videoconferencing avail-
5 able to prisoners in each Federal penal or cor-
6 rectional institution free of charge.

7 “(2) RULE OF CONSTRUCTION.—Nothing in
8 paragraph (1)(B) shall be construed to authorize the
9 Director to use videoconferencing as a substitute for
10 in-person visits.

11 “(h) INMATE HEALTH.—

12 “(1) HEALTH CARE ACCESS.—The Director
13 shall ensure that all prisoners receive adequate
14 health care.

15 “(2) HEALTHCARE PRODUCTS.—

16 “(A) AVAILABILITY.—The Director shall
17 make the healthcare products described in sub-
18 paragraph (C) available to prisoners for free, in
19 a quantity that is appropriate to the healthcare
20 needs of each prisoner.

21 “(B) QUALITY OF PRODUCTS.—The Direc-
22 tor shall ensure that the healthcare products
23 provided under this paragraph conform with ap-
24 plicable industry standards.

1 “(C) PRODUCTS.—The healthcare products
2 described in this subparagraph are—

3 “(i) tampons;

4 “(ii) sanitary napkins;

5 “(iii) moisturizing soap, which may
6 not be lye-based;

7 “(iv) shampoo;

8 “(v) body lotion;

9 “(vi) Vaseline;

10 “(vii) toothpaste;

11 “(viii) toothbrushes;

12 “(ix) aspirin;

13 “(x) ibuprofen; and

14 “(xi) any other healthcare product
15 that the Director determines appropriate.

16 “(3) GYNECOLOGIST ACCESS.—The Director
17 shall ensure that all prisoners have access to a gynecologist as appropriate.

18 “(i) USE OF SEX-APPROPRIATE CORRECTIONAL OFFICERS.—
19
20

21 “(1) REGULATIONS.—The Director shall make
22 rules under which—

23 “(A) a correctional officer may not conduct
24 a strip search of a prisoner of the opposite sex
25 unless—

1 “(i) the prisoner presents a risk of
2 immediate harm to the prisoner or others,
3 and no other correctional officer of the
4 same sex as the prisoner, or medical staff,
5 is available to assist; or

6 “(ii) the prisoner has previously re-
7 quested that an officer of a different sex
8 conduct searches;

9 “(B) a correctional officer may not enter a
10 restroom reserved for prisoners of the opposite
11 sex unless—

12 “(i) a prisoner in the restroom pre-
13 sents a risk of immediate harm to the pris-
14 oner or others; or

15 “(ii) there is a medical emergency in
16 the restroom and no other correctional offi-
17 cer of the appropriate sex is available to
18 assist;

19 “(C) a transgender prisoner’s sex shall be
20 determined according to the sex with which the
21 prisoner identifies; and

22 “(D) a correctional officer may not search
23 or physically examine a prisoner for the sole
24 purpose of determining the prisoner’s genital
25 status or sex.

1 “(2) RELATION TO OTHER LAWS.—Nothing in
2 paragraph (1) shall be construed to affect the re-
3 quirements under the Prison Rape Elimination Act
4 of 2003 (34 U.S.C. 30301 et seq.).”.

5 (b) SUBSTANCE ABUSE TREATMENT.—Section
6 3621(e) of title 18, United States Code, is amended by
7 adding at the end the following:

8 “(7) ELIGIBILITY OF PRIMARY CARETAKER
9 PARENTS AND PREGNANT WOMEN.—The Director of
10 the Bureau of Prisons may not prohibit an eligible
11 prisoner who is a primary caretaker parent (as de-
12 fined in section 4051) or pregnant from partici-
13 pating in a program of residential substance abuse
14 treatment provided under paragraph (1) on the basis
15 of a failure by the eligible prisoner, before being
16 committed to the custody of the Bureau of Prisons,
17 to disclose to any official of the Bureau of Prisons
18 that the eligible prisoner had a substance abuse
19 problem on or before the date on which the eligible
20 prisoner was committed to the custody of the Bu-
21 reau of Prisons.”.

22 (c) IMPLEMENTATION REPORT.—Not later than 1
23 year after the date of enactment of this Act, the Director
24 of the Bureau of Prisons shall submit to the Committee
25 on the Judiciary of the Senate and the Committee on the

1 Judiciary of the House of Representatives a report on the
2 implementation of this section and the amendments made
3 by this section.

4 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) TABLE OF SECTIONS.—The table of sections
6 for chapter 303 of title 18, United States Code, is
7 amended by adding at the end the following:

“4051. Treatment of primary caretaker parents and other individuals.”.

8 (2) HEALTHCARE PRODUCTS.—Section 611 of
9 the First Step Act of 2018 (Public Law 115–391;
10 132 Stat. 5194) is repealed.

11 **SEC. 11503. OVERNIGHT VISIT PILOT PROGRAM.**

12 (a) DEFINITIONS.—In this section—

13 (1) the term “Director” means the Director of
14 the Bureau of Prisons;

15 (2) the term “primary caretaker parent” has
16 the meaning given the term in section 31903 of the
17 Family United Demonstration Project Act (34
18 U.S.C. 12242); and

19 (3) the term “prisoner” means an individual
20 who is incarcerated in a Federal penal or correc-
21 tional institution.

22 (b) PILOT PROGRAM.—The Director shall carry out
23 a pilot program under which prisoners who are primary
24 caretaker parents and meet eligibility criteria established

1 by the Director may receive overnight visits from family
2 members.

3 (c) ELIGIBILITY CRITERIA.—In establishing eligi-
4 bility criteria for the pilot program under subsection (b),
5 the Director shall—

6 (1) require that a prisoner have displayed good
7 behavior; and

8 (2) prohibit participation by any prisoner who
9 has been convicted of a crime of violence (as defined
10 in section 16 of title 18, United States Code).

11 **Subtitle P—Beyond the Box for** 12 **Higher Education**

13 **SEC. 11601. SHORT TITLE.**

14 This subtitle may be cited as the “Beyond the Box
15 for Higher Education Act of 2020”.

16 **SEC. 11602. FINDINGS.**

17 Congress finds the following:

18 (1) An estimated 70,000,000 Americans have
19 some type of arrest or conviction record that would
20 appear in a criminal background check.

21 (2) Each year, more than 600,000 people re-
22 turn to society from State or Federal prison.

23 (3) Nearly 11,000,000 Americans are admitted
24 to city and county jails each year, with an average
25 daily population of more than 700,000 people.

1 (4) An estimated 2,100,000 youth under the
2 age of 18 are arrested every year in the United
3 States.

4 (5) 1,700,000 juvenile delinquency cases are
5 disposed of in juvenile courts annually.

6 (6) Juvenile records are not always confidential;
7 many States disclose information about youth in-
8 volvement with the juvenile justice system or do not
9 have procedures to seal or expunge juvenile records.

10 (7) The compounding effects of collateral con-
11 sequences due to criminal justice involvement hinder
12 the ability of individuals to reenter society success-
13 fully.

14 (8) People of color and low-income people are
15 disproportionately impacted by the collateral con-
16 sequences of criminal justice involvement.

17 (9) Incarceration leads to decreased earnings,
18 unemployment, and poverty.

19 (10) Upon reentry, lower educational attain-
20 ment, a lack of work skills or history, and the stig-
21 ma of a criminal record can hinder a formerly incar-
22 cerated person's ability to return to their commu-
23 nities successfully.

1 (11) One way to improve reentry outcomes is to
2 increase educational opportunities for people with a
3 criminal or juvenile justice history.

4 (12) By reducing rearrests and reconvictions,
5 and by increasing educational attainment, formerly
6 incarcerated individuals are better situated to find
7 stable employment, contributing to their commu-
8 nities.

9 **SEC. 11603. BEYOND THE BOX FOR HIGHER EDUCATION.**

10 Part B of title I of the Higher Education Act of 1965
11 (20 U.S.C. 1011 et seq.) is amended by adding at the end
12 the following:

13 **“SEC. 124. BEYOND THE BOX FOR HIGHER EDUCATION.**

14 “(a) TRAINING AND TECHNICAL ASSISTANCE.—

15 “(1) IN GENERAL.—The Secretary, acting
16 through the Office of Policy, Planning, and Innova-
17 tion of the Office of Postsecondary Education of the
18 Department and with consultation from the Depart-
19 ment of Justice and relevant community stake-
20 holders, shall issue guidance and recommendations
21 for institutions of higher education to remove crimi-
22 nal and juvenile justice questions from their applica-
23 tion for admissions process.

1 “(2) GUIDANCE AND RECOMMENDATIONS.—The
2 guidance and recommendations issued under para-
3 graph (1) shall include the following:

4 “(A) If an institution of higher education
5 collects criminal or juvenile justice information
6 on applicants for admission, it is recommended
7 that the institution determine whether this in-
8 formation is necessary to make an informed ad-
9 mission decision and whether it would be appro-
10 prium to remove these questions from the appli-
11 cation.

12 “(B) If an institution of higher education
13 determines that it is appropriate to remove
14 criminal or juvenile justice questions from the
15 institution’s application for admissions process,
16 it is recommended that the institution comply
17 with the following:

18 “(i) If criminal or juvenile justice
19 questions are necessary for the other as-
20 pects of the institution’s interactions with
21 applicants, identify those specific inter-
22 actions in which it is appropriate to ask
23 such questions.

24 “(ii) In nonadmissions interactions,
25 inquire about criminal or juvenile justice

1 history transparently and clearly inform
2 applicants as early as possible how to re-
3 spond to the inquiry.

4 “(iii) In nonadmissions inquiries
5 about criminal or juvenile justice history,
6 ensure the questions are specific and nar-
7 rowly focused, and make it clear that an-
8 swering the questions may not negatively
9 impact applicants’ chances of enrollment.

10 “(iv) In nonadmissions inquiries about
11 criminal or juvenile justice history, give ap-
12 plicants the opportunity to explain criminal
13 or juvenile justice involvement and pre-
14 paredness for postsecondary study.

15 “(v) Provide staff of the institution
16 who have access to a prospective or current
17 student’s criminal or juvenile justice his-
18 tory, the necessary and proper training on
19 the effective use of criminal or juvenile jus-
20 tice history data, including the problems
21 associated with this information, the types
22 of supporting documents that may need to
23 be obtained, and the appropriate privacy
24 protections that must be put in place.

1 “(C) If an institution of higher education
2 determines that it is necessary to inquire about
3 the criminal or juvenile justice history of appli-
4 cants for admission, it is recommended that the
5 institution comply with the following:

6 “(i) Delay the request for, or consid-
7 eration of, such information until after an
8 admission decision has been made to avoid
9 a chilling effect on applicants whose crimi-
10 nal or juvenile justice involvement may ul-
11 timately be determined irrelevant by the
12 institution.

13 “(ii) Provide notice and justification
14 for applicants within 30 days if, upon re-
15 ceiving information regarding applicants’
16 criminal or juvenile justice involvement,
17 the admission to the institution is denied
18 or rescinded based solely on the applicant’s
19 criminal or juvenile justice involvement.

20 “(iii) Inquire about criminal or juve-
21 nile justice history transparently and clear-
22 ly inform applicants as early as possible in
23 the application process how to respond to
24 the inquiry.

1 “(iv) Ensure the questions are specific
2 and narrowly focused.

3 “(v) Give applicants the opportunity
4 to explain criminal or juvenile justice in-
5 volvement and preparedness for postsec-
6 ondary study.

7 “(vi) Provide admissions personnel,
8 registrars, and any other relevant staff of
9 the institution, as well as any other staff
10 that should have access to a prospective or
11 current student’s criminal or juvenile jus-
12 tice history, the necessary and proper
13 training on the effective use of criminal or
14 juvenile justice history data, including the
15 biases or limitations associated with this
16 information, the types of supporting docu-
17 ments that may need to be obtained, and
18 the appropriate privacy protections that
19 must be put in place.

20 “(3) TRAINING AND TECHNICAL ASSISTANCE.—

21 “(A) IN GENERAL.—The Secretary, acting
22 through the Office of Postsecondary Education
23 of the Department, shall use funds available to
24 the Department to provide institutions of high-
25 er education with training and technical assist-

1 ance on developing policies and procedures
2 aligned with the recommendations described in
3 paragraph (2).

4 “(B) TRAINING.—The training described
5 in subparagraph (A) shall include—

6 “(i) training for admissions and finan-
7 cial aid personnel and enrollment manage-
8 ment staff of an institution of higher edu-
9 cation to understand and evaluate an ap-
10 plicant if—

11 “(I) the institution makes a de-
12 termination under paragraph (2)(A)
13 to continue asking criminal or juvenile
14 justice history questions in the admis-
15 sions process; or

16 “(II) the institution makes a de-
17 termination under paragraph (2)(A)
18 to remove criminal or juvenile justice
19 history questions in the admissions
20 process, but continues to make crimi-
21 nal or juvenile justice history inquiries
22 in nonadmissions settings;

23 “(ii) training to ensure that if an in-
24 stitution does not ask criminal or juvenile
25 justice history questions, that proxy ques-

1 tions or factors are not used in lieu of
2 criminal or juvenile justice history informa-
3 tion;

4 “(iii) training for financial aid per-
5 sonnel and any other staff of an institution
6 of higher education involved with campus
7 employment to provide guidance related to
8 work study programs or on campus em-
9 ployment available to formerly incarcerated
10 or juvenile adjudicated individuals;

11 “(iv) training for registrars, academic
12 counselors, student housing staff, student
13 life staff, and any other staff of an institu-
14 tion of higher education who would have
15 access to a student’s criminal or juvenile
16 justice information when the student is an
17 enrolled student; and

18 “(v) training for career counselors to
19 ensure that students with involvement in
20 the criminal or juvenile justice system are
21 provided with targeted career guidance,
22 made aware of potential barriers to em-
23 ployment or licensure, and provided assist-
24 ance to respond to these barriers.

1 “(b) RESOURCE CENTER.—The Secretary shall de-
2 velop a resource center that will serve as the repository
3 for—

4 “(1) best practices as institutions of higher edu-
5 cation develop and implement practices aligned with
6 the recommendations described in subsection (a)(2)
7 to ensure the successful educational outcomes of stu-
8 dents with criminal or juvenile justice histories; and

9 “(2) supplemental research on criminal and ju-
10 venile justice-involved individuals and postsecondary
11 education.”.

12 **SEC. 11604. FINANCIAL AID.**

13 Section 483(a) of the Higher Education Act of 1965
14 (20 U.S.C. 1090(a)) is amended by adding at the end the
15 following:

16 “(13) RESTRICTION ON QUESTION OF CONVIC-
17 TION FOR POSSESSION OR SALE OF ILLEGAL
18 DRUGS.—Notwithstanding any other provision of
19 law, the Secretary shall not include on any form de-
20 veloped under this section, a question about the con-
21 viction of an applicant for the possession or sale of
22 illegal drugs.”.

1 **Subtitle Q—Community Reentry**

2 **SEC. 11701. SHORT TITLE.**

3 This subtitle may be cited as the “Community Re-
4 entry Act of 2020”.

5 **SEC. 11702. FINDINGS.**

6 Congress finds as follows:

7 (1) Researchers find that visitation from family
8 and community members help mitigate recidivism
9 rates among incarcerated individuals. Removing geo-
10 graphical barriers for inmates hoping to stay in
11 touch with their families or members of their com-
12 munity may help lower recidivism rates. These con-
13 tinued relationships alleviate the risk of challenges
14 such as unemployment, homelessness, and debt upon
15 release.

16 (2) In a study of inmates jailed close to home,
17 the Vera Institute of Justice found that most par-
18 ticipants rely on family support to stay off of drugs
19 and maintain requirements of parole as well as care
20 for children.

21 (3) According to the Vera study, more than 80
22 percent of jailed respondents rely on family for sup-
23 port and more than 70 percent rely on friends. Even
24 while incarcerated, inmates continue to rely heavily

1 on their family and community outside of prison for
2 basic needs and survival.

3 (4) Family members report that distance is the
4 greatest barrier to visiting incarcerated relatives
5 while costs, such as transportation, follows. By re-
6 moving geographical and cost barriers, family mem-
7 bers of the incarcerated may have an opportunity to
8 maintain a relationship with their incarcerated loved
9 one.

10 (5) Incarcerated persons should be afforded op-
11 portunities to change and heal. Strengthening rela-
12 tionships between inmates and the family and com-
13 munity members they have left behind will help de-
14 crease recidivism rates and heal fragmented familial
15 and community relationships.

16 **SEC. 11703. PRERELEASE CUSTODY.**

17 Section 3624(c)(1) of title 18, United States Code,
18 is amended by adding at the end the following: “Subject
19 to the availability of appropriations and of bed space avail-
20 ability, the Director shall place a prisoner in a residential
21 reentry center that is within 50 miles of the prisoner’s
22 previous or anticipated permanent legal address, except
23 when the prisoner waives his right to be placed in such
24 a center for reasons such as—

25 “(A) safety of the prisoner or his family;

1 “(B) physical or mental health; or
2 “(C) any other reason deemed to be ac-
3 ceptable by the Director.”.

4 **Subtitle R—Community Reentry**
5 **Act of 2020**

6 **SEC. 11801. SHORT TITLE.**

7 This subtitle may be cited as the “Community Re-
8 entry Act of 2020”.

9 **SEC. 11802. FINDINGS.**

10 Congress finds as follows:

11 (1) Researchers find that visitation from family
12 and community members help mitigate recidivism
13 rates among incarcerated individuals. Removing geo-
14 graphical barriers for inmates hoping to stay in
15 touch with their families or members of their com-
16 munity may help lower recidivism rates. These con-
17 tinued relationships alleviate the risk of challenges
18 such as unemployment, homelessness, and debt upon
19 release.

20 (2) In a study of inmates jailed close to home,
21 the Vera Institute of Justice found that most par-
22 ticipants rely on family support to stay off of drugs
23 and maintain requirements of parole as well as care
24 for children.

1 (3) According to the Vera study, more than 80
2 percent of jailed respondents rely on family for sup-
3 port and more than 70 percent rely on friends. Even
4 while incarcerated, inmates continue to rely heavily
5 on their family and community outside of prison for
6 basic needs and survival.

7 (4) Family members report that distance is the
8 greatest barrier to visiting incarcerated relatives
9 while costs, such as transportation, follows. By re-
10 moving geographical and cost barriers, family mem-
11 bers of the incarcerated may have an opportunity to
12 maintain a relationship with their incarcerated loved
13 one.

14 (5) Incarcerated persons should be afforded op-
15 portunities to change and heal. Strengthening rela-
16 tionships between inmates and the family and com-
17 munity members they have left behind will help de-
18 crease recidivism rates and heal fragmented familial
19 and community relationships.

20 **SEC. 11803. PRERELEASE CUSTODY.**

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22 is amended by adding at the end the following: “Subject
23 to the availability of appropriations and of bed space avail-
24 ability, the Director shall place a prisoner in a residential
25 reentry center that is within 50 miles of the prisoner’s

1 previous or anticipated permanent legal address, except
2 when the prisoner waives his right to be placed in such
3 a center for reasons such as—

4 “(A) safety of the prisoner or his family;

5 “(B) physical or mental health; or

6 “(C) any other reason deemed to be ac-
7 ceptable by the Director.”.

8 **Subtitle S—Dignity for Detained**
9 **Immigrants**

10 **SEC. 11901. SHORT TITLE.**

11 This subtitle may be cited as the “Dignity for De-
12 tained Immigrants Act of 2020”.

13 **SEC. 11902. STANDARDS FOR DHS DETENTION FACILITIES.**

14 Not later than one year after the date of the enact-
15 ment of this Act, the Secretary of Homeland Security
16 shall, by rulemaking, establish detention standards for
17 each facility at which aliens in the custody of the Depart-
18 ment of Homeland Security are detained. Such standards
19 shall provide, at a minimum, the level of protections for
20 detainees described in the American Bar Association’s
21 Civil Immigration Detention Standards (adopted in Au-
22 gust 2012, and as amended in August 2014). On a bien-
23 nial basis, the Secretary shall review and update such
24 standards, as appropriate.

1 **SEC. 11903. OVERSIGHT AND TRANSPARENCY FOR DHS DE-**
2 **TENTION FACILITIES.**

3 (a) PERIODIC INSPECTIONS.—

4 (1) IN GENERAL.—On a periodic basis, and not
5 less than annually, the Inspector General of the De-
6 partment of Homeland Security shall conduct an un-
7 announced inspection of each facility at which aliens
8 in the custody of the Department of Homeland Se-
9 curity are detained in order to ensure that each such
10 facility is in compliance with the standards under
11 section 11902. Not later than 60 days after con-
12 ducting an inspection under this subsection, the In-
13 spector General shall make a report of such inspec-
14 tion publicly available on the website of the Depart-
15 ment of Homeland Security, and submit such report
16 to the Secretary of Homeland Security.

17 (2) FAILURE TO COMPLY WITH STANDARDS.—

18 (A) INITIAL FAILURE.—In the case that
19 the Inspector General determines that a facility
20 has failed to comply with the standards under
21 section 11902 for the first time during any 2-
22 year period, and that such noncompliance con-
23 stitutes a deficiency that threatens the health,
24 safety, or the due process rights of detainees,
25 the Inspector General shall notify the Secretary

1 of Homeland Security of such finding, and the
2 Secretary shall—

3 (i) in the case of a facility that is not
4 owned by the Department of Homeland
5 Security, impose a meaningful fine of not
6 less than 10 percent of the value of the
7 contract with the facility; and

8 (ii) in the case of a facility that is
9 owned by the Department of Homeland
10 Security—

11 (I) issue a written warning to the
12 facility not later than 30 days after
13 receiving such notification from the
14 Inspector General, which shall include
15 remedial measures to be carried out
16 not later than 60 days after the
17 issuance of the warning; and

18 (II) not later than 60 days after
19 the issuance of the warning described
20 in subclause (I), certify to the Inspec-
21 tor General that the remedial meas-
22 ures have been carried out.

23 (B) SUBSEQUENT FAILURES.—In the case
24 that the Inspector General determines that a
25 facility has failed to comply with the standards

1 under section 11902 in two investigations under
2 paragraph (1) during any 2-year period, and
3 that such noncompliance constitutes a defi-
4 ciency that threatens the health, safety, or the
5 constitutional rights of detainees, the Inspector
6 General shall notify the Secretary of Homeland
7 Security of such finding, and the Secretary
8 shall—

9 (i) in the case of a facility that is not
10 owned by the Department of Homeland
11 Security, not later than 30 days after re-
12 ceiving such notification, transfer each de-
13 tainee to a facility that does so comply,
14 and terminate the contract with the owner
15 of the facility; and

16 (ii) in the case of a facility that is
17 owned by the Department of Homeland
18 Security, not later than 60 days after re-
19 ceiving such notification, transfer each de-
20 tainee to a facility that does so comply,
21 and suspend the use of such facility until
22 such time as the Inspector General cer-
23 tifies to the Secretary that the facility is in
24 compliance with such standards, and
25 makes publicly available on the website of

1 the Department of Homeland Security in-
2 formation relating to the remedial meas-
3 ures taken.

4 (b) NOTIFICATION OF DEATH IN CUSTODY.—Not
5 later than 24 hours after the death of an alien in the cus-
6 tody of the Department of Homeland Security, the Sec-
7 retary of Homeland Security shall notify the Committees
8 on the Judiciary of the House of Representatives and of
9 the Senate, the Committee on Homeland Security of the
10 House of Representatives, and the Committee on Home-
11 land Security and Governmental Affairs of the Senate of
12 the death of such alien.

13 (c) INVESTIGATIONS ON DEATH IN CUSTODY.—Not
14 later than 30 days after the death of an alien in the cus-
15 tody of the Department of Homeland Security, the Sec-
16 retary of Homeland Security shall conduct an investiga-
17 tion into that death, which shall include a root cause anal-
18 ysis that identifies any changes to policies, practices,
19 training curricula, staffing, or potential system-wide er-
20 rors that could reduce the probability of such an event
21 in the future. Not later than 60 days after such a death,
22 the Secretary shall make a report describing the results
23 of such investigation publicly available on the website of
24 the Department of Homeland Security. The root cause
25 analysis described in the previous sentence must include

1 appropriately qualified personnel, which, at a minimum,
2 will consist of a medical professional qualified in any field
3 germane to the death, and shall be performed in accord-
4 ance with professional medical standards for investigating
5 sentinel events in medical care facilities, including the
6 Sentinel Event Policy promulgated by The Joint Commis-
7 sion.

8 (d) DEFINITION.—The term “death of an alien in the
9 custody of the Department of Homeland Security” means
10 any death of an alien occurring while the alien is under
11 the supervision of the Department of Homeland Security,
12 regardless of the location of the death, if the death may
13 have resulted from a health problem, which began, existed
14 during, or was exacerbated during the detention of the
15 alien.

16 (e) REPORT TO CONGRESS.—On an annual basis, the
17 Secretary of Homeland Security shall submit to the Com-
18 mittees on the Judiciary of the House of Representatives
19 and of the Senate a report on the inspections and over-
20 sight of facilities at which aliens in the custody of the De-
21 partment of Homeland Security are detained. Such report
22 shall include information relating to, for the preceding
23 year—

24 (1) each detention facility which the Inspector
25 General found was not in compliance with the stand-

1 ards under section 11902 pursuant to an investiga-
2 tion conducted under subsection (a)(1);

3 (2) any remedial actions taken, or that the Sec-
4 retary plans to take, in order to comply with such
5 standards; and

6 (3) whether the remedial actions described in
7 paragraph (2) were successful in bringing the facil-
8 ity into compliance with such standards.

9 (f) CLASSIFICATION OF DOCUMENTS FOR PURPOSES
10 OF FOIA.—The reports under subsections (a) and (b),
11 and any contract between the Department of Homeland
12 Security and a private or public entity which provides for
13 the use of a facility not owned by the Department of
14 Homeland Security to detain aliens in the custody of the
15 Department of Homeland Security, are considered records
16 for purposes of section 552 of title 5, United States Code,
17 and do not qualify for the exception under subsection
18 (b)(4) of such section.

19 (g) FACILITIES MATRIX.—On the first day of each
20 month, the Secretary of Homeland Security shall ensure
21 that there is publicly available on the website of the De-
22 partment of Homeland Security the following information
23 relating to each facility at which aliens in the custody of
24 the Department of Homeland Security may be detained:

25 (1) The name and location of each facility.

1 (2) Whether the facility houses adults, children,
2 or both.

3 (3) As of the first day of the month, the num-
4 ber of beds available in each facility, disaggregated
5 by gender.

6 (4) Whether the facility is used to detain aliens
7 for longer than 72 hours, or for longer than 7 days.

8 (5) The average number of aliens detained in
9 the facility for the current year, and for the pre-
10 ceding month, disaggregated by gender and classi-
11 fication as a child or as an adult.

12 (6) Whether the facility is in compliance with
13 the standards under section 11902.

14 (7) In the case of a facility that is not owned
15 by the Department of Homeland Security, the na-
16 ture of the contract providing for the detention of
17 aliens at that facility.

18 (8) The average, median, 25th quartile, and
19 50th quartile number of days that an alien has been
20 detained at the facility during the preceding month.

21 (h) ONLINE DETAINEE LOCATOR SYSTEM.—The
22 Secretary of Homeland Security shall ensure that the on-
23 line detainee locator system maintained by the Depart-
24 ment of Homeland Security, or any successor system, is
25 updated not later than 12 hours after an alien is taken

1 into custody or released from custody by the Department
2 of Homeland Security, transferred to, or detained in, a
3 detention facility, or removed from the United States.

4 (i) INFORMATION COLLECTED AND MAINTAINED FOR
5 ALIENS IN DHS CUSTODY.—The Secretary of Homeland
6 Security shall collect and maintain, for each alien in the
7 custody of the Department of Homeland Security, the fol-
8 lowing information:

9 (1) The gender and age of the alien.

10 (2) The date on which the alien was detained.

11 (3) The country of origin of the alien.

12 (4) Whether the alien is considered a vulnerable
13 person (as such term is defined in section 236(g) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1226(g)) or a primary caregiver.

16 (5) The provision of law under which the Sec-
17 retary is authorized to detain the alien.

18 (6) The location where the alien is detained.

19 (7) Any transfer of the alien to another deten-
20 tion facility, and the reason for such transfer.

21 (8) The status and basis of any removal pro-
22 ceedings.

23 (9) The initial custody determination made by
24 Immigration and Customs Enforcement, and any re-
25 view of that determination.

1 (10) If applicable, the date of the alien's release
2 or removal, and the reason for such release or re-
3 moval.

4 (11) Whether the alien is subject to a final
5 order of removal.

6 (12) Whether the alien was apprehended as
7 part of a family unit.

8 (13) Whether the alien was separated from a
9 family unit.

10 **SEC. 11904. CAUSE OF ACTION.**

11 (a) IN GENERAL.—An individual who is detained in
12 a facility that is required to comply with the standards
13 described in section 11902, and who is injured as a result
14 of a violation of such standards, may file a claim in the
15 appropriate district court of the United States.

16 (b) RECOVERY.—In a civil action under this section,
17 the court may order injunctive relief and compensatory
18 damages, and may award the prevailing party reasonable
19 attorney fees, and costs.

20 **SEC. 11905. DHS DETENTION FACILITY CONSTRUCTION AND**
21 **MAINTENANCE.**

22 (a) RESTRICTION ON CONSTRUCTION OF DHS FA-
23 CILITIES.—Not later than 180 days before initiating, or
24 entering into a contract for, the construction of a new fa-
25 cility or to expand an existing facility for the detention

1 of aliens in the custody of the Department of Homeland
2 Security, the Secretary of Homeland Security shall submit
3 to the Committees on the Judiciary of the House of Rep-
4 resentatives and of the Senate, the Committee on Home-
5 land Security of the House of Representatives, and the
6 Committee on Homeland Security and Governmental Af-
7 fairs of the Senate a notification of the plan to construct
8 or expand such facility, including the location, size, and
9 capacity of such facility, the anticipated timeline and cost
10 of constructing or expanding such facility, and the in-
11 tended population to be detained at such facility, including
12 the gender and ages of such population. The Secretary will
13 make this information publicly available on the website of
14 the Department of Homeland Security.

15 (b) PHASE-OUT OF PRIVATE DETENTION FACILITIES
16 AND USE OF JAILS.—

17 (1) SECURE DETENTION FACILITIES.—Begin-
18 ning on the date of the enactment of this Act, the
19 Secretary of Homeland Security may not enter into
20 or extend any contract or agreement with any public
21 or private entity which owns or operates a detention
22 facility for use of that facility to detain aliens in the
23 custody of the Department of Homeland Security,
24 and shall terminate any such contract not later than
25 the date that is 3 years after the date of the enact-

1 ment of this Act. Beginning on the date that is 3
2 years after the date of the enactment of this Act,
3 any facility at which aliens in the custody of the De-
4 partment of Homeland Security are detained shall
5 be owned and operated by the Department of Home-
6 land Security.

7 (2) NON-SECURE DETENTION PROGRAMS.—Be-
8 ginning on the date of the enactment of this Act, the
9 Secretary of Homeland Security may not enter into
10 or extend any contract with any public or private
11 for-profit entity which owns or operates a program
12 or facility that provides for non-residential deten-
13 tion-related activities for aliens who are subject to
14 monitoring by the Department of Homeland Secu-
15 rity, and shall terminate any such contract not later
16 than the date that is 3 years after the date of the
17 enactment of this Act. Beginning on the date that
18 is 3 years after the date of the enactment of this
19 Act, any such program or facility shall be owned and
20 operated by a nonprofit organization or by the De-
21 partment of Homeland Security.

22 (3) PUBLICATION OF PLAN.—Not later than 60
23 days after the date of the enactment of this Act, the
24 Secretary shall develop, and make publicly available,

1 a plan and timeline for the implementation of this
2 subsection.

3 **SEC. 11906. APPEARANCE OF DETAINED ALIENS FOR**
4 **OTHER LEGAL MATTERS.**

5 The Secretary of Homeland Security shall make rules
6 to ensure that any alien who is detained in the custody
7 of the Department of Homeland Security, who is required
8 to appear in Federal or State court (including family
9 court) for another matter, is transported by an officer or
10 employee of the Department of Homeland Security to such
11 court proceeding.

12 **SEC. 11907. PROCEDURES FOR DETAINING ALIENS.**

13 (a) PROBABLE CAUSE AND CUSTODY DETERMINA-
14 TION HEARINGS.—Section 236 of the Immigration and
15 Nationality Act (8 U.S.C. 1226) is amended—

16 (1) by amending subsection (a) to read as fol-
17 lows:

18 “(a) ARREST, DETENTION, AND RELEASE.—On a
19 warrant issued by an immigration judge, or pursuant to
20 section 287(a)(2), the Secretary of Homeland Security
21 may arrest an alien, and in accordance with this section,
22 detain the alien or release the alien on bond, subject to
23 conditions, or recognizance, pending a decision on whether
24 the alien is to be removed from the United States.”;

25 (2) by striking subsections (b), (c), (d), and (e);

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

2 “(b) BOND DETERMINATION.—In the case that an
3 immigration judge makes a determination to release an
4 alien on bond under this section, the immigration judge
5 shall consider, for purposes of setting the amount of the
6 bond, the alien’s financial position and ability to pay the
7 bond without imposing financial hardship on the alien, and
8 set bond at no amount greater than necessary to ensure
9 the alien’s appearance for removal proceedings.

10 “(c) CUSTODY DETERMINATION.—

11 “(1) INITIAL DETERMINATION.—Not later than
12 48 hours after taking an alien into custody under
13 the authority provided by this section or section 235
14 of this Act, or those subject to a reinstated order of
15 removal pursuant to section 241(a)(5) who have
16 been found to have a credible or reasonable fear of
17 return, the Secretary of Homeland Security shall
18 make an initial custody determination with regard to
19 that alien, and provide that determination in writing
20 to the alien. If the Secretary determines that the re-
21 lease of an alien will not reasonably ensure the ap-
22 pearance of the alien as required or will endanger
23 the safety of any other person or the community, the
24 custody determination under this paragraph will im-

1 pose the least restrictive conditions, as described in
2 paragraph (4).

3 “(2) TIMING.—If an alien seeks to challenge
4 the initial custody determination under paragraph
5 (1), the alien shall be provided with the opportunity
6 for a hearing before an immigration judge to deter-
7 mine whether the alien should be detained, which
8 hearing shall occur not later than 72 hours after the
9 initial custody determination.

10 “(3) PRESUMPTION OF RELEASE.—In a hearing
11 under this subsection, there shall be a presumption
12 that the alien should be released. The Secretary of
13 Homeland Security shall have the duty of rebutting
14 this presumption, which may only be shown based on
15 clear and convincing evidence, including credible and
16 individualized information, that the use of alter-
17 natives to detention will not reasonably ensure the
18 appearance of the alien at removal proceedings, or
19 that the alien is a threat to another person or the
20 community. The fact that an alien has a criminal
21 charge pending against the alien may not be the sole
22 factor to justify the continued detention of the alien.

23 “(4) LEAST RESTRICTIVE CONDITIONS RE-
24 QUIRED.—If an immigration judge determines pur-
25 suant to a hearing under this section that the re-

1 lease of an alien will not reasonably ensure the ap-
2 pearance of the alien as required or will endanger
3 the safety of any other person or the community, the
4 immigration judge shall order the least restrictive
5 conditions, or combination of conditions, that the
6 judge determines will reasonably ensure the appear-
7 ance of the alien as required and the safety of any
8 other person and the community, which may include
9 release on recognizance, secured or unsecured re-
10 lease on bond, or participation in a program de-
11 scribed in subsection (f). Any conditions assigned to
12 an alien pursuant to this paragraph shall be re-
13 viewed by the immigration judge on a monthly basis.

14 “(5) SPECIAL RULE FOR VULNERABLE PER-
15 SONS AND PRIMARY CAREGIVERS.—In the case that
16 the alien who is the subject of a custody determina-
17 tion under this subsection is a vulnerable person or
18 a primary caregiver, the alien may not be detained
19 unless the Secretary of Homeland Security dem-
20 onstrates, in addition to the requirements under
21 paragraph (3), that it is unreasonable or not prac-
22 ticable to place the individual in a community-based
23 supervision program.

24 “(6) DEFINITIONS.—In this subsection:

1 “(A) MATERIAL WITNESS.—The term ‘ma-
2 terial witness’ means an individual who presents
3 a declaration to an attorney investigating, pros-
4 ecuting, or defending the workplace claim or
5 from the presiding officer overseeing the work-
6 place claim attesting that, to the best of the de-
7 clarant’s knowledge and belief, reasonable cause
8 exists to believe that the testimony of the indi-
9 vidual will be relevant to the outcome of the
10 workplace claim.

11 “(B) PRIMARY CAREGIVER.—The term
12 ‘primary caregiver’ means a person who is es-
13 tablished to be a caregiver, parent, or close rel-
14 ative caring for or traveling with a child.

15 “(C) VULNERABLE PERSON.—The term
16 ‘vulnerable person’ means an individual who—

17 “(i) is under 21 years of age or over
18 60 years of age;

19 “(ii) is pregnant;

20 “(iii) identifies as lesbian, gay, bisex-
21 ual, transgender, or intersex;

22 “(iv) is a victim or witness of a crime;

23 “(v) has filed a nonfrivolous civil
24 rights claim in Federal or State court;

1 “(vi) has filed, or is a material wit-
2 ness to, a bonafide workplace claim;

3 “(vii) has a serious mental or physical
4 illness or disability;

5 “(viii) has been determined by an asy-
6 lum officer in an interview conducted
7 under section 235(b)(1)(B) to have a cred-
8 ible fear of persecution or torture;

9 “(ix) has limited English language
10 proficiency and is not provided access to
11 appropriate and meaningful language serv-
12 ices in a timely fashion; or

13 “(x) has been determined by an immi-
14 gration judge or the Secretary of Home-
15 land Security to be experiencing severe
16 trauma or to be a survivor of torture or
17 gender-based violence, based on informa-
18 tion obtained during intake, from the
19 alien’s attorney or legal service provider, or
20 through credible self-reporting.

21 “(D) WORKPLACE CLAIM.—The term
22 ‘workplace claim’ means any written or oral
23 claim, charge, complaint, or grievance filed
24 with, communicated to, or submitted to the em-
25 ployer, a Federal, State, or local agency or

1 court, or an employee representative related to
2 the violation of applicable Federal, State, and
3 local labor laws, including laws concerning
4 wages and hours, labor relations, family and
5 medical leave, occupational health and safety,
6 civil rights, or nondiscrimination.

7 “(7) SUBSEQUENT DETERMINATIONS.—An
8 alien who is detained under this section shall be pro-
9 vided with a de novo custody determination hearing
10 under this subsection every 60 days, as well as upon
11 showing of a change in circumstances or good cause
12 for such a hearing.

13 “(d) RELEASE UPON AN ORDER GRANTING RELIEF
14 FROM REMOVAL.—In the case of an alien with respect to
15 whom an immigration judge has entered an order pro-
16 viding for relief from removal, including an order granting
17 asylum, or providing for withholding, deferral, or cancella-
18 tion of removal, which order is pending appeal, the Sec-
19 retary of Homeland Security shall immediately release the
20 alien upon entry of the order, and may impose only rea-
21 sonable conditions on the alien’s release from custody.

22 “(e) PROHIBITION ON DETENTION OF CHILDREN.—
23 Notwithstanding any other provision of this Act, the Sec-
24 retary of Homeland Security is prohibited from detaining

1 anyone under the age of 18 in a facility operated or con-
2 tracted by U.S. Immigration and Customs Enforcement.

3 “(f) ALTERNATIVES TO DETENTION.—

4 “(1) IN GENERAL.—The Secretary of Homeland
5 Security shall establish programs that provide alter-
6 natives to detaining aliens, which shall offer a con-
7 tinuum of supervision mechanisms and options, in-
8 cluding community-based supervision programs and
9 community support. The Secretary may contract
10 with nongovernmental community-based organiza-
11 tions to provide programs, which may include case
12 management services, appearance assistance serv-
13 ices, and screenings of aliens who have been de-
14 tained.

15 “(2) INDIVIDUALIZED DETERMINATION RE-
16 QUIRED.—In determining whether to order an alien
17 to participate in a program under this subsection,
18 the Secretary, or the immigration judge, as appro-
19 priate shall make an individualized determination to
20 determine the appropriate level of supervision for the
21 alien. Participation in a program under this sub-
22 section may not be ordered for an alien for whom it
23 is determined that release on reasonable bond or re-
24 cognizance will reasonably ensure the appearance of

1 the alien as required and the safety of any other
2 person and the community.

3 “(3) PROHIBITION ON FEES FOR MONITORING
4 DEVICES.—In a case in which an alien is required to
5 wear an ankle monitor or other homing device as an
6 alternative to detention, the alien may not be
7 charged any fee associated with such monitor or de-
8 vice that exceeds the cost of maintaining and oper-
9 ating such monitor or device.”; and

10 (4) by striking “Attorney General” each place
11 such term appears and inserting “Secretary of
12 Homeland Security”.

13 (b) PROBABLE CAUSE HEARING.—Section 287(a)(2)
14 of the Immigration and Nationality Act (8 U.S.C.
15 1357(a)(2)) is amended by striking “but the alien arrested
16 shall be taken without unnecessary delay for examination
17 before an officer of the Service having authority to exam-
18 ine aliens as to their right to enter or remain in the United
19 States” and inserting “but the alien arrested shall be pro-
20 vided with a hearing before an immigration judge not later
21 than 48 hours after being taken into custody to determine
22 whether there is probable cause to believe that the alien
23 does not have the right to enter or remain in the United
24 States, which burden to establish probable cause shall be
25 on the Secretary of Homeland Security”.

1 (c) MANDATORY DETENTION REPEALED.—

2 (1) IN GENERAL.—The Immigration and Na-
3 tionality Act (8 U.S.C. 1101 et seq.) is amended—

4 (A) in section 235(b)—

5 (i) in paragraph (1)(B)—

6 (I) in clause (ii), by striking “de-
7 tained” and inserting “referred”; and

8 (II) in clause (iii), by striking
9 subclause (IV); and

10 (ii) in paragraph (2)(A), by striking
11 “detained” and inserting “referred”;

12 (B) by striking section 236A;

13 (C) in section 238(a)(2), by striking “pur-
14 suant to section 236(c),”; and

15 (D) in section 506(a)(2)—

16 (i) by amending the heading to read
17 as follows: “RELEASE HEARING FOR
18 ALIENS DETAINED”; and

19 (ii) in subparagraph (A)—

20 (I) in the matter preceding clause

21 (i), by striking “lawfully admitted for
22 permanent residence”;

23 (II) by striking clause (i); and

1 (III) by redesignating clauses (ii)
2 and (iii) as clauses (i) and (ii), respec-
3 tively.

4 (2) CONFORMING AMENDMENTS.—Section
5 241(c)(3)(A)(ii) of the Immigration and Nationality
6 Act (8 U.S.C. 1231(c)(3)(A)(ii)) is amended—

7 (A) in subclause (I), by striking the
8 comma at the end and inserting “; or”;

9 (B) in subclause (II), by striking “, or”
10 and inserting a period; and

11 (C) by striking subclause (III).

12 (d) ALIENS ORDERED REMOVED.—

13 (1) IN GENERAL.—Section 241(a) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1231(a)) is
15 amended—

16 (A) in paragraph (1), by striking “90
17 days” each place it appears and inserting “60
18 days”;

19 (B) by amending paragraph (2) to read as
20 follows:

21 “(2) INITIAL CUSTODY REDETERMINATION
22 HEARING.—

23 “(A) IN GENERAL.—Not later than 72
24 hours after the entry of a final administrative
25 order of removal, the alien ordered removed

1 shall be provided with a custody redetermina-
2 tion hearing before an immigration judge.

3 “(B) PRESUMPTION OF DETENTION.—For
4 purposes of the hearing under subparagraph
5 (A), the alien shall be detained during the re-
6 moval period unless the alien can show by clear
7 and convincing evidence that the alien’s removal
8 is not reasonably foreseeable or that the alien
9 does not pose a risk to the safety of any indi-
10 vidual or to the community.”;

11 (C) in paragraph (3)—

12 (i) in the heading, by striking “90-
13 DAY” and inserting “60-DAY”; and

14 (ii) in the matter preceding subpara-
15 graph (A), by striking “the alien, pending
16 removal, shall be subject to supervision
17 under” and inserting the following: “except
18 as provided in paragraph (6), any alien
19 who has been detained during the removal
20 period shall be released from custody,
21 pending removal, subject to individualized
22 supervision requirements in accordance
23 with”;

24 (D) by amending paragraph (6) to read as
25 follows:

1 “(6) SUBSEQUENT CUSTODY REDETERMINA-
2 TION HEARINGS.—

3 “(A) IN GENERAL.—The Secretary of
4 Homeland Security may request a subsequent
5 redetermination hearing before an immigration
6 judge seeking continued detention for an alien
7 ordered to be detained pursuant to paragraph
8 (2) who has not been removed within the re-
9 moval period.

10 “(B) STANDARD.—An alien may only be
11 detained after the removal period upon a show-
12 ing by the Secretary of Homeland Security
13 that—

14 “(i) the alien’s removal is reasonably
15 foreseeable; or

16 “(ii) the alien poses a risk to the safe-
17 ty of an individual or the community,
18 which may only be established based on
19 credible and individualized information and
20 may not be established based only the fact
21 that the alien has been charged with or is
22 suspected of a crime.

23 “(C) PERIOD OF DETENTION.—An alien
24 may not be detained pursuant to an order
25 under this paragraph for longer than a 60-day

period. The Secretary of Homeland Security may seek subsequent redetermination hearings under this paragraph in order to continue detaining an alien beyond each such 60-day period.”; and

(E) by striking paragraph (7).

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) in section 238 (8 U.S.C. 1228)—

(i) in subsection (a)(1), in the first sentence—

(I) by striking “section 241(a)(2)(A)(iii)” and inserting “section 237(a)(2)(A)(iii)”;

(II) by striking “section 241(a)(2)(A)(ii)” and inserting “section 237(a)(2)(A)(ii)”;

(III) by striking “section 241(a)(2)(A)(i)” and inserting “237(a)(2)(A)(i)”;

(ii) in the second subsection (c)—

(I) in paragraph (2)(B), by striking “section 241(a)(2)(A)” and inserting “section 237(a)(2)(A)”;

1 (II) in paragraph (4), by striking
2 “section 241(a)” and inserting “sec-
3 tion 237(a)”;

4 (B) in section 276(b)(4) (8 U.S.C.
5 1326(b)(4)), by striking “section 241(a)(4)(B)”
6 and inserting “section 237(a)(4)(B)”; and

7 (C) in section 501(1) (8 U.S.C. 1531(1)),
8 by striking “section 241(a)(4)(B)” and insert-
9 ing “section 237(a)(4)(B)”.

10 **SEC. 11908. SENSE OF CONGRESS.**

11 It is the sense of Congress that detention, even for
12 a short period of time, inflicts severe, irreparable harm
13 on children and should be avoided.

14 **Subtitle T—Solitary Confinement**
15 **Study and Reform**

16 **SEC. 12001. SHORT TITLE.**

17 This subtitle may be cited as the “Solitary Confinement
18 Study and Reform Act of 2020”.

19 **SEC. 12002. PURPOSES.**

20 The purposes of this subtitle are to—

21 (1) develop and implement national standards
22 for the use of solitary confinement to ensure that it
23 is used infrequently and only under extreme cir-
24 cumstances;

1 (2) establish a more humane and constitu-
2 tionally sound practice of segregated detention or
3 solitary confinement in correctional facilities;

4 (3) accelerate the development of best practices
5 and make reforming solitary confinement a top pri-
6 ority in each correctional facility at the Federal and
7 State levels;

8 (4) increase the available data and information
9 on the incidence of solitary confinement, con-
10 sequently improving the management and adminis-
11 tration of correctional facilities;

12 (5) standardize the definitions used for col-
13 lecting data on the incidence of solitary confinement;

14 (6) increase the accountability of correctional
15 facility officials who fail to design and implement
16 humane and constitutionally sound solitary confine-
17 ment practices;

18 (7) protect the Eighth Amendment rights of in-
19 mates at correctional facilities; and

20 (8) reduce the costs that solitary confinement
21 imposes on interstate commerce.

1 **SEC. 12003. NATIONAL SOLITARY CONFINEMENT STUDY**
2 **AND REFORM COMMISSION.**

3 (a) ESTABLISHMENT.—There is established a com-
4 mission to be known as the National Solitary Confinement
5 Study and Reform Commission.

6 (b) MEMBERS.—

7 (1) IN GENERAL.—The Commission shall be
8 composed of 9 members, of whom—

9 (A) 3 shall be appointed by the President;

10 (B) 2 shall be appointed by the Speaker of
11 the House of Representatives, unless the Speak-
12 er is of the same party as the President, in
13 which case 1 shall be appointed by the Speaker
14 of the House of Representatives and 1 shall be
15 appointed by the minority leader of the House
16 of Representatives;

17 (C) 1 shall be appointed by the minority
18 leader of the House of Representatives (in addi-
19 tion to any appointment made under subpara-
20 graph (B));

21 (D) 2 shall be appointed by the majority
22 leader of the Senate, unless the majority leader
23 is of the same party as the President, in which
24 case 1 shall be appointed by the majority leader
25 of the Senate and 1 shall be appointed by the
26 minority leader of the Senate; and

1 (E) 1 shall be appointed by the minority
2 leader of the Senate (in addition to any ap-
3 pointment made under subparagraph (D)).

4 (2) PERSONS ELIGIBLE.—Each member of the
5 Commission shall be an individual who has knowl-
6 edge or expertise in matters to be studied by the
7 Commission.

8 (3) CONSULTATION REQUIRED.—The President,
9 the Speaker, and the minority leader of the House
10 of Representatives, and the majority leader and mi-
11 nority leader of the Senate shall consult with one an-
12 other prior to the appointment of the members of
13 the Commission to achieve, to the maximum extent
14 possible, fair and equitable representation of various
15 points of view with respect to the matters to be
16 studied by the Commission.

17 (4) TERM.—Each member shall be appointed
18 for the life of the Commission.

19 (5) TIME FOR INITIAL APPOINTMENTS.—The
20 appointment of the members shall be made not later
21 than 180 days after the date of enactment of this
22 Act.

23 (6) VACANCIES.—A vacancy in the Commission
24 shall be filled in the manner in which the original
25 appointment was made, and shall be made not later

1 than 60 days after the date on which the vacancy
2 occurred.

3 (c) OPERATION.—

4 (1) CHAIRPERSON.—Not later than 15 days
5 after appointments of all the members are made, the
6 President shall appoint a chairperson for the Com-
7 mission from among its members.

8 (2) MEETINGS.—The Commission shall meet at
9 the call of the chairperson. The initial meeting of the
10 Commission shall take place not later than 30 days
11 after the initial appointment of the members is com-
12 pleted.

13 (3) QUORUM.—A majority of the members of
14 the Commission shall constitute a quorum to con-
15 duct business, but the Commission may establish a
16 lesser quorum for conducting hearings scheduled by
17 the Commission.

18 (4) RULES.—The Commission may establish by
19 majority vote any other rules for the conduct of
20 Commission business, if such rules are not incon-
21 sistent with this subtitle or other applicable law.

22 (d) COMPREHENSIVE STUDY OF THE IMPACTS OF
23 SOLITARY CONFINEMENT.—

24 (1) IN GENERAL.—The Commission shall carry
25 out a comprehensive legal and factual study of the

1 penological, physical, mental, medical, social, fiscal,
2 and economic impacts of solitary confinement in the
3 United States on—

4 (A) Federal, State, and local governments;

5 and

6 (B) communities and social institutions
7 generally, including individuals, families, and
8 businesses within such communities and social
9 institutions.

10 (2) MATTERS INCLUDED.—The study under
11 paragraph (1) shall include—

12 (A) a review of existing Federal, State,
13 and local government policies and practices with
14 respect to the extent and duration of the use of
15 solitary confinement;

16 (B) an assessment of the relationship be-
17 tween solitary confinement and correctional fa-
18 cility conditions, and existing monitoring, regu-
19 latory, and enforcement practices;

20 (C) an assessment of the characteristics of
21 prisoners and juvenile detainees most likely to
22 be referred to solitary confinement and the ef-
23 fectiveness of various types of treatment or pro-
24 grams to reduce such likelihood;

1 (D) an assessment of the impacts of soli-
2 tary confinement on individuals, families, social
3 institutions, and the economy generally;

4 (E) an identification of additional scientific
5 and social science research needed on the preva-
6 lence of solitary confinement in correctional fa-
7 cilities as well as a full assessment of existing
8 literature;

9 (F) an assessment of the general relation-
10 ship between solitary confinement and mental
11 illness;

12 (G) an assessment of the relationship be-
13 tween solitary confinement and levels of train-
14 ing, supervision, and discipline of the staff of
15 correctional facilities; and

16 (H) an assessment of existing Federal and
17 State systems for collecting and reporting the
18 number and duration of solitary confinement
19 incidents in correctional facilities nationwide.

20 (3) REPORT.—

21 (A) DISTRIBUTION.—Not later than two
22 years after the date of the initial meeting of the
23 Commission, the Commission shall submit a re-
24 port on the study carried out under this sub-
25 section to—

- 1 (i) the President;
- 2 (ii) the Congress;
- 3 (iii) the Attorney General of the
- 4 United States;
- 5 (iv) the Secretary of Health and
- 6 Human Services;
- 7 (v) the Director of the Federal Bu-
- 8 reau of Prisons;
- 9 (vi) the Administrator of the Office of
- 10 Juvenile Justice and Delinquency Preven-
- 11 tion;
- 12 (vii) the chief executive of each State;
- 13 and
- 14 (viii) the head of the department of
- 15 corrections of each State.

16 (B) CONTENTS.—The report under sub-

17 paragraph (A) shall include—

- 18 (i) the findings and conclusions of the
- 19 Commission;
- 20 (ii) the recommended national stand-
- 21 ards for reducing the use of solitary con-
- 22 finement described in subsection (e); and
- 23 (iii) a summary of the materials relied
- 24 on by the Commission in the preparation
- 25 of the report.

1 (e) RECOMMENDATIONS.—

2 (1) IN GENERAL.—As part of the report sub-
3 mitted under subsection (d)(3), the Commission
4 shall provide the Attorney General and the Secretary
5 of Health and Human Services with recommended
6 national standards for significantly reducing the use
7 of solitary confinement in correctional facilities.

8 (2) MATTERS INCLUDED.—The information
9 provided under paragraph (1) shall include rec-
10 ommended national standards relating to—

11 (A) how authorities can progress toward
12 significantly limiting the utilization of solitary
13 confinement so that a prisoner may be placed
14 in solitary confinement only under extreme
15 emergency circumstances, as a last resort, for
16 as short a time as possible, subject to inde-
17 pendent review, and pursuant to the authoriza-
18 tion of a competent authority;

19 (B) methods that can be employed to en-
20 sure that the duration of solitary confinement
21 of a prisoner at an institution can be limited to
22 no more than 15 consecutive days in a 60-day
23 period, except that if the head of a correctional
24 facility makes an individualized determination
25 that the prisoner cannot be safely returned to

1 the general population, the head of the correc-
2 tional facility may continue to segregate the
3 prisoner from the general population without
4 the use of solitary confinement and in accord-
5 ance with the United Nations Standard Min-
6 imum Rules on the Treatment of Prisoners;

7 (C) ensuring that prior to being classified,
8 assigned, or subject to long-term segregation, a
9 prisoner shall be entitled to a meaningful hear-
10 ing on the reason for and duration of the con-
11 finement and have access to legal counsel for
12 such hearings;

13 (D) ensuring that indefinite sentencing of
14 a prisoner to long-term segregation will not be
15 allowed and that the prisoner will be afforded
16 a meaningful review of the segregation at least
17 once every 30 days that the prisoner remains in
18 segregation and that correctional facility offi-
19 cials must record and provide a transcript of
20 the review proceedings for the prisoner under
21 review to the prisoner or the prisoner's des-
22 ignee;

23 (E) ensuring that correctional facility offi-
24 cials design and implement programming that
25 allows prisoners subject to long-term segrega-

tion to earn placement in less restrictive housing through positive behavior;

(F) ensuring that protective custody and other custody designations designed to protect vulnerable prisoners, regardless of the reason for vulnerability, are not characterized by solitary confinement or other type of isolation conditions, and that prisoners placed in protective custody have access to programs, privileges, education, and work opportunities commensurate with general population prisoners to the extent possible;

(G) ensuring that correctional facility officials improve access to mental health treatment for prisoners in solitary confinement;

(H) ensuring that correctional facility officials work toward systems wherein prisoners diagnosed by a qualified mental health professional with a serious mental illness are not held in long-term solitary confinement;

(I) ensuring that correctional facility officials do all that is feasible to make certain that prisoners are not held in solitary confinement for any duration;

1 (J) ensuring that correctional facility offi-
2 cials develop alternative methods to manage
3 issues with prisoners other than solitary con-
4 finement;

5 (K) ensuring that correctional facility offi-
6 cers do all that is feasible to make certain that
7 prisoners with mental health, physical, or cog-
8 nitive disabilities are not held in solitary con-
9 finement for any duration;

10 (L) ensuring that correctional facility offi-
11 cers do all that is feasible to make certain that
12 pregnant and post-partum women are not held
13 in solitary confinement for any duration;

14 (M) ensuring that correctional facility offi-
15 cers work towards systems that limit the cir-
16 cumstances and conditions under which juve-
17 niles are placed in solitary confinement, in com-
18 pliance with section 5043 of title 18, United
19 States Code; and

20 (N) such other matters as may reasonably
21 be related to the goal of reducing solitary con-
22 finement in correctional facilities.

23 (3) LIMITATION.—The Commission shall not
24 propose a recommended standard that would impose
25 substantial additional costs compared to the costs

1 presently expended by correctional facilities, and
2 shall seek to propose standards that reduce the costs
3 of incarceration at such facilities.

4 (f) CONSULTATION WITH ACCREDITATION ORGANI-
5 ZATIONS.—In developing recommended national standards
6 for the reduction of solitary confinement under subsection
7 (e), the Commission shall consider any standards that
8 have already been developed, or are being developed simul-
9 taneously to the deliberations of the Commission. The
10 Commission shall consult with accreditation organizations
11 responsible for the accreditation of correctional facilities
12 that have developed or are developing standards related
13 to solitary confinement. The Commission shall also consult
14 with national associations representing the corrections
15 profession, the legal profession, the medical profession, or
16 any other pertinent professional body that has developed
17 or is developing standards related to solitary confinement.

18 (g) HEARINGS.—

19 (1) IN GENERAL.—The Commission shall hold
20 public hearings. The Commission may hold such
21 hearings, sit and act at such times and places, take
22 such testimony, and receive such evidence as the
23 Commission considers advisable to carry out its du-
24 ties under this section.

1 (2) WITNESS EXPENSES.—Witnesses requested
2 to appear before the Commission shall be paid the
3 same fees as are paid to witnesses under section
4 1821 of title 28, United States Code. The per diem
5 and mileage allowances for witnesses shall be paid
6 from funds appropriated to the Commission.

7 (h) INFORMATION FROM FEDERAL OR STATE AGEN-
8 CIES.—The Commission may secure directly from any
9 Federal department or agency such information as the
10 Commission considers necessary to carry out its duties
11 under this section. The Commission may request the head
12 of any State or local department or agency to furnish such
13 information to the Commission.

14 (i) PERSONNEL MATTERS.—

15 (1) TRAVEL EXPENSES.—The members of the
16 Commission shall be allowed travel expenses, includ-
17 ing per diem in lieu of subsistence, at rates author-
18 ized for employees of agencies under subchapter I of
19 chapter 57 of title 5, United States Code, while
20 away from their homes or regular places of business
21 in the performance of service for the Commission.

22 (2) DETAIL OF FEDERAL EMPLOYEES.—With
23 the affirmative vote of $\frac{2}{3}$ of the Commission, any
24 Federal Government employee, with the approval of
25 the head of the appropriate Federal agency, may be

1 detailed to the Commission without reimbursement,
2 and such detail shall be without interruption or loss
3 of civil service status, benefits, or privileges.

4 (3) PROCUREMENT OF TEMPORARY AND INTER-
5 MITTENT SERVICES.—Upon the request of the Com-
6 mission, the Attorney General shall provide reason-
7 able and appropriate office space, supplies, and ad-
8 ministrative assistance.

9 (j) CONTRACTS FOR RESEARCH.—

10 (1) NATIONAL INSTITUTE OF JUSTICE.—With a
11 $\frac{2}{3}$ affirmative vote, the Commission may select non-
12 governmental researchers and experts to assist the
13 Commission in carrying out its duties under this
14 subtitle. The National Institute of Justice shall con-
15 tract with the researchers and experts selected by
16 the Commission to provide funding in exchange for
17 their services.

18 (2) OTHER ORGANIZATIONS.—Nothing in this
19 subsection shall be construed to limit the ability of
20 the Commission to enter into contracts with other
21 entities or organizations for research necessary to
22 carry out the duties of the Commission under this
23 section.

1 (k) TERMINATION.—The Commission shall terminate
2 on the date that is 60 days after the date on which the
3 Commission submits the reports required by this section.

4 (l) EXEMPTION.—The Commission shall be exempt
5 from the Federal Advisory Committee Act.

6 **SEC. 12004. ADOPTION AND EFFECT OF NATIONAL STAND-**
7 **ARDS.**

8 (a) PUBLICATION OF STANDARDS.—

9 (1) FINAL RULE.—Not later than two years
10 after receiving the report specified in section
11 12003(d)(3), the Attorney General shall publish a
12 final rule adopting national standards for the reduc-
13 tion of solitary confinement in correctional facilities.

14 (2) INDEPENDENT JUDGMENT.—The standards
15 referred to in paragraph (1) shall be based upon the
16 independent judgment of the Attorney General, after
17 giving consideration to the recommended national
18 standards provided by the Commission under section
19 12003(e), and being informed by such data, opin-
20 ions, and proposals that the Attorney General deter-
21 mines to be appropriate to consider.

22 (3) LIMITATION.—The Attorney General shall
23 not establish a national standard under this section
24 that would impose substantial additional costs com-
25 pared to the costs presently expended by Federal

1 and State correctional systems. The Attorney Gen-
2 eral may, however, provide a list of improvements
3 for consideration by correctional facilities.

4 (4) TRANSMISSION TO STATES.—Not later than
5 90 days after publishing the final rule under para-
6 graph (1), the Attorney General shall transmit the
7 national standards adopted under that paragraph to
8 the chief executive of each State, the head of the de-
9 partment of corrections of each State, the head of
10 the department of juvenile justice of each State, and
11 to the appropriate authorities in those units of local
12 government who oversee operations in one or more
13 correctional facilities.

14 (b) APPLICABILITY TO FEDERAL BUREAU OF PRIS-
15 ONS.—The national standards referred to in subsection
16 (a) shall apply to the Federal Bureau of Prisons imme-
17 diately upon adoption of the final rule under subsection
18 (a)(1).

19 (c) EDWARD BYRNE MEMORIAL JUSTICE ASSIST-
20 ANCE GRANT PROGRAM FUNDING REDUCTION.—Begin-
21 ning in the second fiscal year that begins after the date
22 on which the Attorney General issues the final rule under
23 subsection (a)(1), in the case of a State or unit of local
24 government that is not in compliance with the national
25 standards described in subsection (a)(1), the Attorney

1 General shall reduce by 5 percent the amount that such
2 State or unit of local government would otherwise receive
3 under subpart 1 of part E of the Omnibus Crime and Safe
4 Streets Act of 1968 (34 U.S.C. 10151 et seq.).

5 **SEC. 12005. DEFINITIONS.**

6 For purposes of this subtitle, the following definitions
7 shall apply:

8 (1) ATTORNEY GENERAL.—The term “Attorney
9 General” means the Attorney General of the United
10 States.

11 (2) COMMISSION.—The term “Commission”
12 means the National Solitary Confinement Study and
13 Reform Commission established under section 12003
14 of this subtitle.

15 (3) LONG-TERM.—The term “long-term” means
16 any period lasting more than 15 consecutive days in
17 a 60-day period.

18 (4) QUALIFIED MENTAL HEALTH PROFES-
19 SIONAL.—The term “qualified mental health profes-
20 sional” means a psychiatrist, psychologist, psy-
21 chiatric social worker, licensed professional coun-
22 selor, psychiatric nurse, or another individual who,
23 by virtue of education, credentials, and experience, is
24 permitted by law to evaluate and provide mental
25 health care.

1 (5) SERIOUS MENTAL ILLNESS.—The term “se-
2 rious mental illness” means a substantial disorder
3 that—

4 (A) significantly impairs judgment, behav-
5 ior, or capacity to recognize reality or cope with
6 the ordinary demands of life; and

7 (B) is manifested by substantial pain or
8 disability, the status of being actively suicidal,
9 a severe cognitive disorder that results in sig-
10 nificant functional impairment, or a severe per-
11 sonality disorder that results in significant
12 functional impairment.

13 (6) SOLITARY CONFINEMENT.—The term “soli-
14 tary confinement” means confinement of a prisoner
15 or juvenile detainee in a cell or other place, alone or
16 with other persons, for approximately 22 hours or
17 more per day with severely restricted activity, move-
18 ment, and social interaction, which is separate from
19 the general population of that correctional facility.

20 (7) SEGREGATION.—The term “segregation”
21 means housing of a prisoner separate from the gen-
22 eral population of a correctional facility in which
23 movement, activity, and social interaction may be re-
24 stricted.

1 (8) CORRECTIONAL FACILITY.—The term “cor-
 2 rectional facility” means a Federal, State, local, or
 3 privately run prison, jail, or juvenile detention facil-
 4 ity.

5 **Subtitle U—Fair Chance to**
 6 **Compete for Jobs**

7 **SEC. 12101. SHORT TITLE.**

8 This subtitle may be cited as the “Fair Chance to
 9 Compete for Jobs Act of 2020” or the “Fair Chance Act”.

10 **SEC. 12102. PROHIBITION ON CRIMINAL HISTORY INQUIR-**
 11 **IES PRIOR TO CONDITIONAL OFFER FOR FED-**
 12 **ERAL EMPLOYMENT.**

13 (a) IN GENERAL.—Subpart H of part III of title 5,
 14 United States Code, is amended by adding at the end the
 15 following:

16 **“CHAPTER 92—PROHIBITION ON CRIMI-**
 17 **NAL HISTORY INQUIRIES PRIOR TO**
 18 **CONDITIONAL OFFER**

“Sec.

“9201. Definitions.

“9202. Limitations on requests for criminal history record information.

“9203. Agency policies; complaint procedures.

“9204. Adverse action.

“9205. Procedures.

“9206. Rules of construction.

19 **“§ 9201. Definitions**

20 “In this chapter—

1 “(1) the term ‘agency’ means ‘Executive agen-
2 cy’ as such term is defined in section 105 and in-
3 cludes—

4 “(A) the United States Postal Service and
5 the Postal Regulatory Commission; and

6 “(B) the Executive Office of the President;

7 “(2) the term ‘appointing authority’ means an
8 employee in the executive branch of the Government
9 of the United States that has authority to make ap-
10 pointments to positions in the civil service;

11 “(3) the term ‘conditional offer’ means an offer
12 of employment in a position in the civil service that
13 is conditioned upon the results of a criminal history
14 inquiry;

15 “(4) the term ‘criminal history record informa-
16 tion’—

17 “(A) except as provided in subparagraphs
18 (B) and (C), has the meaning given the term in
19 section 9101(a);

20 “(B) includes any information described in
21 the first sentence of section 9101(a)(2) that has
22 been sealed or expunged pursuant to law; and

23 “(C) includes information collected by a
24 criminal justice agency, relating to an act or al-
25 leged act of juvenile delinquency, that is analo-

1 gous to criminal history record information (in-
2 cluding such information that has been sealed
3 or expunged pursuant to law); and

4 “(5) the term ‘suspension’ has the meaning
5 given the term in section 7501.

6 **“§ 9202. Limitations on requests for criminal history**
7 **record information**

8 “(a) INQUIRIES PRIOR TO CONDITIONAL OFFER.—
9 Except as provided in subsections (b) and (c), an employee
10 of an agency may not request, in oral or written form (in-
11 cluding through the Declaration for Federal Employment
12 (Office of Personnel Management Optional Form 306) or
13 any similar successor form, the USAJOBS internet
14 website, or any other electronic means) that an applicant
15 for an appointment to a position in the civil service dis-
16 close criminal history record information regarding the ap-
17 plicant before the appointing authority extends a condi-
18 tional offer to the applicant.

19 “(b) OTHERWISE REQUIRED BY LAW.—The prohibi-
20 tion under subsection (a) shall not apply with respect to
21 an applicant for a position in the civil service if consider-
22 ation of criminal history record information prior to a con-
23 ditional offer with respect to the position is otherwise re-
24 quired by law.

25 “(c) EXCEPTION FOR CERTAIN POSITIONS.—

1 “(1) IN GENERAL.—The prohibition under sub-
2 section (a) shall not apply with respect to an appli-
3 cant for an appointment to a position—

4 “(A) that requires a determination of eligi-
5 bility described in clause (i), (ii), or (iii) of sec-
6 tion 9101(b)(1)(A);

7 “(B) as a Federal law enforcement officer
8 (as defined in section 115(c) of title 18); or

9 “(C) identified by the Director of the Of-
10 fice of Personnel Management in the regula-
11 tions issued under paragraph (2).

12 “(2) REGULATIONS.—

13 “(A) ISSUANCE.—The Director of the Of-
14 fice of Personnel Management shall issue regu-
15 lations identifying additional positions with re-
16 spect to which the prohibition under subsection
17 (a) shall not apply, giving due consideration to
18 positions that involve interaction with minors,
19 access to sensitive information, or managing fi-
20 nancial transactions.

21 “(B) COMPLIANCE WITH CIVIL RIGHTS
22 LAWS.—The regulations issued under subpara-
23 graph (A) shall—

24 “(i) be consistent with, and in no way
25 supersede, restrict, or limit the application

1 of title VII of the Civil Rights Act of 1964
2 (42 U.S.C. 2000e et seq.) or other relevant
3 Federal civil rights laws; and

4 “(ii) ensure that all hiring activities
5 conducted pursuant to the regulations are
6 conducted in a manner consistent with rel-
7 evant Federal civil rights laws.

8 **“§ 9203. Agency policies; complaint procedures**

9 “The Director of the Office of Personnel Manage-
10 ment shall—

11 “(1) develop, implement, and publish a policy to
12 assist employees of agencies in complying with sec-
13 tion 9202 and the regulations issued pursuant to
14 such section; and

15 “(2) establish and publish procedures under
16 which an applicant for an appointment to a position
17 in the civil service may submit a complaint, or any
18 other information, relating to compliance by an em-
19 ployee of an agency with section 9202.

20 **“§ 9204. Adverse action**

21 “(a) FIRST VIOLATION.—If the Director of the Office
22 of Personnel Management determines, after notice and an
23 opportunity for a hearing on the record, that an employee
24 of an agency has violated section 9202, the Director
25 shall—

1 “(1) issue to the employee a written warning
2 that includes a description of the violation and the
3 additional penalties that may apply for subsequent
4 violations; and

5 “(2) file such warning in the employee’s official
6 personnel record file.

7 “(b) SUBSEQUENT VIOLATIONS.—If the Director of
8 the Office of Personnel Management determines, after no-
9 tice and an opportunity for a hearing on the record, that
10 an employee that was subject to subsection (a) has com-
11 mitted a subsequent violation of section 9202, the Director
12 may take the following action:

13 “(1) For a second violation, suspension of the
14 employee for a period of not more than 7 days.

15 “(2) For a third violation, suspension of the
16 employee for a period of more than 7 days.

17 “(3) For a fourth violation—

18 “(A) suspension of the employee for a pe-
19 riod of more than 7 days; and

20 “(B) a civil penalty against the employee
21 in an amount that is not more than \$250.

22 “(4) For a fifth violation—

23 “(A) suspension of the employee for a pe-
24 riod of more than 7 days; and

1 “(B) a civil penalty against the employee
2 in an amount that is not more than \$500.

3 “(5) For any subsequent violation—

4 “(A) suspension of the employee for a pe-
5 riod of more than 7 days; and

6 “(B) a civil penalty against the employee
7 in an amount that is not more than \$1,000.

8 **“§ 9205. Procedures**

9 “(a) APPEALS.—The Director of the Office of Per-
10 sonnel Management shall by rule establish procedures pro-
11 viding for an appeal from any adverse action taken under
12 section 9204 by not later than 30 days after the date of
13 the action.

14 “(b) APPLICABILITY OF OTHER LAWS.—An adverse
15 action taken under section 9204 (including a determina-
16 tion in an appeal from such an action under subsection
17 (a) of this section) shall not be subject to—

18 “(1) the procedures under chapter 75; or

19 “(2) except as provided in subsection (a) of this
20 section, appeal or judicial review.

21 **“§ 9206. Rules of construction**

22 “Nothing in this chapter may be construed to—

23 “(1) authorize any officer or employee of an
24 agency to request the disclosure of information de-

3 “(2) create a private right of action for any
4 person.”.

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out chapter 92 of title 5, United States Code (as added by this subtitle).

(c) TECHNICAL AND CONFORMING AMENDMENT.—

The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 91 the following:

20 (d) APPLICATION TO LEGISLATIVE BRANCH.—

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1 (A) in section 102(a) (2 U.S.C. 1302(a)),
2 by adding at the end the following:

3 “(12) Section 9202 of title 5, United States
4 Code.”;

5 (B) by redesignating section 207 (2 U.S.C.
6 1317) as section 208; and

7 (C) by inserting after section 206 (2
8 U.S.C. 1316) the following new section:

9 **“SEC. 207. RIGHTS AND PROTECTIONS RELATING TO CRIMI-**
10 **NAL HISTORY INQUIRIES.**

11 “(a) DEFINITIONS.—In this section, the terms ‘agen-
12 cy’, ‘criminal history record information’, and ‘suspension’
13 have the meanings given the terms in section 9201 of title
14 5, United States Code, except as otherwise modified by
15 this section.

16 “(b) RESTRICTIONS ON CRIMINAL HISTORY INQUIR-
17 IES.—

18 “(1) IN GENERAL.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), an employee of an employing
21 office may not request that an applicant for em-
22 ployment as a covered employee disclose crimi-
23 nal history record information if the request
24 would be prohibited under section 9202 of title

1 5, United States Code, if made by an employee
2 of an agency.

3 “(B) CONDITIONAL OFFER.—For purposes
4 of applying that section 9202 under subpara-
5 graph (A), a reference in that section 9202 to
6 a conditional offer shall be considered to be an
7 offer of employment as a covered employee that
8 is conditioned upon the results of a criminal
9 history inquiry.

10 “(2) RULES OF CONSTRUCTION.—The provi-
11 sions of section 9206 of title 5, United States Code,
12 shall apply to employing offices, consistent with reg-
13 ulations issued under subsection (d).

14 “(c) REMEDY.—

15 “(1) IN GENERAL.—The remedy for a violation
16 of subsection (b)(1) shall be such remedy as would
17 be appropriate if awarded under section 9204 of title
18 5, United States Code, if the violation had been
19 committed by an employee of an agency, consistent
20 with regulations issued under subsection (d), except
21 that the reference in that section to a suspension
22 shall be considered to be a suspension with the level
23 of compensation provided for a covered employee
24 who is taking unpaid leave under section 202.

1 “(2) PROCESS FOR OBTAINING RELIEF.—An
2 applicant for employment as a covered employee who
3 alleges a violation of subsection (b)(1) may rely on
4 the provisions of title IV (other than section 407 or
5 408, or a provision of this title that permits a per-
6 son to obtain a civil action or judicial review), con-
7 sistent with regulations issued under subsection (d).

8 “(d) REGULATIONS TO IMPLEMENT SECTION.—

9 “(1) IN GENERAL.—Not later than 18 months
10 after the date of enactment of the Fair Chance to
11 Compete for Jobs Act of 2020, the Board shall, pur-
12 suant to section 304, issue regulations to implement
13 this section.

14 “(2) PARALLEL WITH AGENCY REGULATIONS.—
15 The regulations issued under paragraph (1) shall be
16 the same as substantive regulations issued by the
17 Director of the Office of Personnel Management
18 under section 2(b)(1) of the Fair Chance to Com-
19 pete for Jobs Act of 2020 to implement the statu-
20 tory provisions referred to in subsections (a) through
21 (c) except to the extent that the Board may deter-
22 mine, for good cause shown and stated together with
23 the regulation, that a modification of such regula-
24 tions would be more effective for the implementation
25 of the rights and protections under this section.

1 “(e) EFFECTIVE DATE.—Section 102(a)(12) and
2 subsections (a) through (c) shall take effect on the date
3 on which section 9202 of title 5, United States Code, ap-
4 plies with respect to agencies.”.

5 (2) CLERICAL AMENDMENTS.—

6 (A) The table of contents in section 1(b) of
7 the Congressional Accountability Act of 1995
8 (Public Law 104–1; 109 Stat. 3) is amended—

9 (i) by redesignating the item relating
10 to section 207 as the item relating to sec-
11 tion 208; and

12 (ii) by inserting after the item relating
13 to section 206 the following new item:

“Sec. 207. Rights and protections relating to criminal history inquiries.”.

14 (B) Section 62(e)(2) of the Internal Rev-
15 enue Code of 1986 is amended by striking “or
16 207” and inserting “207, or 208”.

17 (e) APPLICATION TO JUDICIAL BRANCH.—

18 (1) IN GENERAL.—Section 604 of title 28,
19 United States Code, is amended by adding at the
20 end the following:

21 “(i) RESTRICTIONS ON CRIMINAL HISTORY INQUIR-
22 IES.—

23 “(1) DEFINITIONS.—In this subsection—

1 “(A) the terms ‘agency’ and ‘criminal his-
2 tory record information’ have the meanings
3 given those terms in section 9201 of title 5;

4 “(B) the term ‘covered employee’ means an
5 employee of the judicial branch of the United
6 States Government, other than—

7 “(i) any judge or justice who is enti-
8 tled to hold office during good behavior;

9 “(ii) a United States magistrate
10 judge; or

11 “(iii) a bankruptcy judge; and

12 “(C) the term ‘employing office’ means any
13 office or entity of the judicial branch of the
14 United States Government that employs covered
15 employees.

16 “(2) RESTRICTION.—A covered employee may
17 not request that an applicant for employment as a
18 covered employee disclose criminal history record in-
19 formation if the request would be prohibited under
20 section 9202 of title 5 if made by an employee of an
21 agency.

22 “(3) EMPLOYING OFFICE POLICIES; COMPLAINT
23 PROCEDURE.—The provisions of sections 9203 and
24 9206 of title 5 shall apply to employing offices and
25 to applicants for employment as covered employees,

1 consistent with regulations issued by the Director to
2 implement this subsection.

3 “(4) ADVERSE ACTION.—

4 “(A) ADVERSE ACTION.—The Director
5 may take such adverse action with respect to a
6 covered employee who violates paragraph (2) as
7 would be appropriate under section 9204 of
8 title 5 if the violation had been committed by
9 an employee of an agency.

10 “(B) APPEALS.—The Director shall by
11 rule establish procedures providing for an ap-
12 peal from any adverse action taken under sub-
13 paragraph (A) by not later than 30 days after
14 the date of the action.

15 “(C) APPLICABILITY OF OTHER LAWS.—
16 Except as provided in subparagraph (B), an ad-
17 verse action taken under subparagraph (A) (in-
18 cluding a determination in an appeal from such
19 an action under subparagraph (B)) shall not be
20 subject to appeal or judicial review.

21 “(5) REGULATIONS TO BE ISSUED.—

22 “(A) IN GENERAL.—Not later than 18
23 months after the date of enactment of the Fair
24 Chance to Compete for Jobs Act of 2020, the

1 Director shall issue regulations to implement
2 this subsection.

3 “(B) PARALLEL WITH AGENCY REGULA-
4 TIONS.—The regulations issued under subpara-
5 graph (A) shall be the same as substantive reg-
6 ulations promulgated by the Director of the Of-
7 fice of Personnel Management under section
8 2(b)(1) of the Fair Chance to Compete for Jobs
9 Act of 2020 except to the extent that the Direc-
10 tor of the Administrative Office of the United
11 States Courts may determine, for good cause
12 shown and stated together with the regulation,
13 that a modification of such regulations would be
14 more effective for the implementation of the
15 rights and protections under this subsection.

16 “(6) EFFECTIVE DATE.—Paragraphs (1)
17 through (4) shall take effect on the date on which
18 section 9202 of title 5 applies with respect to agen-
19 cies.”.

20 **SEC. 12103. PROHIBITION ON CRIMINAL HISTORY INQUIR-**
21 **IES BY CONTRACTORS PRIOR TO CONDI-**
22 **TIONAL OFFER.**

23 (a) CIVILIAN AGENCY CONTRACTS.—

1 (1) IN GENERAL.—Chapter 47 of title 41,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 4714. Prohibition on criminal history inquiries by**
5 **contractors prior to conditional offer**

6 “(a) LIMITATION ON CRIMINAL HISTORY INQUIR-
7 IES.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graphs (2) and (3), an executive agency—

10 “(A) may not require that an individual or
11 sole proprietor who submits a bid for a contract
12 to disclose criminal history record information
13 regarding that individual or sole proprietor be-
14 fore determining the apparent awardee; and

15 “(B) shall require, as a condition of receiv-
16 ing a Federal contract and receiving payments
17 under such contract that the contractor may
18 not verbally, or through written form, request
19 the disclosure of criminal history record infor-
20 mation regarding an applicant for a position re-
21 lated to work under such contract before the
22 contractor extends a conditional offer to the ap-
23 plicant.

24 “(2) OTHERWISE REQUIRED BY LAW.—The
25 prohibition under paragraph (1) does not apply with

1 respect to a contract if consideration of criminal his-
2 tory record information prior to a conditional offer
3 with respect to the position is otherwise required by
4 law.

5 “(3) EXCEPTION FOR CERTAIN POSITIONS.—

6 “(A) IN GENERAL.—The prohibition under
7 paragraph (1) does not apply with respect to—

8 “(i) a contract that requires an indi-
9 vidual hired under the contract to access
10 classified information or to have sensitive
11 law enforcement or national security du-
12 ties; or

13 “(ii) a position that the Administrator
14 of General Services identifies under the
15 regulations issued under subparagraph
16 (B).

17 “(B) REGULATIONS.—

18 “(i) ISSUANCE.—Not later than 16
19 months after the date of enactment of the
20 Fair Chance to Compete for Jobs Act of
21 2020, the Administrator of General Serv-
22 ices, in consultation with the Secretary of
23 Defense, shall issue regulations identifying
24 additional positions with respect to which
25 the prohibition under paragraph (1) shall

1 not apply, giving due consideration to posi-
2 tions that involve interaction with minors,
3 access to sensitive information, or man-
4 aging financial transactions.

5 “(ii) COMPLIANCE WITH CIVIL RIGHTS
6 LAWS.—The regulations issued under
7 clause (i) shall—

8 “(I) be consistent with, and in no
9 way supersede, restrict, or limit the
10 application of title VII of the Civil
11 Rights Act of 1964 (42 U.S.C. 2000e
12 et seq.) or other relevant Federal civil
13 rights laws; and

14 “(II) ensure that all hiring activi-
15 ties conducted pursuant to the regula-
16 tions are conducted in a manner con-
17 sistent with relevant Federal civil
18 rights laws.

19 “(b) COMPLAINT PROCEDURES.—The Administrator
20 of General Services shall establish and publish procedures
21 under which an applicant for a position with a Federal
22 contractor may submit to the Administrator a complaint,
23 or any other information, relating to compliance by the
24 contractor with subsection (a)(1)(B).

1 “(c) ACTION FOR VIOLATIONS OF PROHIBITION ON
2 CRIMINAL HISTORY INQUIRIES.—

3 “(1) FIRST VIOLATION.—If the head of an execu-
4 tive agency determines that a contractor has vio-
5 lated subsection (a)(1)(B), such head shall—

6 “(A) notify the contractor;

7 “(B) provide 30 days after such notifica-
8 tion for the contractor to appeal the determina-
9 tion; and

10 “(C) issue a written warning to the con-
11 tractor that includes a description of the viola-
12 tion and the additional remedies that may apply
13 for subsequent violations.

14 “(2) SUBSEQUENT VIOLATION.—If the head of
15 an executive agency determines that a contractor
16 that was subject to paragraph (1) has committed a
17 subsequent violation of subsection (a)(1)(B), such
18 head shall notify the contractor, shall provide 30
19 days after such notification for the contractor to ap-
20 peal the determination, and, in consultation with the
21 relevant Federal agencies, may take actions, depend-
22 ing on the severity of the infraction and the contrac-
23 tor’s history of violations, including—

1 “(A) providing written guidance to the
2 contractor that the contractor’s eligibility for
3 contracts requires compliance with this section;

4 “(B) requiring that the contractor respond
5 within 30 days affirming that the contractor is
6 taking steps to comply with this section; and

7 “(C) suspending payment under the con-
8 tract for which the applicant was being consid-
9 ered until the contractor demonstrates compli-
10 ance with this section.

11 “(d) DEFINITIONS.—In this section:

12 “(1) CONDITIONAL OFFER.—The term ‘condi-
13 tional offer’ means an offer of employment for a po-
14 sition related to work under a contract that is condi-
15 tioned upon the results of a criminal history inquiry.

16 “(2) CRIMINAL HISTORY RECORD INFORMA-
17 TION.—The term ‘criminal history record informa-
18 tion’ has the meaning given that term in section
19 9201 of title 5.”.

20 “(2) CLERICAL AMENDMENT.—The table of sec-
21 tions for chapter 47 of title 41, United States Code,
22 is amended by adding at the end the following new
23 item:

“4714. Prohibition on criminal history inquiries by contractors prior to condi-
tional offer.”.

1 (3) EFFECTIVE DATE.—Section 4714 of title
2 41, United States Code, as added by paragraph (1),
3 shall apply with respect to contracts awarded pursu-
4 ant to solicitations issued after the effective date de-
5 scribed in section 2(b)(2) of this subtitle.

6 (b) DEFENSE CONTRACTS.—

7 (1) IN GENERAL.—Chapter 137 of title 10,
8 United States Code, is amended by inserting after
9 section 2338 the following new section:

10 **“§ 2339. Prohibition on criminal history inquiries by**
11 **contractors prior to conditional offer**

12 “(a) LIMITATION ON CRIMINAL HISTORY INQUIR-
13 IES.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graphs (2) and (3), the head of an agency—

16 “(A) may not require that an individual or
17 sole proprietor who submits a bid for a contract
18 to disclose criminal history record information
19 regarding that individual or sole proprietor be-
20 fore determining the apparent awardee; and

21 “(B) shall require as a condition of receiv-
22 ing a Federal contract and receiving payments
23 under such contract that the contractor may
24 not verbally or through written form request
25 the disclosure of criminal history record infor-

1 mation regarding an applicant for a position re-
2 lated to work under such contract before such
3 contractor extends a conditional offer to the ap-
4 plicant.

5 “(2) OTHERWISE REQUIRED BY LAW.—The
6 prohibition under paragraph (1) does not apply with
7 respect to a contract if consideration of criminal his-
8 tory record information prior to a conditional offer
9 with respect to the position is otherwise required by
10 law.

11 “(3) EXCEPTION FOR CERTAIN POSITIONS.—

12 “(A) IN GENERAL.—The prohibition under
13 paragraph (1) does not apply with respect to—

14 “(i) a contract that requires an indi-
15 vidual hired under the contract to access
16 classified information or to have sensitive
17 law enforcement or national security du-
18 ties; or

19 “(ii) a position that the Secretary of
20 Defense identifies under the regulations
21 issued under subparagraph (B).

22 “(B) REGULATIONS.—

23 “(i) ISSUANCE.—Not later than 16
24 months after the date of enactment of the
25 Fair Chance to Compete for Jobs Act of

1 2020, the Secretary of Defense, in con-
2 sultation with the Administrator of Gen-
3 eral Services, shall issue regulations identi-
4 fying additional positions with respect to
5 which the prohibition under paragraph (1)
6 shall not apply, giving due consideration to
7 positions that involve interaction with mi-
8 nors, access to sensitive information, or
9 managing financial transactions.

10 “(ii) COMPLIANCE WITH CIVIL RIGHTS
11 LAWS.—The regulations issued under
12 clause (i) shall—

13 “(I) be consistent with, and in no
14 way supersede, restrict, or limit the
15 application of title VII of the Civil
16 Rights Act of 1964 (42 U.S.C. 2000e
17 et seq.) or other relevant Federal civil
18 rights laws; and

19 “(II) ensure that all hiring activi-
20 ties conducted pursuant to the regula-
21 tions are conducted in a manner con-
22 sistent with relevant Federal civil
23 rights laws.

24 “(b) COMPLAINT PROCEDURES.—The Secretary of
25 Defense shall establish and publish procedures under

1 which an applicant for a position with a Department of
2 Defense contractor may submit a complaint, or any other
3 information, relating to compliance by the contractor with
4 subsection (a)(1)(B).

5 “(c) ACTION FOR VIOLATIONS OF PROHIBITION ON
6 CRIMINAL HISTORY INQUIRIES.—

7 “(1) FIRST VIOLATION.—If the Secretary of
8 Defense determines that a contractor has violated
9 subsection (a)(1)(B), the Secretary shall—

10 “(A) notify the contractor;

11 “(B) provide 30 days after such notifica-
12 tion for the contractor to appeal the determina-
13 tion; and

14 “(C) issue a written warning to the con-
15 tractor that includes a description of the viola-
16 tion and the additional remedies that may apply
17 for subsequent violations.

18 “(2) SUBSEQUENT VIOLATIONS.—If the Sec-
19 retary of Defense determines that a contractor that
20 was subject to paragraph (1) has committed a sub-
21 sequent violation of subsection (a)(1)(B), the Sec-
22 retary shall notify the contractor, shall provide 30
23 days after such notification for the contractor to ap-
24 peal the determination, and, in consultation with the
25 relevant Federal agencies, may take actions, depend-

1 ing on the severity of the infraction and the contrac-
2 tor's history of violations, including—

3 “(A) providing written guidance to the
4 contractor that the contractor's eligibility for
5 contracts requires compliance with this section;

6 “(B) requiring that the contractor respond
7 within 30 days affirming that the contractor is
8 taking steps to comply with this section; and

9 “(C) suspending payment under the con-
10 tract for which the applicant was being consid-
11 ered until the contractor demonstrates compli-
12 ance with this section.

13 “(d) DEFINITIONS.—In this section:

14 “(1) CONDITIONAL OFFER.—The term ‘condi-
15 tional offer’ means an offer of employment for a po-
16 sition related to work under a contract that is condi-
17 tioned upon the results of a criminal history inquiry.

18 “(2) CRIMINAL HISTORY RECORD INFORMA-
19 TION.—The term ‘criminal history record informa-
20 tion’ has the meaning given that term in section
21 9201 of title 5.”.

22 (2) EFFECTIVE DATE.—Section 2339(a) of title
23 10, United States Code, as added by paragraph (1),
24 shall apply with respect to contracts awarded pursu-

1 ant to solicitations issued after the effective date de-
2 scribed in section 2(b)(2) of this subtitle.

3 (3) CLERICAL AMENDMENT.—The table of sec-
4 tions for chapter 137 of title 10, United States
5 Code, is amended by inserting after the item relating
6 to section 2338 the following new item:

“2339. Prohibition on criminal history inquiries by contractors prior to condi-
tional offer.”.

7 (c) REVISIONS TO FEDERAL ACQUISITION REGULA-
8 TION.—

9 (1) IN GENERAL.—Not later than 18 months
10 after the date of enactment of this Act, the Federal
11 Acquisition Regulatory Council shall revise the Fed-
12 eral Acquisition Regulation to implement section
13 4714 of title 41, United States Code, and section
14 2339 of title 10, United States Code, as added by
15 this section.

16 (2) CONSISTENCY WITH OFFICE OF PERSONNEL
17 MANAGEMENT REGULATIONS.—The Federal Acquisi-
18 tion Regulatory Council shall revise the Federal Ac-
19 quisition Regulation under paragraph (1) to be con-
20 sistent with the regulations issued by the Director of
21 the Office of Personnel Management under section
22 2(b)(1) to the maximum extent practicable. The
23 Council shall include together with such revision an
24 explanation of any substantive modification of the

1 Office of Personnel Management regulations, includ-
2 ing an explanation of how such modification will
3 more effectively implement the rights and protec-
4 tions under this section.

5 **SEC. 12104. REPORT ON EMPLOYMENT OF INDIVIDUALS**
6 **FORMERLY INCARCERATED IN FEDERAL**
7 **PRISONS.**

8 (a) DEFINITION.—In this section, the term “covered
9 individual”—

10 (1) means an individual who has completed a
11 term of imprisonment in a Federal prison for a Fed-
12 eral criminal offense; and

13 (2) does not include an alien who is or will be
14 removed from the United States for a violation of
15 the immigration laws (as such term is defined in sec-
16 tion 101 of the Immigration and Nationality Act (8
17 U.S.C. 1101)).

18 (b) STUDY AND REPORT REQUIRED.—The Director
19 of the Bureau of Justice Statistics, in coordination with
20 the Director of the Bureau of the Census, shall—

21 (1) not later than 180 days after the date of
22 enactment of this Act, design and initiate a study on
23 the employment of covered individuals after their re-
24 lease from Federal prison, including by collecting—

1 (A) demographic data on covered individ-
2 uals, including race, age, and sex; and

3 (B) data on employment and earnings of
4 covered individuals who are denied employment,
5 including the reasons for the denials; and

6 (2) not later than 2 years after the date of en-
7 actment of this Act, and every 5 years thereafter,
8 submit a report that does not include any personally
9 identifiable information on the study conducted
10 under paragraph (1) to—

11 (A) the Committee on Homeland Security
12 and Governmental Affairs of the Senate;

13 (B) the Committee on Health, Education,
14 Labor, and Pensions of the Senate;

15 (C) the Committee on Oversight and Re-
16 form of the House of Representatives; and

17 (D) the Committee on Education and
18 Labor of the House of Representatives.

19 **SEC. 12105. DETERMINATION OF BUDGETARY EFFECTS.**

20 The budgetary effects of this subtitle, for the purpose
21 of complying with the Statutory Pay-As-You-Go Act of
22 2010, shall be determined by reference to the latest state-
23 ment titled “Budgetary Effects of PAYGO Legislation”
24 for this subtitle, submitted for printing in the Congres-
25 sional Record by the Chairman of the House Budget Com-

1 mittee, provided that such statement has been submitted
2 prior to the vote on passage.

3 **Subtitle V—Renew Act**

4 **SEC. 12201. SHORT TITLE.**

5 This subtitle may be cited as the “Renew Act of
6 2020”.

7 **SEC. 12202. LOWERING THE AGE FOR EXPUNGEMENT OF** 8 **CERTAIN CONVICTIONS FOR SIMPLE POSSES-** 9 **SION OF CONTROLLED SUBSTANCES BY NON-** 10 **VIOLENT YOUNG OFFENDERS.**

11 Section 3607(c) of title 18, United States Code, is
12 amended by striking “less than twenty-one” and inserting
13 “less than twenty-five”.

14 **Subtitle W—Correct the Census** 15 **Count**

16 **SEC. 12301. SHORT TITLE.**

17 This subtitle may be cited as the “Correct the Census
18 Count Act”.

19 **SEC. 12302. RESIDENCE OF INCARCERATED INDIVIDUALS.**

20 Section 141 of title 13, United States Code, is
21 amended—

22 (1) by redesignating subsection (g) as sub-
23 section (h); and

24 (2) by inserting after subsection (f) the fol-
25 lowing:

1 “(g)(1) Effective beginning with the 2030 decennial
2 census of population, in taking any tabulation of total pop-
3 ulation by States under subsection (a) or (c), the Sec-
4 retary shall, with respect to an individual incarcerated in
5 a State or Federal correctional center as of the date on
6 which such census is taken, attribute such individual to
7 such individual’s last place of residence before incarcer-
8 ation.

9 “(2) In carrying out this subsection, the Secretary
10 shall consult with each State department of corrections
11 and the Bureau of Prisons to collect the information nec-
12 essary to make the determination required under para-
13 graph (1).”.

14 **Subtitle X—Creating a Respectful**
15 **and Open World for Natural Hair**

16 **SEC. 12401. SHORT TITLE.**

17 This subtitle may be cited as the “Creating a Re-
18 spectful and Open World for Natural Hair Act of 2020”
19 or the “CROWN Act of 2020”.

20 **SEC. 12402. FINDINGS; SENSE OF CONGRESS; PURPOSE.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Throughout United States history, society
23 has used (in conjunction with skin color) hair tex-
24 ture and hairstyle to classify individuals on the basis
25 of race.

1 (2) Like one’s skin color, one’s hair has served
2 as a basis of race and national origin discrimination.

3 (3) Racial and national origin discrimination
4 can and do occur because of longstanding racial and
5 national origin biases and stereotypes associated
6 with hair texture and style.

7 (4) For example, routinely, people of African
8 descent are deprived of educational and employment
9 opportunities because they are adorned with natural
10 or protective hairstyles in which hair is tightly coiled
11 or tightly curled, or worn in locs, cornrows, twists,
12 braids, Bantu knots, or Afros.

13 (5) Racial and national origin discrimination is
14 reflected in school and workplace policies and prac-
15 tices that bar natural or protective hairstyles com-
16 monly worn by people of African descent.

17 (6) For example, as recently as 2018, the
18 United States Armed Forces had grooming policies
19 that barred natural or protective hairstyles that
20 servicewomen of African descent commonly wear and
21 that described these hairstyles as “unkempt”.

22 (7) In 2018, the United States Armed Forces
23 rescinded these policies and recognized that this de-
24 scription perpetuated derogatory racial stereotypes.

1 (8) The United States Armed Forces also rec-
2 ognized that prohibitions against natural or protec-
3 tive hairstyles that African-American servicewomen
4 are commonly adorned with are racially discrimina-
5 tory and bear no relationship to African-American
6 servicewomen's occupational qualifications and their
7 ability to serve and protect the Nation.

8 (9) As a type of racial or national origin dis-
9 crimination, discrimination on the basis of natural
10 or protective hairstyles that people of African de-
11 scend are commonly adorned with violates existing
12 Federal law, including provisions of the Civil Rights
13 Act of 1964 (42 U.S.C. 2000e et seq.), section 1977
14 of the Revised Statutes (42 U.S.C. 1981), and the
15 Fair Housing Act (42 U.S.C. 3601 et seq.). How-
16 ever, some Federal courts have misinterpreted Fed-
17 eral civil rights law by narrowly interpreting the
18 meaning of race or national origin, and thereby per-
19 mitting, for example, employers to discriminate
20 against people of African descent who wear natural
21 or protective hairstyles even though the employment
22 policies involved are not related to workers' ability to
23 perform their jobs.

24 (10) Applying this narrow interpretation of race
25 or national origin has resulted in a lack of Federal

1 civil rights protection for individuals who are dis-
2 criminated against on the basis of characteristics
3 that are commonly associated with race and national
4 origin.

5 (11) In 2019, State legislatures and municipal
6 bodies throughout the United States have introduced
7 and passed legislation that rejects certain Federal
8 courts' restrictive interpretation of race and national
9 origin, and expressly classifies race and national ori-
10 gin discrimination as inclusive of discrimination on
11 the basis of natural or protective hairstyles com-
12 monly associated with race and national origin.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the Federal Government should acknowl-
16 edge that individuals who have hair texture or wear
17 a hairstyle that is historically and contemporarily as-
18 sociated with African Americans or persons of Afri-
19 can descent systematically suffer harmful discrimi-
20 nation in schools, workplaces, and other contexts
21 based upon longstanding race and national origin
22 stereotypes and biases;

23 (2) a clear and comprehensive law should ad-
24 dress the systematic deprivation of educational, em-
25 ployment, and other opportunities on the basis of

1 hair texture and hairstyle that are commonly associ-
2 ated with race or national origin;

3 (3) clear, consistent, and enforceable legal
4 standards must be provided to redress the wide-
5 spread incidences of race and national origin dis-
6 crimination based upon hair texture and hairstyle in
7 schools, workplaces, housing, federally funded insti-
8 tutions, and other contexts;

9 (4) it is necessary to prevent educational, em-
10 ployment, and other decisions, practices, and policies
11 generated by or reflecting negative biases and
12 stereotypes related to race or national origin;

13 (5) the Federal Government must play a key
14 role in enforcing Federal civil rights laws in a way
15 that secures equal educational, employment, and
16 other opportunities for all individuals regardless of
17 their race or national origin;

18 (6) the Federal Government must play a central
19 role in enforcing the standards established under
20 this subtitle on behalf of individuals who suffer race
21 or national origin discrimination based upon hair
22 texture and hairstyle;

23 (7) it is necessary to prohibit and provide rem-
24 edies for the harms suffered as a result of race or

1 national origin discrimination on the basis of hair
2 texture and hairstyle; and

3 (8) it is necessary to mandate that school,
4 workplace, and other applicable standards be applied
5 in a nondiscriminatory manner and to explicitly pro-
6 hibit the adoption or implementation of grooming re-
7 quirements that disproportionately impact people of
8 African descent.

9 (c) PURPOSE.—The purpose of this subtitle is to in-
10 stitute definitions of race and national origin for Federal
11 civil rights laws that effectuate the comprehensive scope
12 of protection Congress intended to be afforded by such
13 laws and Congress' objective to eliminate race and na-
14 tional origin discrimination in the United States.

15 **SEC. 12403. FEDERALLY ASSISTED PROGRAMS.**

16 (a) IN GENERAL.—No individual in the United
17 States shall be excluded from participation in, be denied
18 the benefits of, or be subjected to discrimination under,
19 any program or activity receiving Federal financial assist-
20 ance, based on the individual's hair texture or hairstyle,
21 if that hair texture or that hairstyle is commonly associ-
22 ated with a particular race or national origin (including
23 a hairstyle in which hair is tightly coiled or tightly curled,
24 locs, cornrows, twists, braids, Bantu knots, and Afros).

1 (b) ENFORCEMENT.—Subsection (a) shall be en-
2 forced in the same manner and by the same means, includ-
3 ing with the same jurisdiction, as if such subsection was
4 incorporated in title VI of the Civil Rights Act of 1964
5 (42 U.S.C. 2000d et seq.), and as if a violation of sub-
6 section (a) was treated as if it was a violation of section
7 601 of such Act (42 U.S.C. 2000d).

8 (c) DEFINITIONS.—In this section—

9 (1) the term “program or activity” has the
10 meaning given the term in section 606 of the Civil
11 Rights Act of 1964 (42 U.S.C. 2000d–4a); and

12 (2) the terms “race” and “national origin”
13 mean, respectively, “race” within the meaning of the
14 term in section 601 of that Act (42 U.S.C. 2000d)
15 and “national origin” within the meaning of the
16 term in that section 601.

17 **SEC. 12404. HOUSING PROGRAMS.**

18 (a) IN GENERAL.—No person in the United States
19 shall be subjected to a discriminatory housing practice
20 based on the person’s hair texture or hairstyle, if that hair
21 texture or that hairstyle is commonly associated with a
22 particular race or national origin (including a hairstyle in
23 which hair is tightly coiled or tightly curled, locs, corn-
24 rows, twists, braids, Bantu knots, and Afros).

1 (b) ENFORCEMENT.—Subsection (a) shall be en-
2 forced in the same manner and by the same means, includ-
3 ing with the same jurisdiction, as if such subsection was
4 incorporated in the Fair Housing Act (42 U.S.C. 3601
5 et seq.), and as if a violation of subsection (a) was treated
6 as if it was a discriminatory housing practice.

7 (c) DEFINITION.—In this section—

8 (1) the terms “discriminatory housing practice”
9 and “person” have the meanings given the terms in
10 section 802 of the Fair Housing Act (42 U.S.C.
11 3602); and

12 (2) the terms “race” and “national origin”
13 mean, respectively, “race” within the meaning of the
14 term in section 804 of that Act (42 U.S.C. 3604)
15 and “national origin” within the meaning of the
16 term in that section 804.

17 **SEC. 12405. PUBLIC ACCOMMODATIONS.**

18 (a) IN GENERAL.—No person in the United States
19 shall be subjected to a practice prohibited under section
20 201, 202, or 203 of the Civil Rights Act of 1964 (42
21 U.S.C. 2000a et seq.), based on the person’s hair texture
22 or hairstyle, if that hair texture or that hairstyle is com-
23 monly associated with a particular race or national origin
24 (including a hairstyle in which hair is tightly coiled or

1 tightly curled, locs, cornrows, twists, braids, Bantu knots,
2 and Afros).

3 (b) ENFORCEMENT.—Subsection (a) shall be en-
4 forced in the same manner and by the same means, includ-
5 ing with the same jurisdiction, as if such subsection was
6 incorporated in title II of the Civil Rights Act of 1964,
7 and as if a violation of subsection (a) was treated as if
8 it was a violation of section 201, 202, or 203, as appro-
9 priate, of such Act.

10 (c) DEFINITION.—In this section, the terms “race”
11 and “national origin” mean, respectively, “race” within
12 the meaning of the term in section 201 of that Act (42
13 U.S.C. 2000e) and “national origin” within the meaning
14 of the term in that section 201.

15 **SEC. 12406. EMPLOYMENT.**

16 (a) PROHIBITION.—It shall be an unlawful employ-
17 ment practice for an employer, employment agency, labor
18 organization, or joint labor-management committee con-
19 trolling apprenticeship or other training or retraining (in-
20 cluding on-the-job training programs) to fail or refuse to
21 hire or to discharge any individual, or otherwise to dis-
22 criminate against an individual, based on the individual’s
23 hair texture or hairstyle, if that hair texture or that hair-
24 style is commonly associated with a particular race or na-
25 tional origin (including a hairstyle in which hair is tightly

1 coiled or tightly curled, locs, cornrows, twists, braids,
2 Bantu knots, and Afros).

3 (b) ENFORCEMENT.—Subsection (a) shall be en-
4 forced in the same manner and by the same means, includ-
5 ing with the same jurisdiction, as if such subsection was
6 incorporated in title VII of the Civil Rights Act of 1964
7 (42 U.S.C. 2000e et seq.), and as if a violation of sub-
8 section (a) was treated as if it was a violation of section
9 703 or 704, as appropriate, of such Act (42 U.S.C.
10 2000e–2, 2000e–3).

11 (c) DEFINITIONS.—In this section the terms “per-
12 son”, “race”, and “national origin” have the meanings
13 given the terms in section 701 of the Civil Rights Act of
14 1964 (42 U.S.C. 2000e).

15 **SEC. 12407. EQUAL RIGHTS UNDER THE LAW.**

16 (a) IN GENERAL.—No person in the United States
17 shall be subjected to a practice prohibited under section
18 1977 of the Revised Statutes (42 U.S.C. 1981), based on
19 the person’s hair texture or hairstyle, if that hair texture
20 or that hairstyle is commonly associated with a particular
21 race or national origin (including a hairstyle in which hair
22 is tightly coiled or tightly curled, locs, cornrows, twists,
23 braids, Bantu knots, and Afros).

24 (b) ENFORCEMENT.—Subsection (a) shall be en-
25 forced in the same manner and by the same means, includ-

1 ing with the same jurisdiction, as if such subsection was
2 incorporated in section 1977 of the Revised Statutes, and
3 as if a violation of subsection (a) was treated as if it was
4 a violation of that section 1977.

5 **SEC. 12408. RULE OF CONSTRUCTION.**

6 Nothing in this subtitle shall be construed to limit
7 definitions of race or national origin under the Civil Rights
8 Act of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing
9 Act (42 U.S.C. 3601 et seq.), or section 1977 of the Re-
10 vised Statutes (42 U.S.C. 1981).

11 **SEC. 12409. EFFECTIVE DATE.**

12 This subtitle shall take effect on August 9, 2020.

13 **Subtitle Y—Equal Justice Under**
14 **Law**

15 **SEC. 12501. SHORT TITLE.**

16 This subtitle may be cited as the “Equal Justice
17 Under Law Act of 2020”.

18 **SEC. 12502. EFFECTIVE ASSISTANCE OF COUNSEL.**

19 (a) IN GENERAL.—An indigent individual facing
20 criminal prosecution or juvenile delinquency in a State
21 court shall be entitled to the effective assistance of coun-
22 sel, as guaranteed by the Sixth and Fourteenth Amend-
23 ments to the Constitution of the United States, at the ex-
24 pense of the State.

1 (b) DELEGATION.—If a State delegates fiscal or ad-
2 ministrative authority over the indigent defense function
3 to a political subdivision of the State, the State shall se-
4 cure effective assistance of counsel for the individual.

5 (c) INEFFECTIVE ASSISTANCE.—For purposes of this
6 section, the assistance of counsel is ineffective if the per-
7 formance of counsel was not reasonable under prevailing
8 professional norms.

9 **SEC. 12503. REMEDY.**

10 (a) CLASS ACTION AUTHORIZED.—If a State official
11 or one or more of a political subdivision of the State fails
12 on a systemic basis to guarantee the right to the assist-
13 ance of effective counsel as guaranteed by the Sixth and
14 Fourteenth Amendments to the Constitution of the United
15 States, an individual aggrieved by a violation of section
16 12502 may commence a civil class action in an appropriate
17 district court of the United States to seek declaratory, in-
18 junctive, or other equitable relief.

19 (b) ABSTENTION DOCTRINE.—A court entertaining a
20 petition for relief filed under this subtitle need not apply
21 the abstention doctrine established in *Younger v. Harris*
22 (401 U.S. 37).

23 (c) ATTORNEY'S FEES.—In any action or proceeding
24 under this section, the court, in its discretion, may allow
25 the prevailing party, other than a named official of a State

1 or political subdivision of a State, a reasonable attorney’s
 2 fee as part of the costs. In awarding an attorney’s fee
 3 under this subsection, the court, in its discretion, may in-
 4 clude expert fees as part of the attorney’s fee.

5 (d) SAVINGS PROVISION.—Nothing in this section
 6 shall restrict any right that any individual has under any
 7 other statute or under common law to seek redress for
 8 a violation of the right to counsel.

9 **SEC. 12504. EDWARD BYRNE MEMORIAL JUSTICE ASSIST-**
 10 **ANCE GRANT PROGRAM.**

11 Section 501(b) of the Omnibus Crime Control and
 12 Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended
 13 by inserting “, in consultation with public defenders,” be-
 14 fore “may”.

15 **Subtitle Z—Ensuring Successful**
 16 **Reentry**

17 **SEC. 12601. SHORT TITLE.**

18 This subtitle may be cited as the “Ensuring Success-
 19 ful Reentry Act of 2020”.

20 **SEC. 12602. REQUIREMENT THAT PRISONERS ON WORK RE-**
 21 **LEASE PAY PART OF THEIR GROSS INCOME**
 22 **OVER FOR HOUSING.**

23 Section 3622(c) of title 18, United States Code, is
 24 amended by striking all that follows after “facility if” and
 25 inserting the following: “the rates of pay and other condi-

1 tions of employment will not be less than those paid or
 2 provided for work of a similar nature in the community.”.

3 **Subtitle AA—Protecting Domestic** 4 **Violence and Stalking Victims**

5 **SEC. 12701. SHORT TITLE.**

6 This subtitle may be cited as the “Protecting Domes-
 7 tic Violence and Stalking Victims Act”.

8 **SEC. 12702. DEFINITIONS OF “INTIMATE PARTNER” AND** 9 **“MISDEMEANOR CRIME OF DOMESTIC VIO-** 10 **LENCE” EXPANDED.**

11 Section 921(a) of title 18, United States Code, is
 12 amended—

13 (1) in paragraph (32)—

14 (A) by striking “and an individual” and in-
 15 serting “an individual”; and

16 (B) by inserting “, or a dating partner (as
 17 defined in section 2266)” before the period at
 18 the end; and

19 (2) in paragraph (33)(A)—

20 (A) by striking “Except as provided in
 21 subparagraph (C), the” and inserting “The”;

22 (B) in clause (i), by inserting “municipal,”
 23 after “State,”; and

24 (C) in clause (ii)—

- 1 (i) by striking “or by” and inserting
2 “by”; and
3 (ii) by inserting “, or by a dating
4 partner (as defined in section 2266) of the
5 victim” before the period at the end.

6 **SEC. 12703. EXPANSION OF LIST OF PERSONS SUBJECT TO**
7 **A RESTRAINING OR SIMILAR ORDER TO**
8 **WHOM A FIREARM IS PROHIBITED FROM**
9 **BEING SOLD OR DISPOSED.**

10 Section 922(d)(8) of title 18, United States Code, is
11 amended—

12 (1) in the matter preceding subparagraph (A),
13 by striking “that”;

14 (2) by striking subparagraphs (A) and (B) and
15 inserting the following:

16 “(A)(i) that was issued after a hearing of
17 which such person received actual notice, and at
18 which such person had an opportunity to par-
19 ticipate; or

20 “(ii) in the case of an ex parte order, relat-
21 ing to which notice and opportunity to be heard
22 are provided—

23 “(I) within the time required by
24 State, tribal, or territorial law; and

1 “(II) in any event within a reasonable
2 time after the order is issued, sufficient to
3 protect the person’s right to due process;

4 “(B) that restrains such person from—

5 “(i) harassing, stalking, threatening,
6 or engaging in other conduct that would
7 put an individual in reasonable fear of bod-
8 ily injury to such individual, including an
9 order that was issued at the request of an
10 employer on behalf of its employee or at
11 the request of an institution of higher edu-
12 cation on behalf of its student; or

13 “(ii) intimidating or dissuading a wit-
14 ness from testifying in court; and”; and

15 (3) in subparagraph (C)—

16 (A) by striking “intimate partner or child”
17 each place it appears and inserting “individual
18 described in subparagraph (B)”;

19 (B) in clause (i), by inserting “that” be-
20 fore “includes”; and

21 (C) in clause (ii), by inserting “that” be-
22 fore “by its”.

1 **SEC. 12704. EXPANSION OF LIST OF PERSONS SUBJECT TO**
2 **A RESTRAINING OR SIMILAR ORDER PROHIB-**
3 **ITED FROM POSSESSING OR RECEIVING A**
4 **FIREARM.**

5 Section 922(g)(8) of title 18, United States Code, is
6 amended—

7 (1) in the matter preceding subparagraph (A),
8 by striking “that”;

9 (2) by striking subparagraphs (A) and (B) and
10 inserting the following:

11 “(A)(i) that was issued after a hearing of
12 which such person received actual notice, and at
13 which such person had an opportunity to par-
14 ticipate; or

15 “(ii) in the case of an ex parte order, relat-
16 ing to which notice and opportunity to be heard
17 are provided—

18 “(I) within the time required by
19 State, tribal, or territorial law; and

20 “(II) in any event within a reasonable
21 time after the order is issued, sufficient to
22 protect the person’s right to due process;

23 “(B) that restrains such person from—

24 “(i) harassing, stalking, threatening,
25 or engaging in other conduct that would
26 put an individual in reasonable fear of bod-

ily injury to such individual, including an order that was issued at the request of an employer on behalf of its employee or at the request of an institution of higher education on behalf of its student; or

“(ii) intimidating or dissuading a witness from testifying in court; and”; and

(3) in subparagraph (C)—

(A) by striking “intimate partner or child” each place it appears and inserting “individual described in subparagraph (B)”;

(B) in clause (i), by inserting “that” before “includes”; and

(C) in clause (ii), by inserting “that” before “by its”.

SEC. 12705. STALKING PROHIBITIONS.

(a) SALES OR OTHER DISPOSITIONS OF FIREARMS OR AMMUNITION.—Section 922(d) of title 18, United States Code, as amended by section 12703 of this subtitle, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and

1 (3) by inserting after paragraph (9) the fol-
2 lowing:

3 “(10) has been convicted in any court of—

4 “(A) a misdemeanor crime of stalking
5 under Federal, State, municipal, territorial, or
6 tribal law; or

7 “(B) a crime that involves conduct which
8 would be prohibited by section 2261A if com-
9 mitted within the special maritime and terri-
10 torial jurisdiction of the United States.”.

11 (b) POSSESSION, ETC., OF FIREARMS OR AMMUNI-
12 TION.—Section 922(g) of such title, as amended by section
13 12704 of this subtitle, is amended—

14 (1) by striking “or” at the end of paragraph
15 (8);

16 (2) by striking the comma at the end of para-
17 graph (9) and inserting “; or”; and

18 (3) by inserting after paragraph (9) the fol-
19 lowing:

20 “(10) has been convicted in any court of—

21 “(A) a misdemeanor crime of stalking
22 under Federal, State, municipal, territorial, or
23 tribal law; or

24 “(B) a crime that involves conduct which
25 would be prohibited by section 2261A if com-

1 mitted within the special maritime and terri-
2 torial jurisdiction of the United States,”.

3 **Subtitle BB—Gun Violence**
4 **Research**

5 **SEC. 12801. SHORT TITLE.**

6 This subtitle may be cited as the “National Gun Vio-
7 lence Research Act”.

8 **SEC. 12802. FINDINGS.**

9 Congress makes the following findings:

10 (1) In the last 50 years, more individuals in the
11 United States have died from gunshots than in all
12 wars in which the United States was a combatant,
13 combined.

14 (2) The rate of gun violence deaths in the
15 United States is more than double that of other
16 high-income nations.

17 (3) Guns accounted for 74 percent of homicides
18 and 51 percent of suicides in 2016, totaling over
19 37,000 deaths in the United States.

20 (4) Gun violence disproportionately affects ra-
21 cial minorities, with African Americans comprising
22 nearly 60 percent of homicide victims and 22 per-
23 cent of unintentional injury deaths in 2016.

24 (5) Provisions in appropriations Acts dating
25 back to 1996 have had a chilling effect on Federal

1 funding for research on gun violence across the Fed-
2 eral Government and, as a result, research on gun
3 violence is significantly underfunded relative to other
4 leading causes of death.

5 (6) Research examining the nature, causes, con-
6 sequences, and prevention of gun-related violence,
7 suicide, and unintentional injury and death does not
8 constitute advocacy in support of, or opposition to,
9 gun control policies or regulations.

10 (7) More research and high-quality data relat-
11 ing to gun violence are needed to inform the develop-
12 ment of effective strategies to reduce the incidence
13 of gun-related injury and death.

14 **SEC. 12803. DEFINITIONS.**

15 In this subtitle:

16 (1) DIRECTOR.—The term “Director” means
17 the Director of the Office of Science and Technology
18 Policy.

19 (2) INSTITUTION OF HIGHER EDUCATION.—The
20 term “institution of higher education” has the
21 meaning given such term in section 101 of the High-
22 er Education Act of 1965 (20 U.S.C. 1001).

23 (3) PROGRAM.—The term “Program” means
24 the National Gun Violence Research Program estab-
25 lished under section 12805.

1 **SEC. 12804. RESEARCH AND DATA RESTRICTIONS REPEAL.**

2 (a) GUN TRACE DATA.—

3 (1) The matter under the heading “Bureau of
4 Alcohol, Tobacco, Firearms and Explosives—Sala-
5 ries and Expenses” in title I of division B of the
6 Consolidated and Further Continuing Appropria-
7 tions Act, 2012 (18 U.S.C. 923 note; Public Law
8 112–55; 125 Stat. 609–610) is amended by striking
9 the 6th proviso.

10 (2) The 6th proviso under the heading “Bureau
11 of Alcohol, Tobacco, Firearms and Explosives—Sala-
12 ries and Expenses” in title II of division B of the
13 Consolidated Appropriations Act, 2010 (18 U.S.C.
14 923 note; Public Law 111–117; 123 Stat. 3128–
15 3129) is amended by striking “beginning in fiscal
16 year 2010 and thereafter” and inserting “in fiscal
17 year 2010”.

18 (3) The 6th proviso under the heading “Bureau
19 of Alcohol, Tobacco, Firearms and Explosives—Sala-
20 ries and Expenses” in title II of division B of the
21 Omnibus Appropriations Act, 2009 (18 U.S.C. 923
22 note; Public Law 111–8; 123 Stat. 574–576) is
23 amended by striking “beginning in fiscal year 2009
24 and thereafter” and inserting “in fiscal year 2009”.

25 (4) The 6th proviso under the heading “Bureau
26 of Alcohol, Tobacco, Firearms and Explosives—Sala-

1 ries and Expenses” in title II of division B of the
2 Consolidated Appropriations Act, 2008 (18 U.S.C.
3 923 note; Public Law 110–161; 121 Stat. 1903–
4 1904) is amended by striking “beginning in fiscal
5 year 2008 and thereafter” and inserting “in fiscal
6 year 2008”.

7 (5) The 6th proviso under the heading “Bureau
8 of Alcohol, Tobacco, Firearms and Explosives—Sala-
9 ries and Expenses” in title I of the Science, State,
10 Justice, Commerce, and Related Agencies Appro-
11 priations Act, 2006 (18 U.S.C. 923 note; Public
12 Law 109–108; 119 Stat. 2295–2296) is amended by
13 striking “with respect to any fiscal year”.

14 (6) The 6th proviso under the heading in title
15 I of division B of the Consolidated Appropriations
16 Act, 2005 (18 U.S.C. 923 note; Public Law 108–
17 447; 118 Stat. 2859–2860) is amended by striking
18 “with respect to any fiscal year”.

19 (b) DEPARTMENT OF HEALTH AND HUMAN SERV-
20 ICES.—Notwithstanding any other provision of law, funds
21 made available to the Department of Health and Human
22 Services, including the Centers for Disease Control and
23 Prevention and the National Institutes of Health, may be
24 used to conduct research with respect to gun violence.

1 **SEC. 12805. RESEARCH PROGRAM.**

2 (a) ESTABLISHMENT.—The President, acting
3 through the Director, shall develop and implement a pro-
4 gram to improve public health and safety through research
5 on gun violence (to be known as the “National Gun Vio-
6 lence Research Program”), through activities carried out
7 in collaboration with covered agencies that—

8 (1) support gun violence research;

9 (2) accelerate the translation of gun violence re-
10 search into effective policy interventions to reduce
11 the incidence of injury and death related to guns;

12 (3) expand the number of researchers and stu-
13 dents in the field of gun violence research; and

14 (4) improve interagency planning and coordina-
15 tion of Federal Government activities relating to gun
16 violence research.

17 (b) PROGRAM ACTIVITIES.—A covered agency, in car-
18 rying out activities described in subsection (a), shall—

19 (1) award grants to individual investigators and
20 interdisciplinary teams of investigators for projects
21 related to gun violence research;

22 (2) support projects funded under joint solicita-
23 tions by a collaboration of no fewer than two covered
24 agencies;

25 (3) establish interdisciplinary research centers
26 that are organized to investigate basic research

1 questions and inform policy decisions relating to gun
2 violence;

3 (4) provide for the education and training of
4 undergraduate students, graduate students, and
5 postdoctoral scholars in gun violence research; and

6 (5) promote the development of voluntary con-
7 sensus gun safety technical standards.

8 (c) INTERAGENCY WORKING GROUP.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the President,
11 acting through the National Science and Technology
12 Council, shall establish an interagency working
13 group on gun violence research.

14 (2) COMPOSITION.—The working group estab-
15 lished under this subsection shall be chaired by the
16 Director and include representatives from—

17 (A) the National Science Foundation;

18 (B) the National Institute of Standards
19 and Technology;

20 (C) the National Institutes of Health;

21 (D) the Centers for Disease Control and
22 Prevention;

23 (E) the National Institute of Justice; and

1 (F) any other Federal agency (including
2 an agency, department, or service thereof) that
3 the Director considers appropriate.

4 (3) DUTIES.—The Working Group shall—

5 (A) oversee the planning, management,
6 and coordination of the Program;

7 (B) provide for coordination among cov-
8 ered agencies of Federal gun violence research
9 and other activities undertaken pursuant to the
10 Program;

11 (C) establish and periodically update goals
12 and priorities for the Program;

13 (D) develop, not later than 12 months
14 after the date of enactment of this Act, and up-
15 date every 5 years, a strategic plan to guide the
16 activities of the Program to meet the goals and
17 priorities established under subparagraph (C).

18 (d) ADVISORY COMMITTEE.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the
21 President, acting through the Director of the Office
22 of Science and Technology Policy, shall establish an
23 advisory committee on gun violence research.

24 (2) COMPOSITION.—The advisory committee es-
25 tablished under paragraph (1) shall be composed of

1 not less than 12 members, including representatives
2 of research institutions, institutions of higher edu-
3 cation, industry, law enforcement, and relevant non-
4 profit organizations who are qualified to provide ad-
5 vice on the Program.

6 (3) DUTIES.—The advisory committee estab-
7 lished under subsection (a) shall assess—

8 (A) the management, coordination, imple-
9 mentation, and activities of the Program;

10 (B) the balance of activities and funding
11 across the Program;

12 (C) whether the Program priorities and
13 goals developed by the working group estab-
14 lished under subsection (c)(3) are helping to
15 improve public health and safety; and

16 (D) the need to revise the Program.

17 (e) COVERED AGENCY DEFINED.—In this section,
18 the term “covered agency” means—

19 (1) the National Science Foundation;

20 (2) the National Institute for Standards and
21 Technology;

22 (3) the Centers for Disease Control and Preven-
23 tion;

24 (4) the National Institutes of Health;

25 (5) the National Institute of Justice; and

1 (6) such other Federal agency as determined
2 appropriate by the Director of the Office of Science
3 and Technology Policy.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Director to carry
6 out this section \$200,000 for each of fiscal years 2019
7 through 2024.

8 **SEC. 12806. AGENCY ACTIVITIES.**

9 (a) NATIONAL SCIENCE FOUNDATION.—

10 (1) RESEARCH.—The Director of the National
11 Science Foundation shall award grants, on a com-
12 petitive basis, to institutions of higher education or
13 nonprofit organizations (or consortia of such institu-
14 tions or organizations)—

15 (A) to support multidisciplinary research
16 to better understand the nature, causes, and
17 consequences of violence, including violence, sui-
18 cide, unintended injury, and death involving
19 guns;

20 (B) to examine the effects of gun policy
21 interventions on—

22 (i) rates of suicide, homicide, and un-
23 intended injury and death;

24 (ii) individuals' ability to use guns for
25 self-defense, hunting, and recreation; and

1 (iii) the gun industry; and

2 (C) to educate and train researchers in the
3 field of violence, including gun violence, re-
4 search.

5 (2) NATIONAL CENTER FOR VIOLENCE RE-
6 SEARCH.—The Director of the National Science
7 Foundation shall award grants on a competitive
8 basis to institutions of higher education or nonprofit
9 organizations (or consortia of such institutions or or-
10 ganizations) to establish one or more centers to con-
11 duct multidisciplinary research and education activi-
12 ties in support of the goals and priorities of the Pro-
13 gram (to be known as “National Center for Violence
14 Research”).

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to carry out
17 this subsection \$15,000,000 for each of fiscal years
18 2019 through 2024.

19 (b) NATIONAL INSTITUTE OF STANDARDS AND
20 TECHNOLOGY.—

21 (1) VOLUNTARY CONSENSUS STANDARDS.—The
22 Secretary of Commerce, acting through the Director
23 of the National Institute of Standards and Tech-
24 nology, shall establish a program to promote the de-

1 velopment of voluntary consensus gun safety tech-
2 nical standards. Such effort shall include—

3 (A) outreach, coordination, and technical
4 support to relevant industry and nonindustry
5 stakeholders and standards development organi-
6 zations to assist such entities in the develop-
7 ment of voluntary consensus gun safety tech-
8 nical standards;

9 (B) the conduct of research to support ef-
10 forts to develop and improve such standards
11 and conformity assessment; and

12 (C) the development of such standard ref-
13 erence material as the Director determines is
14 necessary to further the development of such
15 standards.

16 (2) PROHIBITION ON REGULATION.—Nothing in
17 this subtitle shall be construed as conferring upon
18 the Secretary of Commerce any authority to estab-
19 lish or enforce mandatory gun safety standards.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated to carry out
22 this subsection \$1,000,000 for each of fiscal years
23 2019 through 2024.

24 (c) DEPARTMENT OF HEALTH AND HUMAN SERV-
25 ICES.—

1 (1) IN GENERAL.—The Secretary of Health and
2 Human Services, acting through the Director of the
3 National Institutes of Health, the Director of the
4 Centers for Disease Control and Prevention, and
5 other scientific agencies within the Department of
6 Health and Human Services, shall award grants on
7 a competitive basis to conduct or support research
8 into the nature, causes, consequences, and preven-
9 tion of gun violence.

10 (2) APPROPRIATIONS.—There is authorized to
11 be appropriated to the Secretary of Health and
12 Human Services to carry out this subsection
13 \$20,000,000 for each of fiscal years 2019 through
14 2024.

15 (d) DEPARTMENT OF JUSTICE.—

16 (1) RESEARCH.—The Attorney General of the
17 United States, acting through the National Institute
18 of Justice, shall conduct or sponsor research into the
19 nature, causes, consequences, and prevention of gun
20 violence.

21 (2) COMPETITION.—The Attorney General of
22 the United States, acting through the National In-
23 stitute of Justice, shall sponsor an inducement prize
24 competition under section 24 of the Stevenson-
25 Wylder Technology Innovation Act of 1980 (15

1 U.S.C. 3719) to demonstrate through testing and
2 evaluation the reliability of guns and gun accessories
3 with integrated advanced gun safety technology
4 (commonly referred to as smart guns, user-author-
5 ized handguns, childproof guns, and personalized
6 guns).

7 (3) TRACE DATA.—

8 (A) IN GENERAL.—Not later than 180
9 days after the date of enactment of this Act,
10 the Attorney General, in collaboration with the
11 Secretary of the Department of Health and
12 Human Services, shall develop consensus proto-
13 cols for granting researchers access to gun
14 trace data while protecting the confidentiality of
15 gun owners and dealers.

16 (B) DATA SHARING.—Not later than 1
17 year after the date of enactment of this Act, the
18 Attorney General, acting through the Bureau of
19 Alcohol, Tobacco, Firearms, and Explosives,
20 shall commence sharing with researchers ac-
21 cording to the protocols developed under sub-
22 paragraph (A), the contents of the Firearms
23 Trace System database and information re-
24 quired to be kept by licensees pursuant to sec-
25 tion 923(g) of title 18, United States Code, or

1 required to be reported pursuant to paragraphs
2 (3) and (7) of such section 923(g).

3 (4) AUTHORIZATION OF APPROPRIATIONS.—
4 There is authorized to be appropriated to carry out
5 this subsection \$3,000,000 for each of fiscal years
6 2019 through 2024.

7 **Subtitle CC—Stop Online**
8 **Ammunition Sales**

9 **SEC. 12901. SHORT TITLE.**

10 This subtitle may be cited as the “Stop Online Am-
11 munition Sales Act of 2020”.

12 **SEC. 12902. LIMITATIONS ON PURCHASES OF AMMUNITION.**

13 (a) LICENSING OF AMMUNITION DEALERS.—

14 (1) IN GENERAL.—Section 923(a) of title 18,
15 United States Code, is amended in the matter pre-
16 ceding paragraph (1), in the first sentence, by strik-
17 ing “, or importing or manufacturing” and inserting
18 “or”.

19 (2) CONFORMING AMENDMENT.—Section
20 921(a)(11)(A) of title 18, United States Code, is
21 amended by inserting “or ammunition” after “fire-
22 arms”.

23 (b) REQUIREMENT FOR FACE-TO-FACE SALES OF
24 AND LICENSING TO SELL AMMUNITION.—Section 922 of
25 such title is amended—

1 (1) in subsection (a)(1)—

2 (A) by striking “for any person—” and all
3 that follows through “(A) except” and inserting
4 “(A) for any person except”; and

5 (B) by striking subparagraph (B) and in-
6 serting the following:

7 “(B) for—

8 “(i) any person except a licensed importer,
9 licensed manufacturer, or licensed dealer, to—

10 “(I) sell ammunition, except that this
11 subclause shall not apply to a sale of am-
12 munition by a person to a licensed im-
13 porter, licensed manufacturer, or licensed
14 dealer; or

15 “(II) engage in the business of im-
16 porting or manufacturing ammunition, or
17 in the course of such business, to ship,
18 transport, or receive any ammunition; or

19 “(ii) a licensed importer, licensed manufac-
20 turer, or licensed dealer to transfer ammunition
21 to a person unless the licensee, in the physical
22 presence of the person, has verified the identity
23 of the person by examining a valid identification
24 document (as defined in section 1028(d) of this

1 title) of the person containing a photograph of
2 the person;”; and

3 (2) in subsection (b)(5), by striking “or armor-
4 piercing”.

5 (c) LIMIT ON SHIPPING AND TRANSPORTING OF AM-
6 MUNITION.—Section 922(a)(2) of such title is amended—

7 (1) in the matter preceding subparagraph (A),
8 by inserting “, or to ship or transport any ammuni-
9 tion,” after “any firearm”; and

10 (2) in subparagraph (B), by inserting “or am-
11 munition” after “a firearm”.

12 (d) RECORDKEEPING REGARDING AMMUNITION.—

13 (1) IN GENERAL.—Section 923(g) of such title
14 is amended—

15 (A) in paragraph (1)(A)—

16 (i) in the first sentence, by inserting
17 “or ammunition” after “other disposition
18 of firearms”; and

19 (ii) in the third sentence, by striking
20 “, or any licensed importer or manufac-
21 turer of ammunition,” and inserting “, or
22 any licensed importer, manufacturer, or
23 dealer of ammunition,”; and

24 (B) in paragraph (3), by adding at the end
25 the following:

1 “(C) Each licensee shall prepare a report of multiple
 2 sales or other dispositions whenever the licensee sells or
 3 otherwise disposes of, at one time or during any 5 consec-
 4 tive business days, more than 1,000 rounds of ammunition
 5 to an unlicensed person. The report shall be prepared on
 6 a form specified by the Attorney General and forwarded
 7 to the office specified thereon and to the department of
 8 State police or State law enforcement agency of the State
 9 or local law enforcement agency of the local jurisdiction
 10 in which the sale or other disposition took place, not later
 11 than the close of business on the day that the multiple
 12 sale or other disposition occurs.”.

13 (2) CONFORMING AMENDMENT.—Section
 14 4182(d) of the Internal Revenue Code of 1986 is
 15 amended by inserting “and except as provided in
 16 paragraph (1)(A) and (3)(C) of section 923(g) of
 17 such title,” before “no person holding a Federal li-
 18 cense”.

19 **Subtitle DD—Safer Neighborhoods** 20 **Gun Buyback**

21 **SEC. 13001. SHORT TITLE.**

22 This subtitle may be cited as the “Safer Neighbor-
 23 hoods Gun Buyback Act of 2020”.

1 **PART 1—GUN BUYBACK GRANT PROGRAM**

2 **SEC. 13011. PROGRAM AUTHORIZED.**

3 (a) IN GENERAL.—The Director of the Bureau of
4 Justice Assistance (referred to in this part as the “Direc-
5 tor”) may make grants to eligible entities to conduct gun
6 buyback programs.

7 (b) ELIGIBLE ENTITY DEFINED.—In this part, the
8 term “eligible entity” means—

9 (1) a State;

10 (2) a unit of local government; or

11 (3) a gun dealer if neither the unit of local gov-
12 ernment nor the State where such dealer is located
13 receives a grant under this part.

14 **SEC. 13012. APPLICATIONS.**

15 (a) GRANTS.—The chief executive of an eligible entity
16 seeking a grant under this part shall submit an application
17 to the Director at such time and containing such informa-
18 tion as the Director may reasonably require.

19 (b) SUBGRANTS.—A gun dealer located in a unit of
20 local government or State that does receive a grant under
21 this part seeking a subgrant shall submit an application
22 to the chief executive of such unit of local government or
23 State at such time and containing such information as the
24 chief executive may reasonably require, including proof of
25 such dealer’s license under section 923 of title 18, United
26 States Code.

1 **SEC. 13013. TERM OF GRANT.**

2 (a) TERM.—The term of a grant awarded under this
3 part shall be two years.

4 (b) AVAILABILITY OF GRANT FUNDS.—

5 (1) STATES OR UNITS OF LOCAL GOVERN-
6 MENT.—A State or unit of local government that re-
7 ceives a grant under this part shall return to the Di-
8 rector any remaining smart prepaid cards and any
9 unused portion of such grant at the end of the two-
10 year and 270-day period beginning on the date that
11 the grant was awarded.

12 (2) GUN DEALERS.—A gun dealer that receives
13 a grant or subgrant under this part shall return to
14 the Director any remaining smart prepaid cards and
15 any unused portion of such grant or subgrant that
16 was allocated to be used to buy back guns—

17 (A) in the case of a gun dealer receiving a
18 grant, at the end of the two-year period begin-
19 ning on the date that the grant was awarded;
20 or

21 (B) in the case of a gun dealer receiving
22 a subgrant, at the end of the two-year period
23 beginning on the date that the grant was
24 awarded to the State or unit of local govern-
25 ment from which the gun dealer received a
26 subgrant.

1 (c) AMOUNTS RETURNED.—The Director shall re-
2 turn to the general fund of the Treasury any amounts re-
3 turned under subsection (b).

4 **SEC. 13014. SMART PREPAID CARDS.**

5 (a) IN GENERAL.—In conducting the grant program
6 authorized under section 13011, the Director may reserve
7 such funds as may be necessary to acquire and distribute
8 smart prepaid cards to eligible entities that receive grants
9 under this part. The Director shall distribute the smart
10 prepaid cards without any funds loaded onto the cards.

11 (b) MARKET VALUE OF GUNS.—The Director shall
12 determine the market value of each gun that the Director
13 determines should be included in the gun buyback pro-
14 gram and make such information publicly available.

15 (c) PROHIBITION ON USE OF CARDS TO BUY
16 GUNS.—

17 (1) IN GENERAL.—A person may not use a
18 smart prepaid card in the acquisition of a gun or
19 ammunition, and a person may not accept a smart
20 prepaid card in the transfer (including a loan) of a
21 gun or ammunition.

22 (2) PENALTY.—A person that violates para-
23 graph (1) shall pay to the Director an amount that
24 is equal to the value of the prohibited sale.

1 **SEC. 13015. USES OF FUNDS.**

2 (a) STATES AND UNITS OF LOCAL GOVERNMENT.—

3 A State or unit of local government receiving a grant
4 under this part shall use such funds to do the following:

5 (1) GUN BUYBACK PROGRAM.—Use such funds
6 to—

7 (A) conduct a gun buyback program; or

8 (B) make subgrants to gun dealers in such
9 State or unit of local government to conduct
10 gun buyback programs, and distribute the
11 smart prepaid cards such State or unit of local
12 government receives to gun dealers receiving
13 subgrants.

14 (2) GUN AND AMMUNITION RECYCLING PRO-
15 GRAM.—Use not more than 10 percent of such funds
16 to recycle the guns and ammunition that such State
17 or unit of local government collects or receives from
18 gun dealers.

19 (3) ADMINISTRATIVE COSTS.—Use not more
20 than 15 percent of such funds for the administrative
21 costs of carrying out the grant program under this
22 part, including the criminal database checks under
23 subsection (f).

24 (b) GUN DEALERS.—

1 (1) IN GENERAL.—A gun dealer receiving a
2 grant or subgrant under this part shall use such
3 funds to conduct a gun buyback program.

4 (2) SMART PREPAID CARD AMOUNTS.—

5 (A) In order to purchase a gun through a
6 gun buyback program, a gun dealer shall load
7 onto a smart prepaid card 125 percent of the
8 market value of the gun that the individual
9 wishes to dispose of (as determined by the Di-
10 rector under section 13014(b)).

11 (B) A gun dealer may increase the pur-
12 chase price of a gun and load an amount onto
13 a smart prepaid card that is greater than 125
14 percent of the market value of the gun if the
15 gun dealer determines that the gun has been al-
16 tered in a way that would increase the market
17 value of the gun (such as an altered grip, or the
18 addition of a scope).

19 (3) GUNS RECEIVED.—

20 (A) In the case of a gun dealer receiving
21 a grant under this part, the gun dealer shall de-
22 liver a gun or ammunition the dealer receives
23 under the gun buyback program to the closest
24 office of the Bureau of Alcohol, Tobacco, Fire-

1 arms and Explosives not later than 60 days
2 after receiving such gun.

3 (B) In the case of a gun dealer receiving
4 a subgrant under this part, the gun dealer shall
5 deliver a gun or ammunition the dealer receives
6 under the gun buyback program to the State or
7 unit of local government from which it receives
8 the subgrant not later than 60 days after re-
9 ceiving such gun.

10 (c) AMMUNITION COLLECTION.—A State, unit of
11 local government, or gun dealer conducting a gun buyback
12 program under this part may accept ammunition from in-
13 dividuals wishing to dispose of it, which shall be recycled
14 in accordance with paragraph (3), but may not use smart
15 prepaid cards to purchase ammunition under the gun
16 buyback program.

17 (d) INCENTIVES FOR GUN DEALER PARTICIPA-
18 TION.—To the extent that the Director determines nec-
19 essary to facilitate participation of gun dealers in the gun
20 buyback program, grant funds may be used to provide
21 monetary or other incentives to gun dealers to participate
22 in such program. For purposes of subsection (a), any such
23 incentives shall be treated as part of the subgrant to the
24 gun dealer described in paragraph (1)(B) thereof.

1 (e) RESALE OF GUNS PROHIBITED.—A State, unit
2 of local government, or gun dealer conducting a gun
3 buyback program under this part may not sell a gun or
4 ammunition received under such program.

5 (f) CRIMINAL DATABASE CHECK.—A State, unit of
6 local government, or office of the Bureau of Alcohol, To-
7 bacco, Firearms and Explosives that receives a gun under
8 a gun buyback program under this part shall, not later
9 than 21 days after receiving the gun, use any database
10 accessible to the State, unit of local government, or office
11 of the Bureau of Alcohol, Tobacco, Firearms and Explo-
12 sives, as applicable, in order to determine whether the gun
13 was used in the commission of a crime. If such a gun was
14 used in the commission of a crime, the gun shall be deliv-
15 ered to the appropriate prosecuting authority.

16 **SEC. 13016. DEFINITIONS.**

17 In this part:

18 (1) AMMUNITION.—The term “ammunition”
19 has the meaning given such term in section
20 921(a)(17)(A) of title 18, United States Code.

21 (2) GUN.—The term “gun” means “firearm”
22 as defined in section 921(a)(3) of title 18, United
23 States Code.

24 (3) GUN BUYBACK PROGRAM.—The term “gun
25 buyback program” means a program under which a

1 State, a unit of local government, or a gun dealer,
2 using smart prepaid cards as described in section
3 13015(b)(2), purchases back from individuals wish-
4 ing to dispose of them, a gun identified by the Di-
5 rector under section 13014(b).

6 (4) GUN DEALER.—The term “gun dealer”
7 means a dealer of firearms licensed under section
8 923 of title 18, United States Code.

9 (5) SMART PREPAID CARD.—The term “smart
10 prepaid card” means a card issued by the Director
11 that—

12 (A) is redeemable at multiple, unaffiliated
13 merchants or service providers;

14 (B) contains a mechanism, for the purpose
15 of preventing the cardholder from using it to
16 purchase a gun or ammunition, that recognizes
17 the merchant category code of a merchant and
18 prohibits the use of such card at a place of
19 business subject to a license to deal in firearms
20 under section 923 of title 18, United States
21 Code;

22 (C) is honored, upon presentation, by mer-
23 chants solely for goods or services, except for
24 merchants described in subparagraph (B);

1 (D) is loaded on a prepaid basis by a
2 State, unit of local government, or gun dealer
3 for use in a gun buyback program;

4 (E) clearly and conspicuously bears the
5 words “THIS CARD MAY NOT BE USED
6 TO PURCHASE A GUN OR AMMUNITION”
7 in capital and raised letters on the card; and

8 (F) may not redeemed for coins or cur-
9 rency.

10 (6) STATE.—The term “State” means each of
11 the 50 States, the District of Columbia, or any com-
12 monwealth, territory, or possession of the United
13 States.

14 **SEC. 13017. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated \$360,000,000
16 for each of fiscal years 2018 through 2020 to carry out
17 this part.

18 **PART 2—CRIMINAL PROVISION**

19 **SEC. 13021. USE OF SMART PREPAID CARD IN THE ACQUISI-**
20 **TION OR TRANSFER OF A FIREARM.**

21 (a) IN GENERAL.—Chapter 44 of title 18, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

1 **“§ 932. Use of smart prepaid card in the acquisition**
 2 **or transfer of a firearm**

3 “Whoever, in or affecting interstate or foreign com-
 4 merce, uses a smart prepaid card (as such term is defined
 5 in section 13016 of the Safer Neighborhoods Gun
 6 Buyback Act of 2020) in connection with the acquisition
 7 of, or accepts a smart prepaid card in connection with the
 8 transfer (including a loan) of a firearm or ammunition
 9 shall be fined under this title, imprisoned for not more
 10 than 2 years, or both.”.

11 (b) CLERICAL AMENDMENTS.—

12 (1) CONFORMING AMENDMENT.—Section
 13 924(a)(1) of title 18, United States Code, is amend-
 14 ed by inserting after “section 929” the following:
 15 “or section 932”.

16 (2) TABLE OF SECTIONS.—The table of sections
 17 at the beginning of chapter 44 of title 18, United
 18 States Code, is amended by inserting after the item
 19 relating to section 931 the following:

“932. Use of smart prepaid card in the acquisition or transfer of a firearm.”.

20 **Subtitle EE—Gun Trafficking**
 21 **Prohibition**

22 **SEC. 13101. SHORT TITLE.**

23 This subtitle may be cited as the “Gun Trafficking
 24 Prohibition Act”.

1 **SEC. 13102. ANTI-STRAW PURCHASING AND FIREARMS**
2 **TRAFFICKING AMENDMENTS.**

3 (a) IN GENERAL.—Chapter 44 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 932. Straw purchasing of firearms**

7 “(a) For purposes of this section—

8 “(1) the term ‘crime of violence’ has the mean-
9 ing given that term in section 924(c)(3);

10 “(2) the term ‘drug trafficking crime’ has the
11 meaning given that term in section 924(c)(2); and

12 “(3) the term ‘purchases’ includes the receipt of
13 any firearm by a person who does not own the fire-
14 arm—

15 “(A) by way of pledge or pawn as security
16 for the payment or repayment of money; or

17 “(B) on consignment.

18 “(b) It shall be unlawful for any person (other than
19 a licensed importer, licensed manufacturer, licensed col-
20 lector, or licensed dealer) to knowingly purchase, or at-
21 tempt or conspire to purchase, any firearm in or otherwise
22 affecting interstate or foreign commerce—

23 “(1) from a licensed importer, licensed manu-
24 facturer, licensed collector, or licensed dealer for, on
25 behalf of, or at the request or demand of any other
26 person, known or unknown; or

1 “(2) from any person who is not a licensed im-
2 porter, licensed manufacturer, licensed collector, or
3 licensed dealer for, on behalf of, or at the request or
4 demand of any other person, known or unknown,
5 knowing or having reasonable cause to believe that
6 such other person—

7 “(A) is under indictment for, or has been
8 convicted in any court of, a crime punishable by
9 imprisonment for a term exceeding 1 year;

10 “(B) is a fugitive from justice;

11 “(C) is an unlawful user of or addicted to
12 any controlled substance (as defined in section
13 102 of the Controlled Substances Act (21
14 U.S.C. 802));

15 “(D) has been adjudicated as a mental de-
16 fective or has been committed to any mental in-
17 stitution;

18 “(E) is an alien who—

19 “(i) is illegally or unlawfully in the
20 United States; or

21 “(ii) except as provided in section
22 922(y)(2), has been admitted to the United
23 States under a nonimmigrant visa (as that
24 term is defined in section 101(a)(26) of

1 the Immigration and Nationality Act (8
2 U.S.C. 1101(a)(26));

3 “(F) has been discharged from the Armed
4 Forces under dishonorable conditions;

5 “(G) having been a citizen of the United
6 States, has renounced his or her citizenship;

7 “(H) is subject to a court order that re-
8 strains such person from harassing, stalking, or
9 threatening an intimate partner of such person
10 or child of such intimate partner or person, or
11 engaging in other conduct that would place an
12 intimate partner in reasonable fear of bodily in-
13 jury to the partner or child, except that this
14 subparagraph shall only apply to a court order
15 that—

16 “(i) was issued after a hearing of
17 which such person received actual notice,
18 and at which such person had the oppor-
19 tunity to participate; and

20 “(ii)(I) includes a finding that such
21 person represents a credible threat to the
22 physical safety of such intimate partner or
23 child; or

24 “(II) by its terms explicitly prohibits
25 the use, attempted use, or threatened use

1 of physical force against such intimate
2 partner or child that would reasonably be
3 expected to cause bodily injury;

4 “(I) has been convicted in any court of a
5 misdemeanor crime of domestic violence;

6 “(J) intends to—

7 “(i) use, carry, possess, or sell or oth-
8 erwise dispose of the firearm or ammuni-
9 tion in furtherance of a crime of violence
10 or drug trafficking crime; or

11 “(ii) export the firearm or ammuni-
12 tion in violation of law;

13 “(K) who does not reside in any State; or

14 “(L) intends to sell or otherwise dispose of
15 the firearm or ammunition to a person de-
16 scribed in any of subparagraphs (A) through
17 (K).

18 “(c)(1) Except as provided in paragraph (2), any per-
19 son who violates subsection (b) shall be fined under this
20 title, imprisoned for not more than 15 years, or both.

21 “(2) If a violation of subsection (b) is committed
22 knowing or with reasonable cause to believe that any fire-
23 arm involved will be used to commit a crime of violence,
24 the person shall be sentenced to a term of imprisonment
25 of not more than 25 years.

1 “(d) Subsection (b)(1) shall not apply to any firearm
2 that is lawfully purchased by a person—

3 “(1) to be given as a bona fide gift to a recipi-
4 ent who provided no service or tangible thing of
5 value to acquire the firearm, unless the person
6 knows or has reasonable cause to believe such recipi-
7 ent is prohibited by Federal law from possessing, re-
8 ceiving, selling, shipping, transporting, transferring,
9 or otherwise disposing of the firearm; or

10 “(2) to be given to a bona fide winner of an or-
11 ganized raffle, contest, or auction conducted in ac-
12 cordance with law and sponsored by a national,
13 State, or local organization or association, unless the
14 person knows or has reasonable cause to believe such
15 recipient is prohibited by Federal law from pos-
16 sessing, purchasing, receiving, selling, shipping,
17 transporting, transferring, or otherwise disposing of
18 the firearm.

19 **“§ 933. Trafficking in firearms**

20 “(a) It shall be unlawful for any person to—

21 “(1) ship, transport, transfer, cause to be
22 transported, or otherwise dispose of 2 or more fire-
23 arms to another person in or otherwise affecting
24 interstate or foreign commerce, if the transferor
25 knows or has reasonable cause to believe that the

1 use, carrying, or possession of a firearm by the
2 transferee would be in violation of, or would result
3 in a violation of, any Federal law punishable by a
4 term of imprisonment exceeding 1 year;

5 “(2) receive from another person 2 or more
6 firearms in or otherwise affecting interstate or for-
7 eign commerce, if the recipient knows or has reason-
8 able cause to believe that such receipt would be in
9 violation of, or would result in a violation of, any
10 Federal law punishable by a term of imprisonment
11 exceeding 1 year; or

12 “(3) attempt or conspire to commit the conduct
13 described in paragraph (1) or (2).

14 “(b)(1) Except as provided in paragraph (2), any per-
15 son who violates subsection (a) shall be fined under this
16 title, imprisoned for not more than 15 years, or both.

17 “(2) If a violation of subsection (a) is committed by
18 a person in concert with 5 or more other persons with
19 respect to whom such person occupies a position of orga-
20 nizer, leader, supervisor, or manager, the person shall be
21 sentenced to a term of imprisonment of not more than
22 25 years.

1 **“§ 934. Forfeiture and fines**

2 “(a)(1) Any person convicted of a violation of section
3 932 or 933 shall forfeit to the United States, irrespective
4 of any provision of State law—

5 “(A) any property constituting, or derived from,
6 any proceeds the person obtained, directly or indi-
7 rectly, as the result of such violation; and

8 “(B) any of the person’s property used, or in-
9 tended to be used, in any manner or part, to com-
10 mit, or to facilitate the commission of, such viola-
11 tion.

12 “(2) The court, in imposing sentence on a person con-
13 victed of a violation of section 932 or 933, shall order,
14 in addition to any other sentence imposed pursuant to sec-
15 tion 932 or 933, that the person forfeit to the United
16 States all property described in paragraph (1).

17 “(b) A defendant who derives profits or other pro-
18 ceeds from an offense under section 932 or 933 may be
19 fined not more than the greater of—

20 “(1) the fine otherwise authorized by this part;
21 and

22 “(2) the amount equal to twice the gross profits
23 or other proceeds of the offense under section 932
24 or 933.”.

1 (b) TITLE III AUTHORIZATION.—Section 2516(1)(n)
2 of title 18, United States Code, is amended by striking
3 “and 924” and inserting “, 924, 932, or 933”.

4 (c) RACKETEERING AMENDMENT.—Section
5 1961(1)(B) of title 18, United States Code, is amended
6 by inserting “section 932 (relating to straw purchasing),
7 section 933 (relating to trafficking in firearms),” before
8 “section 1028”.

9 (d) MONEY LAUNDERING AMENDMENT.—Section
10 1956(c)(7)(D) of title 18, United States Code, is amended
11 by striking “section 924(n)” and inserting “section
12 924(n), 932, or 933”.

13 (e) DIRECTIVE TO SENTENCING COMMISSION.—Pur-
14 suant to its authority under section 994 of title 28, United
15 States Code, and in accordance with this section, the
16 United States Sentencing Commission shall review and
17 amend its guidelines and policy statements to ensure that
18 persons convicted of an offense under section 932 or 933
19 of title 18, United States Code, and other offenses applica-
20 ble to the straw purchases and firearms trafficking of fire-
21 arms are subject to increased penalties in comparison to
22 those currently provided by the guidelines and policy state-
23 ments for such straw purchasing and firearms trafficking
24 offenses. The Commission shall also review and amend its
25 guidelines and policy statements to reflect the intent of

1 Congress that a person convicted of an offense under sec-
2 tion 932 or 933 of title 18, United States Code, who is
3 affiliated with a gang, cartel, organized crime ring, or
4 other such enterprise should be subject to higher penalties
5 than an otherwise unaffiliated individual.

6 (f) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of sections of chapter 44 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.

“934. Forfeiture and fines.”.

10 **SEC. 13103. AMENDMENTS TO SECTION 922(d).**

11 Section 922(d) of title 18, United States Code, is
12 amended—

13 (1) in paragraph (8), by striking “or” at the
14 end;

15 (2) in paragraph (9), by striking the period at
16 the end and inserting a semicolon; and

17 (3) by striking the matter following paragraph
18 (9) and inserting the following:

19 “(10) intends to sell or otherwise dispose of the
20 firearm or ammunition to a person described in any
21 of paragraphs (1) through (9); or

22 “(11) intends to sell or otherwise dispose of the
23 firearm or ammunition in furtherance of a crime of

1 violence or drug trafficking offense or to export the
2 firearm or ammunition in violation of law.

3 This subsection shall not apply with respect to the sale
4 or disposition of a firearm or ammunition to a licensed
5 importer, licensed manufacturer, licensed dealer, or li-
6 censed collector who pursuant to subsection (b) of section
7 925 is not precluded from dealing in firearms or ammuni-
8 tion, or to a person who has been granted relief from dis-
9 abilities pursuant to subsection (c) of section 925.”.

10 **SEC. 13104. AMENDMENTS TO SECTION 924(a).**

11 Section 924(a) of title 18, United States Code, is
12 amended—

13 (1) in paragraph (2), by striking “(d), (g),”;
14 and

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

16 “(8) Whoever knowingly violates subsection (d) or (g)
17 of section 922 shall be fined under this title, imprisoned
18 not more than 15 years, or both.”.

19 **SEC. 13105. AMENDMENTS TO SECTION 924(h).**

20 Section 924 of title 18, United States Code, is
21 amended by striking subsection (h) and inserting the fol-
22 lowing:

23 “(h)(1) Whoever knowingly receives or transfers a
24 firearm or ammunition, or attempts or conspires to do so,
25 knowing or having reasonable cause to believe that such

1 firearm or ammunition will be used to commit a crime of
2 violence (as defined in subsection (c)(3)), a drug traf-
3 ficking crime (as defined in subsection (c)(2)), or a crime
4 under the Arms Export Control Act (22 U.S.C. 2751 et
5 seq.), the International Emergency Economic Powers Act
6 (50 U.S.C. 1701 et seq.), the Foreign Narcotics Kingpin
7 Designation Act (21 U.S.C. 1901 et seq.), or section
8 212(a)(2)(C) of the Immigration and Nationality Act (8
9 U.S.C. 1182(a)(2)(C)) shall be imprisoned not more than
10 25 years, fined in accordance with this title, or both.

11 “(2) No term of imprisonment imposed on a person
12 under this subsection shall run concurrently with any term
13 of imprisonment imposed on the person under section
14 932.”.

15 **SEC. 13106. AMENDMENTS TO SECTION 924(k).**

16 Section 924 of title 18, United States Code, is
17 amended by striking subsection (k) and inserting the fol-
18 lowing:

19 “(k)(1) A person who, with intent to engage in or
20 to promote conduct that—

21 “(A) is punishable under the Controlled Sub-
22 stances Act (21 U.S.C. 801 et seq.), the Controlled
23 Substances Import and Export Act (21 U.S.C. 951
24 et seq.), or chapter 705 of title 46;

1 “(B) violates any law of a State relating to any
2 controlled substance (as defined in section 102 of
3 the Controlled Substances Act, 21 U.S.C. 802); or

4 “(C) constitutes a crime of violence (as defined
5 in subsection (c)(3)),

6 smuggles or knowingly brings into the United States, a
7 firearm or ammunition, or attempts or conspires to do so,
8 shall be imprisoned not more than 15 years, fined under
9 this title, or both.

10 “(2) A person who, with intent to engage in or to
11 promote conduct that—

12 “(A) would be punishable under the Controlled
13 Substances Act (21 U.S.C. 801 et seq.), the Con-
14 trolled Substances Import and Export Act (21
15 U.S.C. 951 et seq.), or chapter 705 of title 46, if the
16 conduct had occurred within the United States; or

17 “(B) would constitute a crime of violence (as
18 defined in subsection (c)(3)) for which the person
19 may be prosecuted in a court of the United States,
20 if the conduct had occurred within the United
21 States,

22 smuggles or knowingly takes out of the United States, a
23 firearm or ammunition, or attempts or conspires to do so,
24 shall be imprisoned not more than 15 years, fined under
25 this title, or both.”.

1 **Subtitle FF—Gun Manufacturers**
2 **Accountability**

3 **SEC. 13201. SHORT TITLE.**

4 This subtitle may be cited as the “Gun Manufactur-
5 ers Accountability Act”.

6 **SEC. 13202. REPEAL OF PROHIBITION ON BRINGING QUALI-**
7 **FIED CIVIL LIABILITY ACTIONS IN FEDERAL**
8 **OR STATE COURT.**

9 Sections 2 through 4 of the Protection of Lawful
10 Commerce in Arms Act (15 U.S.C. 7901–7903; Public
11 Law 109–92) are hereby repealed.

12 **Subtitle GG—Report on Effects of**
13 **Gun Violence on Public Health**

14 **SEC. 13301. REPORT ON EFFECTS OF GUN VIOLENCE ON**
15 **PUBLIC HEALTH.**

16 Not later than one year after the date of the enact-
17 ment of this Act, and annually thereafter, the Surgeon
18 General of the Public Health Service shall submit to Con-
19 gress a report on the effects on public health of gun vio-
20 lence in the United States during the relevant period, and
21 the status of actions taken to address such effects.

1 **Subtitle HH—Protecting Domestic**
2 **Violence and Stalking Victims**

3 **SEC. 13401. SHORT TITLE.**

4 This subtitle may be cited as the “Protecting Domes-
5 tic Violence and Stalking Victims Act”.

6 **SEC. 13402. DEFINITIONS OF “INTIMATE PARTNER” AND**
7 **“MISDEMEANOR CRIME OF DOMESTIC VIO-**
8 **LENCE” EXPANDED.**

9 Section 921(a) of title 18, United States Code, is
10 amended—

11 (1) in paragraph (32)—

12 (A) by striking “and an individual” and in-
13 serting “an individual”; and

14 (B) by inserting “, or a dating partner (as
15 defined in section 2266)” before the period at
16 the end; and

17 (2) in paragraph (33)(A)—

18 (A) by striking “Except as provided in
19 subparagraph (C), the” and inserting “The”;

20 (B) in clause (i), by inserting “municipal,”
21 after “State,”; and

22 (C) in clause (ii)—

23 (i) by striking “or by” and inserting
24 “by”; and

1 (ii) by inserting “, or by a dating
2 partner (as defined in section 2266) of the
3 victim” before the period at the end.

4 **SEC. 13403. EXPANSION OF LIST OF PERSONS SUBJECT TO**
5 **A RESTRAINING OR SIMILAR ORDER TO**
6 **WHOM A FIREARM IS PROHIBITED FROM**
7 **BEING SOLD OR DISPOSED.**

8 Section 922(d)(8) of title 18, United States Code, is
9 amended—

10 (1) in the matter preceding subparagraph (A),
11 by striking “that”;

12 (2) by striking subparagraphs (A) and (B) and
13 inserting the following:

14 “(A)(i) that was issued after a hearing of
15 which such person received actual notice, and at
16 which such person had an opportunity to par-
17 ticipate; or

18 “(ii) in the case of an ex parte order, relat-
19 ing to which notice and opportunity to be heard
20 are provided—

21 “(I) within the time required by
22 State, tribal, or territorial law; and

23 “(II) in any event within a reasonable
24 time after the order is issued, sufficient to
25 protect the person’s right to due process;

1 “(B) that restrains such person from—

2 “(i) harassing, stalking, threatening,
3 or engaging in other conduct that would
4 put an individual in reasonable fear of bod-
5 ily injury to such individual, including an
6 order that was issued at the request of an
7 employer on behalf of its employee or at
8 the request of an institution of higher edu-
9 cation on behalf of its student; or

10 “(ii) intimidating or dissuading a wit-
11 ness from testifying in court; and”; and

12 (3) in subparagraph (C)—

13 (A) by striking “intimate partner or child”
14 each place it appears and inserting “individual
15 described in subparagraph (B)”;

16 (B) in clause (i), by inserting “that” be-
17 fore “includes”; and

18 (C) in clause (ii), by inserting “that” be-
19 fore “by its”.

20 **SEC. 13404. EXPANSION OF LIST OF PERSONS SUBJECT TO**
21 **A RESTRAINING OR SIMILAR ORDER PROHIB-**
22 **ITED FROM POSSESSING OR RECEIVING A**
23 **FIREARM.**

24 Section 922(g)(8) of title 18, United States Code, is
25 amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “that”;

3 (2) by striking subparagraphs (A) and (B) and
4 inserting the following:

5 “(A)(i) that was issued after a hearing of
6 which such person received actual notice, and at
7 which such person had an opportunity to par-
8 ticipate; or

9 “(ii) in the case of an ex parte order, relat-
10 ing to which notice and opportunity to be heard
11 are provided—

12 “(I) within the time required by
13 State, tribal, or territorial law; and

14 “(II) in any event within a reasonable
15 time after the order is issued, sufficient to
16 protect the person’s right to due process;

17 “(B) that restrains such person from—

18 “(i) harassing, stalking, threatening,
19 or engaging in other conduct that would
20 put an individual in reasonable fear of bod-
21 ily injury to such individual, including an
22 order that was issued at the request of an
23 employer on behalf of its employee or at
24 the request of an institution of higher edu-
25 cation on behalf of its student; or

1 “(ii) intimidating or dissuading a wit-
2 ness from testifying in court; and”; and
3 (3) in subparagraph (C)—
4 (A) by striking “intimate partner or child”
5 each place it appears and inserting “individual
6 described in subparagraph (B)”;
7 (B) in clause (i), by inserting “that” be-
8 fore “includes”; and
9 (C) in clause (ii), by inserting “that” be-
10 fore “by its”.

11 **SEC. 13405. STALKING PROHIBITIONS.**

12 (a) SALES OR OTHER DISPOSITIONS OF FIREARMS
13 OR AMMUNITION.—Section 922(d) of title 18, United
14 States Code, as amended by section 13403 of this subtitle,
15 is amended—

16 (1) by striking “or” at the end of paragraph
17 (8);

18 (2) by striking the period at the end of para-
19 graph (9) and inserting “; or”; and

20 (3) by inserting after paragraph (9) the fol-
21 lowing:

22 “(10) has been convicted in any court of—

23 “(A) a misdemeanor crime of stalking
24 under Federal, State, municipal, territorial, or
25 tribal law; or

1 “(B) a crime that involves conduct which
 2 would be prohibited by section 2261A if com-
 3 mitted within the special maritime and terri-
 4 torial jurisdiction of the United States.”.

5 (b) POSSESSION, ETC., OF FIREARMS OR AMMUNI-
 6 TION.—Section 922(g) of such title, as amended by section
 7 13404 of this subtitle, is amended—

8 (1) by striking “or” at the end of paragraph
 9 (8);

10 (2) by striking the comma at the end of para-
 11 graph (9) and inserting “; or”; and

12 (3) by inserting after paragraph (9) the fol-
 13 lowing:

14 “(10) has been convicted in any court of—

15 “(A) a misdemeanor crime of stalking
 16 under Federal, State, municipal, territorial, or
 17 tribal law; or

18 “(B) a crime that involves conduct which
 19 would be prohibited by section 2261A if com-
 20 mitted within the special maritime and terri-
 21 torial jurisdiction of the United States,”.

22 **Subtitle II—Raise the Age**

23 **SEC. 13501. SHORT TITLE.**

24 This subtitle may be cited as the “Raise the Age
 25 Act”.

1 **SEC. 13502. PROHIBITION ON FEDERAL FIREARMS LI-**
2 **CENSEE SELLING OR DELIVERING CERTAIN**
3 **SEMIAUTOMATIC CENTERFIRE RIFLES TO A**
4 **PERSON UNDER 21 YEARS OF AGE, WITH EX-**
5 **CEPTIONS.**

6 (a) IN GENERAL.—Section 922(b)(1) of title 18,
7 United States Code, is amended to read as follows:

8 “(1)(A) any firearm or ammunition to any indi-
9 vidual who the licensee knows or has reasonable
10 cause to believe has not attained 18 years of age;

11 “(B) any semiautomatic centerfire rifle that has
12 or accepts a magazine with a capacity exceeding 5
13 rounds, to any individual who the licensee knows or
14 has reasonable cause to believe has not attained 21
15 years of age and is not a qualified individual; or

16 “(C) if the firearm or ammunition is not a
17 semiautomatic centerfire rifle described in subpara-
18 graph (B) and is other than a shotgun or rifle, or
19 ammunition for a shotgun or rifle, to any individual
20 who the licensee knows or has reasonable cause to
21 believe has not attained 21 years of age;”.

22 (b) CONFORMING AMENDMENT.—Section 922(c)(1)
23 of such title is amended by striking “in the case of any
24 firearm” and all that follows through “eighteen years or
25 more of age” and inserting “in the case of a semiauto-
26 matic centerfire rifle that has or accepts a magazine with

1 a capacity exceeding 5 rounds, I am at least 21 years of
2 age or a qualified individual (as defined in section
3 921(a)(30) of title 18, United States Code), in the case
4 of a firearm other than a semiautomatic centerfire rifle
5 that has or accepts a magazine with a capacity exceeding
6 5 rounds, a shotgun or a rifle, I am at least 21 years
7 of age, or that, in the case of a shotgun or a rifle, I am
8 at least 18 years of age”.

9 (c) QUALIFIED INDIVIDUAL DEFINED.—Section
10 921(a) of such title is amended by inserting after para-
11 graph (29) the following:

12 “(30) The term ‘qualified individual’ means—

13 “(A) a member of the Armed Forces on active
14 duty; and

15 “(B) a full-time employee of the United States,
16 a State, or a political subdivision of a State who in
17 the course of his or her official duties is authorized
18 to carry a firearm.”.

19 **SEC. 13503. OPERATION OF THE FEDERAL BUREAU OF IN-**
20 **VESTIGATION’S PUBLIC ACCESS LINE.**

21 (a) REPORT.—Not later than 90 days after the date
22 of the enactment of this Act, the Director of the Federal
23 Bureau of Investigation (in this section referred to as the
24 “FBI”) shall submit to the Committee on the Judiciary
25 of the Senate and the Committee on the Judiciary of the

1 House of Representatives a report regarding operation of
2 the FBI's public access line.

3 (b) MATTERS INCLUDED.—The report required by
4 subsection (a) shall, at a minimum, include the following:

5 (1) A description of the protocols and proce-
6 dures in effect with respect to information-sharing
7 between the public access line and the field offices
8 of the FBI.

9 (2) Recommendations for improving the proto-
10 cols and procedures to improve the information-shar-
11 ing.

12 **Subtitle JJ—National Gun Violence** 13 **Research**

14 **SEC. 13601. SHORT TITLE.**

15 This subtitle may be cited as the “National Gun Vio-
16 lence Research Act”.

17 **SEC. 13602. FINDINGS.**

18 Congress makes the following findings:

19 (1) In the last 50 years, more individuals in the
20 United States have died from gunshots than in all
21 wars in which the United States was a combatant,
22 combined.

23 (2) The rate of gun violence deaths in the
24 United States is more than double that of other
25 high-income nations.

1 (3) Guns accounted for 74 percent of homicides
2 and 51 percent of suicides in 2016, totaling over
3 37,000 deaths in the United States.

4 (4) Gun violence disproportionately affects ra-
5 cial minorities, with African Americans comprising
6 nearly 60 percent of homicide victims and 22 per-
7 cent of unintentional injury deaths in 2016.

8 (5) Provisions in appropriations Acts dating
9 back to 1996 have had a chilling effect on Federal
10 funding for research on gun violence across the Fed-
11 eral Government and, as a result, research on gun
12 violence is significantly underfunded relative to other
13 leading causes of death.

14 (6) Research examining the nature, causes, con-
15 sequences, and prevention of gun-related violence,
16 suicide, and unintentional injury and death does not
17 constitute advocacy in support of, or opposition to,
18 gun control policies or regulations.

19 (7) More research and high-quality data relat-
20 ing to gun violence are needed to inform the develop-
21 ment of effective strategies to reduce the incidence
22 of gun-related injury and death.

23 **SEC. 13603. DEFINITIONS.**

24 In this subtitle:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the Office of Science and Technology
3 Policy.

4 (2) INSTITUTION OF HIGHER EDUCATION.—The
5 term “institution of higher education” has the
6 meaning given such term in section 101 of the High-
7 er Education Act of 1965 (20 U.S.C. 1001).

8 (3) PROGRAM.—The term “Program” means
9 the National Gun Violence Research Program estab-
10 lished under section 13605.

11 **SEC. 13604. RESEARCH AND DATA RESTRICTIONS REPEAL.**

12 (a) GUN TRACE DATA.—

13 (1) The matter under the heading “Bureau of
14 Alcohol, Tobacco, Firearms and Explosives—Sala-
15 ries and Expenses” in title I of division B of the
16 Consolidated and Further Continuing Appropria-
17 tions Act, 2012 (18 U.S.C. 923 note; Public Law
18 112–55; 125 Stat. 609–610) is amended by striking
19 the 6th proviso.

20 (2) The 6th proviso under the heading “Bureau
21 of Alcohol, Tobacco, Firearms and Explosives—Sala-
22 ries and Expenses” in title II of division B of the
23 Consolidated Appropriations Act, 2010 (18 U.S.C.
24 923 note; Public Law 111–117; 123 Stat. 3128–
25 3129) is amended by striking “beginning in fiscal

1 year 2010 and thereafter” and inserting “in fiscal
2 year 2010”.

3 (3) The 6th proviso under the heading “Bureau
4 of Alcohol, Tobacco, Firearms and Explosives—Sala-
5 ries and Expenses” in title II of division B of the
6 Omnibus Appropriations Act, 2009 (18 U.S.C. 923
7 note; Public Law 111–8; 123 Stat. 574–576) is
8 amended by striking “beginning in fiscal year 2009
9 and thereafter” and inserting “in fiscal year 2009”.

10 (4) The 6th proviso under the heading “Bureau
11 of Alcohol, Tobacco, Firearms and Explosives—Sala-
12 ries and Expenses” in title II of division B of the
13 Consolidated Appropriations Act, 2008 (18 U.S.C.
14 923 note; Public Law 110–161; 121 Stat. 1903–
15 1904) is amended by striking “beginning in fiscal
16 year 2008 and thereafter” and inserting “in fiscal
17 year 2008”.

18 (5) The 6th proviso under the heading “Bureau
19 of Alcohol, Tobacco, Firearms and Explosives—Sala-
20 ries and Expenses” in title I of the Science, State,
21 Justice, Commerce, and Related Agencies Appro-
22 priations Act, 2006 (18 U.S.C. 923 note; Public
23 Law 109–108; 119 Stat. 2295–2296) is amended by
24 striking “with respect to any fiscal year”.

1 (6) The 6th proviso under the heading in title
2 I of division B of the Consolidated Appropriations
3 Act, 2005 (18 U.S.C. 923 note; Public Law 108–
4 447; 118 Stat. 2859–2860) is amended by striking
5 “with respect to any fiscal year”.

6 (b) DEPARTMENT OF HEALTH AND HUMAN SERV-
7 ICES.—Notwithstanding any other provision of law, funds
8 made available to the Department of Health and Human
9 Services, including the Centers for Disease Control and
10 Prevention and the National Institutes of Health, may be
11 used to conduct research with respect to gun violence.

12 **SEC. 13605. RESEARCH PROGRAM.**

13 (a) ESTABLISHMENT.—The President, acting
14 through the Director, shall develop and implement a pro-
15 gram to improve public health and safety through research
16 on gun violence (to be known as the “National Gun Vio-
17 lence Research Program”), through activities carried out
18 in collaboration with covered agencies that—

19 (1) support gun violence research;

20 (2) accelerate the translation of gun violence re-
21 search into effective policy interventions to reduce
22 the incidence of injury and death related to guns;

23 (3) expand the number of researchers and stu-
24 dents in the field of gun violence research; and

1 (4) improve interagency planning and coordina-
2 tion of Federal Government activities relating to gun
3 violence research.

4 (b) PROGRAM ACTIVITIES.—A covered agency, in car-
5 rying out activities described in subsection (a), shall—

6 (1) award grants to individual investigators and
7 interdisciplinary teams of investigators for projects
8 related to gun violence research;

9 (2) support projects funded under joint solicita-
10 tions by a collaboration of no fewer than two covered
11 agencies;

12 (3) establish interdisciplinary research centers
13 that are organized to investigate basic research
14 questions and inform policy decisions relating to gun
15 violence;

16 (4) provide for the education and training of
17 undergraduate students, graduate students, and
18 postdoctoral scholars in gun violence research; and

19 (5) promote the development of voluntary con-
20 sensus gun safety technical standards.

21 (c) INTERAGENCY WORKING GROUP.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of the enactment of this Act, the President,
24 acting through the National Science and Technology

1 Council, shall establish an interagency working
2 group on gun violence research.

3 (2) COMPOSITION.—The working group estab-
4 lished under this subsection shall be chaired by the
5 Director and include representatives from—

6 (A) the National Science Foundation;

7 (B) the National Institute of Standards
8 and Technology;

9 (C) the National Institutes of Health;

10 (D) the Centers for Disease Control and
11 Prevention;

12 (E) the National Institute of Justice; and

13 (F) any other Federal agency (including
14 an agency, department, or service thereof) that
15 the Director considers appropriate.

16 (3) DUTIES.—The Working Group shall—

17 (A) oversee the planning, management,
18 and coordination of the Program;

19 (B) provide for coordination among cov-
20 ered agencies of Federal gun violence research
21 and other activities undertaken pursuant to the
22 Program;

23 (C) establish and periodically update goals
24 and priorities for the Program;

1 (D) develop, not later than 12 months
2 after the date of enactment of this Act, and up-
3 date every 5 years, a strategic plan to guide the
4 activities of the Program to meet the goals and
5 priorities established under subparagraph (C).

6 (d) ADVISORY COMMITTEE.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the
9 President, acting through the Director of the Office
10 of Science and Technology Policy, shall establish an
11 advisory committee on gun violence research.

12 (2) COMPOSITION.—The advisory committee es-
13 tablished under paragraph (1) shall be composed of
14 not less than 12 members, including representatives
15 of research institutions, institutions of higher edu-
16 cation, industry, law enforcement, and relevant non-
17 profit organizations who are qualified to provide ad-
18 vice on the Program.

19 (3) DUTIES.—The advisory committee estab-
20 lished under subsection (a) shall assess—

21 (A) the management, coordination, imple-
22 mentation, and activities of the Program;

23 (B) the balance of activities and funding
24 across the Program;

1 (C) whether the Program priorities and
2 goals developed by the working group estab-
3 lished under subsection (c)(3) are helping to
4 improve public health and safety; and

5 (D) the need to revise the Program.

6 (e) COVERED AGENCY DEFINED.—In this section,
7 the term “covered agency” means—

8 (1) the National Science Foundation;

9 (2) the National Institute for Standards and
10 Technology;

11 (3) the Centers for Disease Control and Preven-
12 tion;

13 (4) the National Institutes of Health;

14 (5) the National Institute of Justice; and

15 (6) such other Federal agency as determined
16 appropriate by the Director of the Office of Science
17 and Technology Policy.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Director to carry
20 out this section \$200,000 for each of fiscal years 2019
21 through 2024.

22 **SEC. 13606. AGENCY ACTIVITIES.**

23 (a) NATIONAL SCIENCE FOUNDATION.—

24 (1) RESEARCH.—The Director of the National
25 Science Foundation shall award grants, on a com-

1 petitive basis, to institutions of higher education or
2 nonprofit organizations (or consortia of such institu-
3 tions or organizations)—

4 (A) to support multidisciplinary research
5 to better understand the nature, causes, and
6 consequences of violence, including violence, sui-
7 cide, unintended injury, and death involving
8 guns;

9 (B) to examine the effects of gun policy
10 interventions on—

11 (i) rates of suicide, homicide, and un-
12 intended injury and death;

13 (ii) individuals' ability to use guns for
14 self-defense, hunting, and recreation; and

15 (iii) the gun industry; and

16 (C) to educate and train researchers in the
17 field of violence, including gun violence, re-
18 search.

19 (2) NATIONAL CENTER FOR VIOLENCE RE-
20 SEARCH.—The Director of the National Science
21 Foundation shall award grants on a competitive
22 basis to institutions of higher education or nonprofit
23 organizations (or consortia of such institutions or or-
24 ganizations) to establish one or more centers to con-
25 duct multidisciplinary research and education activi-

1 ties in support of the goals and priorities of the Pro-
2 gram (to be known as “National Center for Violence
3 Research”).

4 (3) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to carry out
6 this subsection \$15,000,000 for each of fiscal years
7 2019 through 2024.

8 (b) NATIONAL INSTITUTE OF STANDARDS AND
9 TECHNOLOGY.—

10 (1) VOLUNTARY CONSENSUS STANDARDS.—The
11 Secretary of Commerce, acting through the Director
12 of the National Institute of Standards and Tech-
13 nology, shall establish a program to promote the de-
14 velopment of voluntary consensus gun safety tech-
15 nical standards. Such effort shall include—

16 (A) outreach, coordination, and technical
17 support to relevant industry and nonindustry
18 stakeholders and standards development organi-
19 zations to assist such entities in the develop-
20 ment of voluntary consensus gun safety tech-
21 nical standards;

22 (B) the conduct of research to support ef-
23 forts to develop and improve such standards
24 and conformity assessment; and

1 (C) the development of such standard ref-
2 erence material as the Director determines is
3 necessary to further the development of such
4 standards.

5 (2) PROHIBITION ON REGULATION.—Nothing in
6 this subtitle shall be construed as conferring upon
7 the Secretary of Commerce any authority to estab-
8 lish or enforce mandatory gun safety standards.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this subsection \$1,000,000 for each of fiscal years
12 2019 through 2024.

13 (c) DEPARTMENT OF HEALTH AND HUMAN SERV-
14 ICES.—

15 (1) IN GENERAL.—The Secretary of Health and
16 Human Services, acting through the Director of the
17 National Institutes of Health, the Director of the
18 Centers for Disease Control and Prevention, and
19 other scientific agencies within the Department of
20 Health and Human Services, shall award grants on
21 a competitive basis to conduct or support research
22 into the nature, causes, consequences, and preven-
23 tion of gun violence.

24 (2) APPROPRIATIONS.—There is authorized to
25 be appropriated to the Secretary of Health and

1 Human Services to carry out this subsection
2 \$20,000,000 for each of fiscal years 2019 through
3 2024.

4 (d) DEPARTMENT OF JUSTICE.—

5 (1) RESEARCH.—The Attorney General of the
6 United States, acting through the National Institute
7 of Justice, shall conduct or sponsor research into the
8 nature, causes, consequences, and prevention of gun
9 violence.

10 (2) COMPETITION.—The Attorney General of
11 the United States, acting through the National In-
12 stitute of Justice, shall sponsor an inducement prize
13 competition under section 24 of the Stevenson-
14 Wydler Technology Innovation Act of 1980 (15
15 U.S.C. 3719) to demonstrate through testing and
16 evaluation the reliability of guns and gun accessories
17 with integrated advanced gun safety technology
18 (commonly referred to as smart guns, user-author-
19 ized handguns, childproof guns, and personalized
20 guns).

21 (3) TRACE DATA.—

22 (A) IN GENERAL.—Not later than 180
23 days after the date of enactment of this Act,
24 the Attorney General, in collaboration with the
25 Secretary of the Department of Health and

Human Services, shall develop consensus protocols for granting researchers access to gun trace data while protecting the confidentiality of gun owners and dealers.

(B) DATA SHARING.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Bureau of Alcohol, Tobacco, Firearms, and Explosives, shall commence sharing with researchers according to the protocols developed under subparagraph (A), the contents of the Firearms Trace System database and information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g).

(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this subsection \$3,000,000 for each of fiscal years 2019 through 2024.

Subtitle KK—Secure Communities and Safe Schools

SEC. 13701. SHORT TITLE.

This subtitle may be cited as the “Secure Communities and Safe Schools Act”.

1 **SEC. 13702. PROHIBITION ON EXPENDITURE OF CERTAIN**
 2 **HOMELAND SECURITY GRANT FUNDS TO**
 3 **PURCHASE FIREARMS.**

4 Subsection (b) of section 2008 of the Homeland Se-
 5 curity Act of 2002 (6 U.S.C. 609) is amended by adding
 6 at the end the following new paragraph:

7 “(6) FIREARMS.—A grant awarded under sec-
 8 tion 2003 or 2004 may not be used to purchase fire-
 9 arms or firearms accessories, such as ammunition,
 10 including for use by teachers.”.

11 **Subtitle LL—Law Enforcement**
 12 **Protection**

13 **SEC. 13801. SHORT TITLE.**

14 This subtitle may be cited as the “Law Enforcement
 15 Protection Act of 2020”.

16 **SEC. 13802. ARMOR-PIERCING, CONCEALABLE WEAPONS.**

17 (a) IN GENERAL.—Section 5845(a) of the Internal
 18 Revenue Code of 1986 is amended by striking “and (8)”
 19 and inserting “; (8) an armor-piercing, concealable weap-
 20 on; and (9)”.

21 (b) ARMOR-PIERCING, CONCEALABLE WEAPON.—
 22 Section 5845 of such Code is amended by adding at the
 23 end the following new subsection:

24 “(n) ARMOR-PIERCING, CONCEALABLE WEAPON.—
 25 The term ‘armor-piercing, concealable weapon’ means any
 26 weapon or device capable of being concealed on the person

1 and from which can be discharged through the energy of
2 an explosive any of the following rounds:

3 “(1) .450 Bushmaster.

4 “(2) 5.56mm (including the 5.56x45mm NATO
5 and .223 Remington).

6 “(3) 7.62mm (including the 7.62x39mm, .308
7 Winchester, 7.62 NATO, 7.62x51mm NATO, .30
8 carbine, 7.62x33mm, or 300 AAC Blackout).

9 “(4) .50 BMG.

10 “(5) 5.7x28mm.

11 “(6) Any other round determined by the Bu-
12 reau of Alcohol, Tobacco, Firearms, and Explosives
13 to be capable of, when fired by such weapon or de-
14 vice, penetrating the standard body armor worn by
15 law enforcement officers.”.

16 (c) EFFECTIVE DATE.—

17 (1) IN GENERAL.—The amendments made by
18 this section shall take effect on the date of the en-
19 actment of this Act.

20 (2) APPLICATION TO POSSESSION ON DATE OF
21 ENACTMENT.—Notwithstanding paragraph (1), any
22 person on the date of the enactment of this Act pos-
23 sessing a device described in section 5845(a)(8) of
24 the Internal Revenue Code of 1986 (as amended by
25 this subtitle) shall, not later than the end of the

1 18th month beginning after the date of the enact-
2 ment of this Act, register such device with the Sec-
3 retary of the Treasury and include with such reg-
4 istration the information required under section
5 5841(a) of such Code. Such registration shall be-
6 come a part of the National Firearms Registration
7 and Transfer Record required to be maintained by
8 such section.

9 **SEC. 13803. USE OF NATIONAL FIREARMS ACT TAXES.**

10 Part I of subchapter B of chapter 53 of the Internal
11 Revenue Code of 1986 is amended redesignating section
12 5849 as section 5850 and by inserting after section 5847
13 the following new section:

14 **“SEC. 5849. USE OF TAXES.**

15 “To carry out the purposes of this chapter and to
16 supplement appropriations otherwise made available for
17 such purposes, the Bureau of Alcohol, Tobacco, Firearms,
18 and Explosives may spend the amounts collected under
19 subchapter A for fiscal years 2019 and thereafter.”.

20 **Subtitle MM—Corey Jones**

21 **SEC. 13901. SHORT TITLE.**

22 This subtitle may be cited as the “Corey Jones Act”.

23 **SEC. 13902. FINDINGS.**

24 Congress finds the following:

1 (1) Corey Jones of Lake Worth, Florida, was
2 shot and killed by a plainclothes law enforcement of-
3 ficer operating an unmarked vehicle on October 18,
4 2015.

5 (2) Mr. Jones was legally and peacefully pulled
6 to the side of the road while he awaited roadside as-
7 sistance at approximately 3 a.m. in the morning be-
8 cause his car had broken down.

9 (3) While Mr. Jones awaited roadside assist-
10 ance, he was approached by a law enforcement offi-
11 cer driving an unmarked van and dressed in plain-
12 clothes.

13 (4) Mr. Jones would not have had any reason-
14 able reason to believe that the person in plainclothes
15 driving the unmarked vehicle was a law enforcement
16 officer.

17 (5) Any confusion as to the nature of the law
18 enforcement officer's interaction with Mr. Jones
19 could likely have been avoided had a uniformed offi-
20 cer in a marked vehicle been called to the scene.

21 (6) Tragic incidents like the death of Mr. Jones
22 can easily be avoided by prohibiting law enforcement
23 officers in plainclothes or law enforcement officers in
24 plainclothes and unmarked vehicles from engaging in
25 routine traffic stops.

1 **SEC. 13903. ENSURING THE SAFETY OF THE PUBLIC AND**
2 **LAW ENFORCEMENT OFFICERS DURING ROU-**
3 **TINE TRAFFIC STOPS INVOLVING UNMARKED**
4 **VEHICLES AND PLAINCLOTHES OFFICERS.**

5 (a) CERTIFICATION REQUIRED.—Section 1702 of the
6 Omnibus Crime Control and Safe Streets Act of 1968 (42
7 U.S.C. 3796dd–1) is amended—

8 (1) in subsection (c)—

9 (A) in paragraph (10), by striking “and”
10 at the end;

11 (B) in paragraph (11), by striking the pe-
12 riod and inserting “; and” at the end; and

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

14 “(12) certify that no law enforcement agency
15 that will receive grant funds from the applicant al-
16 lows law enforcement officers to engage in routine
17 traffic stops while in plainclothes or while in plain-
18 clothes and in a police vehicle that is unmarked or
19 that otherwise is not clearly identified as a police ve-
20 hicle.”; and

21 (2) in subsection (d)—

22 (A) in paragraph (1), by inserting after “1
23 or more of the requirements of subsection (c)”
24 the following “(other than paragraph (12))”;

25 (B) in paragraph (2), by inserting after “1
26 or more of the requirements of subsection (c)”

1 the following “(other than paragraph (12));
2 and

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

4 “(3) NO WAIVER OF PLAINCLOTHES CERTIFI-
5 CATION.—The Attorney General may not waive the
6 requirement under subsection (c)(12).”.

7 (b) CIVIL ACTION.—If the Attorney General deter-
8 mines, as a result of the reviews required by section 1705
9 of the Omnibus Crime Control and Safe Streets Act of
10 1968, that a law enforcement officer has engaged in con-
11 duct that violates a certification under section 1702(c)(12)
12 of such Act applicable to that law enforcement officer, and
13 such conduct has resulted in serious injury or death to
14 any person, that person may bring a civil action against
15 that law enforcement officer and any grantee under part
16 Q of title I of such Act that is a grantee that is a State,
17 unit of local government, Indian tribal government, or
18 other entity with direct authority over that law enforce-
19 ment officer.

20 (c) REPORT.—Not later than 18 months after the
21 date of enactment of this Act, the Attorney General of
22 the United States shall submit to Congress a report that
23 includes data relating to the number and nature of
24 incidences where a law enforcement officer dressed in
25 plainclothes or dressed in plainclothes and operating an

1 unmarked vehicle, engaged in a routine traffic stop that
2 resulted in injury or death.

3 **Subtitle NN—Break the Cycle of**
4 **Violence Act**

5 **SEC. 14001. SHORT TITLE.**

6 This subtitle may be cited as the “Break the Cycle
7 of Violence Act”.

8 **SEC. 14002. FINDINGS.**

9 Congress finds the following:

10 (1) Gun violence is a significant public health
11 and safety concern nationwide and is a leading cause
12 of death for people in the United States of nearly all
13 ages.

14 (2) From 2012 to 2017, over 105,000 people in
15 the United States were murdered. Nearly $\frac{3}{4}$ of these
16 victims were murdered with a gun. Hundreds of
17 thousands more were hospitalized or treated in
18 emergency departments after surviving life-changing
19 gunshot injuries.

20 (3) Gun violence has sharply increased in the
21 United States in recent years. Gun homicide rates
22 spiked by 30 percent between 2014 and 2017, driven
23 by large spikes in violence in some cities in the
24 United States.

1 (4) Shootings, homicides, and group-related vio-
2 lence are disproportionately concentrated in the
3 poorest and most segregated urban areas of the Na-
4 tion, and have an enormously disproportionate im-
5 pact on young people of color in particular. From
6 2012 to 2017, African-American children and teens
7 were 14 times as likely to be shot to death as their
8 White peers. Hispanic children and teens and Native
9 American children and teens were both nearly 3
10 times as likely to be shot to death as their White
11 peers.

12 (5) African-American men make up just 6 per-
13 cent of the population in the United States, but ac-
14 count for more than 50 percent of all gun homicide
15 victims each year.

16 (6) Violence is responsible for half of all deaths
17 among young African-American men, ages 15
18 through 24, as many as every other cause of death
19 combined.

20 (7) This violence imposes enormous human, so-
21 cial, and economic costs. Nationwide, the annual so-
22 cietal cost of firearm violence was estimated at
23 \$229,000,000,000 per year in 2012. Economists es-
24 timate that each firearm homicide generates hun-

1 dreds of thousands of dollars in direct public costs,
2 including medical care and criminal justice expenses.

3 (8) Several evidence-based violence intervention
4 strategies have demonstrated remarkable success at
5 interrupting entrenched cycles of violence, victimiza-
6 tion, and retaliation. These strategies reflect the im-
7 portant fact that in most cities, the vast majority of
8 violence is perpetrated by a relatively small number
9 of identifiable groups or individuals that comprise
10 less than 0.5 percent of the city's total population.

11 (9) When properly implemented and consist-
12 ently funded, coordinated, evidence-based strategies
13 focused on interrupting cycles of violence among in-
14 dividuals at highest risk can produce life-saving and
15 cost-saving results in a short period of time without
16 contributing to mass incarceration. Multiple cities
17 have substantially reduced community violence in re-
18 cent years by implementing such strategies, includ-
19 ing the following:

20 (A) Hospital-based violence intervention
21 programs (referred to in this section as
22 “HVIP”), which work to break cycles of vio-
23 lence by providing intensive counseling, peer
24 support, case management, mediation, and so-
25 cial services to patients recovering from gunshot

1 wounds and other violent injuries. Research has
2 shown that violently injured patients are at
3 high risk of retaliating with violence themselves
4 and being revictimized by violence in the near
5 future. Evaluations of HVIPs have found that
6 patients who received HVIP services were 4
7 times less likely to be convicted of a violent
8 crime and roughly 4 times less likely to be sub-
9 sequently reinjured by violence than patients
10 who did not receive HVIP services.

11 (B) Evidence-based street outreach pro-
12 grams, which treat gun violence as a commu-
13 nicable disease and work to interrupt its trans-
14 mission among community members. These
15 public health-centered initiatives use street out-
16 reach workers to build relationships with high-
17 risk individuals in their communities and con-
18 nect them with intensive counseling, mediation,
19 peer support, and social services in order to re-
20 duce their risk of violence. Evaluations have
21 found that these programs are associated with
22 significant reductions in gun violence, with
23 some sites reporting up to 70-percent reduc-
24 tions in homicides or assaults.

1 (C) Strategies, including group violence
2 interventions (referred to in this section as
3 “GVI”), which are a form of problem-oriented
4 policing that provides targeted social services
5 and support to individuals at highest risk for
6 involvement in community violence, and a proc-
7 ess for community members to voice a clear de-
8 mand for the violence to stop. This approach
9 coordinates law enforcement, service providers,
10 and community engagement efforts to reduce
11 violence among a small, identifiable segment of
12 the population that is responsible for the vast
13 majority of gun violence in most cities. In one
14 evaluation of the GVI program in Boston, re-
15 searchers found a 63-percent reduction in youth
16 homicides and a 25-percent decline in monthly
17 gun assaults across the city. Other studies have
18 found that GVI programs were associated with
19 homicide reductions of up to 60 percent.

20 (10) These strategies are often most effective
21 when local officials and dedicated staff work to co-
22 ordinate stakeholders, relevant public agencies, and
23 service providers. Mayors in cities like Los Angeles
24 and New York have established city departments
25 that are primarily dedicated to violence prevention,

1 and their offices have played a critical role in ensur-
2 ing cross-agency collaboration and information-shar-
3 ing.

4 (11) These strategies are also most effective
5 when they receive consistent funding. For example,
6 large cuts in funding for violence prevention pro-
7 grams in Chicago in 2008, 2012, and 2015 through
8 2016 corresponded with large spikes in homicides in
9 those years. Similarly, the city of Stockton, Cali-
10 fornia, saw an increase in homicides after dis-
11 continuing funding for its highly successful GVI pro-
12 gram. When Stockton's funding was restored, homi-
13 cides decreased.

14 (12) A national strategy for reducing gun vio-
15 lence must include substantial and targeted Federal
16 funding to expand and replicate the most effective
17 strategies in communities most impacted by violence.

18 (13) At present, however, these strategies are
19 implemented in only a handful of cities and are
20 funded through an unreliable patchwork of discre-
21 tionary grant programs. The current level of Federal
22 funding to support the scaling of these strategies is
23 woefully inadequate.

24 (14) Intentional and sustained investments in
25 evidence-based violence reduction strategies can re-

1 verse recent crime trends, help to heal impacted
2 communities, and reduce the enormous human and
3 financial costs of violence, without contributing to
4 mass incarceration.

5 **SEC. 14003. COMMUNITY-BASED VIOLENCE INTERVENTION**
6 **PROGRAM GRANTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) DIRECTOR.—The term “Director” means
9 the Director of the Bureau of Justice Assistance.

10 (2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—
11 The term “eligible unit of local government” means
12 a unit of local government that—

13 (A) for not less frequently than two out of
14 the 3 years preceding the grant application, ex-
15 perienced twenty or more homicides per year
16 and had a homicide rate that was not less than
17 double the national average; or

18 (B) demonstrates a unique and compelling
19 need for additional resources to address gun
20 and group-related violence within the commu-
21 nity of the unit of local government.

22 (b) GRANTS.—The Director shall award Community-
23 Based Violence Intervention Program grants to support,
24 enhance, and replicate coordinated violence reduction ini-

1 tiatives in units of local government that are dispropor-
2 tionately impacted by gun and group-related violence.

3 (c) ELIGIBILITY.—The Director shall award grants
4 under this section on a competitive basis to—

- 5 (1) eligible units of local government; and
6 (2) community-based organizations that serve
7 the residents of an eligible unit of local government.

8 (d) USE OF FUNDS.—

9 (1) IN GENERAL.—A grant awarded under this
10 section shall be used to implement coordinated vio-
11 lence reduction initiatives, through strategies such
12 as hospital-based violence intervention, evidence-
13 based street outreach, and group violence interven-
14 tion.

15 (2) REQUIREMENTS.—A coordinated violence
16 reduction initiative implemented using grant funds
17 awarded under this section shall—

18 (A) be primarily focused on providing com-
19 munity-based violence intervention services to
20 the small portion of a grantee's community who
21 are, regardless of age, identified as having the
22 highest risk of perpetrating or being victimized
23 by gun or group-related violence in the near fu-
24 ture; and

1 (B) use strategies that are evidence-based
2 and have demonstrated effectiveness at reduc-
3 ing violence.

4 (e) APPLICATION REQUIREMENTS.—Each applicant
5 for a grant under this section shall submit a grant pro-
6 posal, which shall, at a minimum—

7 (1) describe how the applicant proposes to use
8 the grant to implement a coordinated violence reduc-
9 tion initiative in accordance with this section;

10 (2) describe how the applicant proposes to use
11 the grant to promote or improve coordination be-
12 tween relevant agencies and community organiza-
13 tions in order to minimize duplication of services
14 and achieve maximum impact;

15 (3) provide evidence indicating that the pro-
16 posed violence reduction initiative would likely re-
17 duce gun and group-related violence; and

18 (4) in the case of a unit of local government ap-
19 plicant, demonstrate strong support within the unit
20 of local government for the proposed violence reduc-
21 tion initiative, such as letters of support from—

22 (A) the mayor or chief executive officer;

23 (B) the chief of police;

24 (C) the local health department director;

25 and

1 (D) the director of one or more commu-
2 nity-based organizations that provide services to
3 individuals at high risk of violence in the area.

4 (f) PRIORITIZATION.—In awarding grants under this
5 section, the Director shall give preference to applicants
6 whose grant proposals demonstrate the greatest likelihood
7 of reducing gun and group-related violence in the commu-
8 nity of the applicant without contributing to mass incar-
9 ceration.

10 (g) GRANT DURATION.—A grant awarded under this
11 section shall be for a 5-year period.

12 (h) GRANT AWARD.—The amount of funds awarded
13 to an applicant under this section shall be commensurate
14 with the scope of the proposal of the applicant and the
15 demonstrated need for additional resources to effectively
16 reduce gun and group-related violence in the community
17 of the applicant.

18 (i) MATCHING FUNDS REQUIRED.—

19 (1) IN GENERAL.—Except as provided in para-
20 graphs (2) and (3), the Federal share of each grant
21 awarded under this section shall be 75 percent of
22 the eligible costs incurred by the grant recipient.

23 (2) EXEMPTION FROM REQUIREMENT.—Para-
24 graph (1) shall not apply to a grant awarded to

1 community-based organization under subsection
2 (c)(2).

3 (3) WAIVER.—The Federal share of a grant
4 awarded to a unit of local government under sub-
5 section (c)(1) may be up to 100 percent if the Direc-
6 tor determines there is good cause to waive the Fed-
7 eral share requirement in paragraph (1) of this sub-
8 section.

9 (j) COMMUNITY PARTNERSHIPS.—Each unit of local
10 government awarded a grant under this section shall dis-
11 tribute not less than 50 percent of the grant funds re-
12 ceived under this section to—

13 (1) one or more community-based organizations
14 that provide services to individuals at high risk of
15 perpetrating or being victimized by violence; or

16 (2) a public agency or department that is not
17 a law enforcement agency, but that is an agency or
18 department primarily dedicated to the prevention of
19 violence or community safety.

20 (k) REPORTS.—Not later than 1 year after the date
21 on which the first 5-year grant period under this section
22 ends, the Director shall publish a report identifying best
23 practices for cities implementing evidence-based violence
24 intervention initiatives.

25 (l) REWARDING SUCCESS.—

1 (1) IN GENERAL.—The Director may reserve
2 not more than 10 percent of the funds appropriated
3 for a fiscal year under subsection (o) for supple-
4 mental incentive funds to be distributed to grantees
5 outside the competitive grant process in accordance
6 with paragraph (2).

7 (2) DISTRIBUTION OF ADDITIONAL FUNDS.—
8 The Director may distribute amounts reserved under
9 paragraph (1), in the discretion of the Director, to
10 a grantee under subsection (b) that has—

11 (A) implemented the grant for not less
12 than 2 years;

13 (B) demonstrated exceptional commitment
14 and progress toward implementing the violence
15 reduction initiatives of the grantee; and

16 (C) shown that the grantee would likely
17 achieve more substantial reductions in violence
18 with additional Federal funding.

19 (3) FEDERAL SHARE.—Subsection (i) shall not
20 apply to any amounts distributed to a grantee under
21 this subsection.

22 (4) EXPLANATION OF DISTRIBUTION.—Upon
23 distributing supplemental incentive funds to a grant-
24 ee, the Director shall publish a statement on the
25 website of the Bureau of Justice Assistance that

1 clearly explains the basis for the decision to award
2 these funds to a particular grantee.

3 (m) EVALUATION AND TECHNICAL ASSISTANCE.—

4 The Director may reserve not more than 8 percent of the
5 funds appropriated for a fiscal year under subsection (o)
6 for the purpose of—

7 (1) contracting with or hiring technical assist-
8 ance providers with experience implementing com-
9 munity-based violence reduction initiatives; and

10 (2) contracting with independent researchers to
11 evaluate the performance and impact of selected ini-
12 tiatives supported by the Community-Based Violence
13 Intervention Program grant, and such evaluations
14 shall be made publicly available on the website of the
15 Bureau of Justice Assistance.

16 (n) NONSUPPLANTING CLAUSE.—A grantee receiving
17 a grant under this section shall use the grant to supple-
18 ment, and not supplant, the amount of funds the grantee
19 would otherwise dedicate to reducing gun and group-re-
20 lated violence in the community of the grantee.

21 (o) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Bureau of Justice
23 Assistance, in addition to any amounts otherwise author-
24 ized to be appropriated or made available to the Bureau

1 of Justice Assistance, \$65,000,000 for each of fiscal years
2 2020 through 2029.

3 **SEC. 14004. HOSPITAL-BASED VIOLENCE INTERVENTION**
4 **GRANTS.**

5 (a) GRANTS.—The Director of the National Insti-
6 tutes of Health (referred to in this section as the “Direc-
7 tor”) shall award grants on a competitive basis to support
8 hospital-based or hospital-linked violence intervention pro-
9 grams that work to interrupt cycles of violence and reduce
10 risk of violent injury and retaliation among patients iden-
11 tified as being at highest risk for involvement in commu-
12 nity violence.

13 (b) ELIGIBILITY.—Grants shall be made available
14 under this section to private and public hospitals that
15 treat at least 250 patients annually for firearm assault
16 or stabbing injuries, and to community-based organiza-
17 tions that operate violence intervention programs in such
18 hospitals.

19 (c) PRIORITY.—In awarding grants under this sec-
20 tion, the Director shall give priority to nonprofit hospitals
21 that serve communities with the highest incidence of vio-
22 lent injury and injury recidivism, and community-based
23 organizations that operate violence intervention programs
24 in such hospitals.

25 (d) GRANT REQUIREMENTS.—

1 (1) IN GENERAL.—Each grant awarded under
2 this section shall be used to implement or enhance
3 a hospital-based or hospital-linked violence interven-
4 tion program, to reduce risk of violent injury and re-
5 taliatory violence among patients identified as being
6 at highest risk for involvement in community vio-
7 lence.

8 (2) OTHER REQUIREMENTS.—Any program
9 supported by this grant shall be evidence-informed
10 and implemented in accordance with standards pre-
11 scribed by the Director, in consultation with the
12 Health Alliance for Violence Intervention.

13 (e) APPLICATION REQUIREMENTS.—Each application
14 for a grant under this section shall describe—

15 (1) how the applicant proposes to use the grant
16 to implement or enhance a hospital-based or hos-
17 pital-linked violence intervention program in accord-
18 ance with this section; and

19 (2) how the applicant plans to coordinate its vi-
20 olence intervention program with other relevant
21 stakeholders or violence intervention programs in the
22 community, if any, to maximize impact and mini-
23 mize duplication of services.

24 (f) GRANT DURATION.—A grant awarded under this
25 section shall be for a 5-year period.

1 (g) EVALUATION AND TECHNICAL ASSISTANCE.—

2 The Director may reserve not more than 10 percent of
3 the funds appropriated under subsection (i) for the pur-
4 pose of contracting with or hiring technical assistance pro-
5 viders with experience implementing hospital-based or hos-
6 pital-linked violence intervention initiatives, and for the
7 purpose of contracting with independent researchers to
8 evaluate the performance and impact of selected programs
9 supported by grants awarded under this section. Such
10 evaluations shall be made publicly available on the internet
11 website of the National Institutes of Health.

12 (h) NONSUPPLANTING CLAUSE.—An entity receiving
13 a grant under this section shall use such grant to supple-
14 ment, and not supplant, funds otherwise available to sup-
15 port violence intervention programs of the entity.

16 (i) AUTHORIZATION OF APPROPRIATIONS.—To carry
17 out this section, there is authorized to be appropriated,
18 in addition to any amounts otherwise made available to
19 the National Institutes of Health, \$25,000,000 for each
20 of fiscal years 2020 through 2029.

21 **SEC. 14005. SENSE OF CONGRESS REGARDING SERVICES**
22 **FOR VICTIMS OF VIOLENT CRIME.**

23 It is the sense of Congress that—

24 (1) hospital-based and hospital-linked violence
25 intervention programs have shown effective results

1 as a strategy in reducing violently injured crime vic-
2 tims' risk of injury recidivism and retaliation; and

3 (2) young men of color are disproportionately
4 victimized by violent crime and gun and group-re-
5 lated violence in particular, but are frequently un-
6 derserved by the victim services field.

7 **Subtitle OO—Protecting the Health**
8 **and Wellness of Babies and**
9 **Pregnant Women In Custody**
10 **Custody**

11 **SEC. 14101. SHORT TITLE.**

12 This subtitle may be cited as the “Protecting the
13 Health and Wellness of Babies and Pregnant Women in
14 Custody Act”.

15 **SEC. 14102. DATA COLLECTION.**

16 (a) IN GENERAL.—Beginning not later than 1 year
17 after the date of the enactment of this Act, pursuant to
18 the authority under section 302 of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (34 U.S.C. 10132),
20 the Director of the Bureau of Justice Statistics shall in-
21 clude in the National Prisoner Statistics Program and An-
22 nual Survey of Jails statistics relating to the health needs
23 of incarcerated pregnant women in the criminal justice
24 system at the Federal, State, tribal, and local levels, in-
25 cluding—

1 (1) demographic and other information about
2 incarcerated women who are pregnant, in labor, or
3 in postpartum recovery, including the race, ethnicity,
4 and age of the pregnant woman;

5 (2) the provision of pregnancy care and services
6 provided for such women, including—

7 (A) whether prenatal, delivery, and post-
8 delivery check-up visits were scheduled and pro-
9 vided;

10 (B) whether a social worker, psychologist,
11 doula or other support person, or pregnancy or
12 parenting program was offered and provided
13 during pregnancy and delivery;

14 (C) whether a nursery or residential pro-
15 gram to keep mothers and infants together
16 post-delivery was offered and whether such a
17 nursery or residential program was provided;

18 (D) the number of days the mother stayed
19 in the hospital post-delivery;

20 (E) the number of days the infant re-
21 mained with the mother post-delivery; and

22 (F) the number of days the infant re-
23 mained in the hospital after the mother was
24 discharged;

1 (3) the location of the nearest hospital with a
2 licensed obstetrician-gynecologist in proximity to
3 where the inmate is housed and the length of travel
4 required to transport the inmate;

5 (4) whether a written policy or protocol is in
6 place to respond to unexpected childbirth, labor, de-
7 liveries, and medical complications related to the
8 pregnancies of incarcerated pregnant women and for
9 incarcerated pregnant women experiencing labor or
10 medical complications related to pregnancy outside
11 of a hospital;

12 (5) the number of incarcerated women who are
13 determined by a health care professional to have a
14 high-risk pregnancy;

15 (6) the total number of incarcerated pregnant
16 women and the number of incarcerated women who
17 became pregnant while incarcerated;

18 (7) the number of incidents in which an incar-
19 cerated woman who is pregnant, in labor, or in
20 postpartum recovery is placed in restrictive housing,
21 the reason for such restriction or placement, and the
22 circumstances under which each incident occurred,
23 including the duration of time in restrictive housing,
24 during—

25 (A) pregnancy;

1 (B) labor;
2 (C) delivery;
3 (D) postpartum recovery; and
4 (E) the 6-month period after delivery; and
5 (8) the disposition of the custody of the infant
6 post-delivery.

7 (b) PERSONALLY IDENTIFIABLE INFORMATION.—
8 Data collected under this paragraph may not contain any
9 personally identifiable information of any incarcerated
10 pregnant woman.

11 **SEC. 14103. CARE FOR FEDERALLY INCARCERATED WOMEN**
12 **RELATED TO PREGNANCY AND CHILDBIRTH.**

13 (a) IN GENERAL.—The Director of the Bureau of
14 Prisons shall ensure that appropriate services and pro-
15 grams are provided to women in custody, to address the
16 health and safety needs of such women related to preg-
17 nancy and childbirth. The warden of each Bureau of Pris-
18 ons facility that houses women shall ensure that these
19 services and programs are implemented for women in cus-
20 tody at that facility.

21 (b) SERVICES AND PROGRAMS PROVIDED.—The Di-
22 rector of the Bureau of Prisons shall ensure that the fol-
23 lowing services and programs are available to women in
24 custody:

1 (1) ACCESS TO COMPLETE APPROPRIATE
2 HEALTH SERVICES FOR THE LIFE CYCLE OF
3 WOMEN.—The Director of the Bureau of Prisons
4 shall provide to each woman in custody who is of re-
5 productive age pregnancy testing, contraception, and
6 testing for sexually transmitted diseases and provide
7 each woman with the option to decline such services.

8 (2) COMPLIANCE WITH PROTOCOLS RELATING
9 TO HEALTH OF A PREGNANT WOMAN.—On confirma-
10 tion of the pregnancy of a woman in custody by clin-
11 ical diagnostics and assessment, the chief health
12 care professional of a Bureau of Prisons facility that
13 houses women shall ensure that a summary of all
14 appropriate protocols directly pertaining to the safe-
15 ty and well-being of the woman are provided to the
16 woman and that such protocols are complied with,
17 including an assessment of undue safety risks and
18 necessary changes to accommodate the woman where
19 and when appropriate, as it relates to—

20 (A) housing or transfer to a lower bunk for
21 safety reasons;

22 (B) appropriate bedding or clothing to re-
23 spond to a woman's changing physical require-
24 ments and the temperature in housing units;

25 (C) regular access to water and bathrooms;

1 (D) a diet that complies with the nutri-
2 tional standards established by the Secretary of
3 Agriculture and the Secretary of Health and
4 Human Services in the Dietary Guidelines for
5 Americans report published pursuant to section
6 301 of the National Nutrition Monitoring and
7 Related Research Act of 1990 (7 U.S.C.
8 5341(a)(3)), and that includes—

9 (i) any appropriate dietary supple-
10 ment, including prenatal vitamins;

11 (ii) timely and regular nutritious
12 meals;

13 (iii) additional caloric content in
14 meals provided;

15 (iv) a prohibition on withholding food
16 from an incarcerated pregnant woman or
17 serving any food that is used as a punish-
18 ment, including nutraloaf or any food simi-
19 lar to nutraloaf that is not considered a
20 nutritious meal; and

21 (v) such other modifications to the
22 diet of the woman as the Director of the
23 Bureau of Prisons determines to be nec-
24 essary after consultation with the Sec-
25 retary of Health and Human Services and

1 consideration of such recommendations as
2 the Secretary may provide;

3 (E) modified recreation and transpor-
4 tation, in accordance with standards within the
5 obstetrical and gynecological care community,
6 to prevent overexertion or prolonged periods of
7 inactivity; and

8 (F) such other changes to living conditions
9 as the Director of the Bureau of Prisons may
10 require after consultation with the Secretary of
11 Health and Human Services and consideration
12 of such recommendations as the Secretary may
13 provide.

14 (3) EDUCATION AND SUPPORT SERVICES.—

15 (A) PREGNANCY IN CUSTODY.—In the case
16 of a woman who is pregnant at intake or who
17 becomes pregnant while in custody, that woman
18 shall, at intake or not later than 48 hours after
19 pregnancy is confirmed, as appropriate, receive
20 prenatal education, counseling, and birth sup-
21 port services provided by a provider trained to
22 provide such services, including—

23 (i) information about the parental
24 rights of the woman, including the right to

1 place the child in kinship care, and notice
2 of the rights of the child;

3 (ii) information about family preserva-
4 tion support services that are available to
5 the woman;

6 (iii) information about the nutritional
7 standards referred to in paragraph (2)(D);

8 (iv) information pertaining to the
9 health and safety risks of pregnancy, child-
10 birth, and parenting, including postpartum
11 depression;

12 (v) information on breastfeeding, lac-
13 tation, and breast health;

14 (vi) appropriate educational materials,
15 resources, and services related to preg-
16 nancy, childbirth, and parenting;

17 (vii) information and notification serv-
18 ices for incarcerated parents regarding the
19 risk of debt repayment obligations associ-
20 ated with their child's participation in so-
21 cial welfare programs, including assistance
22 under any State program funded under
23 part A of title IV of the Social Security
24 Act (42 U.S.C. 601 et seq.) or benefits
25 under the supplemental nutrition assist-

1 ance program, as defined in section 3 of
2 the Food and Nutrition Act of 2008 (7
3 U.S.C. 2012), or any State program car-
4 ried out under that Act; and

5 (viii) information from the Office of
6 Child Support Enforcement of the Depart-
7 ment of Health and Human Services re-
8 garding seeking or modifying child support
9 while incarcerated, including how to par-
10 ticipate in the Bureau of Prison's Inmate
11 Financial Responsibility Program under
12 subpart B of title 28, Code of Federal
13 Regulations (or any successor program).

14 (B) BIRTH WHILE IN CUSTODY OR PRIOR
15 TO CUSTODY.—In the case of a woman who
16 gave birth in custody or who experienced any
17 other pregnancy outcome during the 6-month
18 period immediately preceding intake, that
19 woman shall receive counseling provided by a li-
20 censed or certified provider trained to provide
21 such services, including—

22 (i) information about the parental
23 rights of the woman, including the right to
24 place the child in kinship care, and notice
25 of the rights of the child; and

1 (ii) information about family preserva-
2 tion support services that are available to
3 the woman.

4 (4) TESTING.—Not later than 1 day after an
5 incarcerated woman notifies an employee of the Bu-
6 reau of Prisons that the woman may be pregnant,
7 a Bureau of Prisons healthcare care professional
8 shall administer a pregnancy test to determine
9 whether the woman is pregnant.

10 (5) EVALUATIONS.—Each woman in custody
11 who is pregnant or whose pregnancy results in a
12 birth or any other pregnancy outcome during the 6-
13 month period immediately preceding intake or any
14 time in custody thereafter shall be evaluated not
15 later than 4 days after intake or confirmation of
16 pregnancy through evidence-based screening and as-
17 sessment for substance use disorders or mental
18 health conditions, including postpartum depression
19 or depression related to a pregnancy outcome or
20 early child care. Screening shall include identifica-
21 tion of any of the following risk factors:

22 (A) An existing mental or physical health
23 condition or substance use disorder.

24 (B) Being underweight or overweight.

25 (C) Multiple births or a previous still birth.

1 (D) A history of preeclampsia.

2 (E) A previous Caesarean section.

3 (F) A previous miscarriage.

4 (G) Being older than 35 or younger than
5 15.

6 (H) Being diagnosed with the human im-
7 munodeficiency virus, hepatitis, diabetes, or hy-
8 pertension.

9 (I) Such other risk factors as the chief
10 health care professional of a Bureau of Prisons
11 facility that houses women may determine to be
12 appropriate.

13 (6) UNEXPECTED BIRTHS RULEMAKING.—Not
14 later than 180 days after the date of enactment of
15 this Act, the Attorney General shall make rules es-
16 tablishing procedures for responding to unexpected
17 childbirth deliveries, labor complications, and med-
18 ical complications related to pregnancy if a woman
19 in custody is unable to access a hospital in a timely
20 manner.

21 (7) TREATMENT.—In the case of any woman in
22 custody who, after an evaluation under paragraph
23 (4), is diagnosed as having a substance use disorder
24 or a mental health disorder, that woman shall be en-
25 titled to treatment in accordance with the following:

1 (A) Treatment shall include participation
2 in a support group, including a 12-step pro-
3 gram, such as Alcoholics Anonymous, Narcotics
4 Anonymous, and Cocaine Anonymous or a com-
5 parable nonreligious program.

6 (B) Treatment may include psychosocial
7 interventions and medication.

8 (C) In the case that adequate treatment
9 cannot be provided to a woman in custody in a
10 Bureau of Prisons facility, the Director of the
11 Bureau of Prisons shall transfer the woman to
12 a residential reentry program that offers such
13 treatment pursuant to section 508 of the Public
14 Health Service Act (42 U.S.C. 290bb–1).

15 (D) To the extent practicable, treatment
16 for substance use disorders provided pursuant
17 to this section shall be conducted in a licensed
18 hospital.

19 **SEC. 14104. USE OF RESTRICTIVE HOUSING AND RE-**
20 **STRAINTS ON INCARCERATED PREGNANT**
21 **WOMEN DURING PREGNANCY, LABOR, AND**
22 **POSTPARTUM RECOVERY PROHIBITED.**

23 (a) IN GENERAL.—Section 4322 of title 18, United
24 States Code, is amended to read as follows:

1 **“§ 4322. Use of restraints and restrictive housing on**
2 **incarcerated women during the period of**
3 **pregnancy, labor, and postpartum recov-**
4 **ery prohibited and to improve pregnancy**
5 **care for women in Federal prisons**

6 “(a) PROHIBITION.—Except as provided in sub-
7 section (b), beginning on the date on which pregnancy is
8 confirmed by a health care professional and ending not
9 earlier than 12 weeks after delivery, an incarcerated
10 woman in the custody of the Bureau of Prisons, or in the
11 custody of the United States Marshals Service pursuant
12 to section 4086, shall not be placed in restraints or held
13 in restrictive housing.

14 “(b) EXCEPTIONS.—

15 “(1) USE OF RESTRAINTS.—The prohibition
16 under subsection (a) shall not apply if the senior
17 Bureau of Prisons official or United States Marshals
18 Service official overseeing women’s health and serv-
19 ices and a health care professional responsible for
20 the health and safety of the incarcerated woman de-
21 termines that the use of restraints is appropriate for
22 the medical safety of the woman, and the health care
23 professional reviews such determination not later
24 than every 6 hours after such use is initially ap-
25 proved until such use is terminated.

1 “(2) SITUATIONAL USE.—The individualized de-
2 termination described under paragraph (1) shall only
3 apply to a specific situation and must be reaffirmed
4 through the same process to use restraints again in
5 any future situation involving the same woman.

6 “(3) ACCESS TO CARE.—Immediately upon the
7 cessation of the use of restraints or restrictive hous-
8 ing as outlined in this subsection, the Director of the
9 Bureau of Prisons or the United States Marshal
10 Service shall provide the incarcerated woman with
11 immediate access to physical and mental health as-
12 sessments and all recommended treatment.

13 “(4) RESPONSE TO BEHAVIORAL RISKS IN THE
14 BUREAU OF PRISONS.—

15 “(A) RESTRICTIVE HOUSING.—The prohi-
16 bition under subsection (a) relating to restric-
17 tive housing shall not apply if the Director of
18 the Bureau of Prisons or a senior Bureau of
19 Prisons official overseeing women’s health and
20 services, in consultation with senior officials in
21 health services, makes an individualized deter-
22 mination that restrictive housing is required as
23 a temporary response to behavior that poses a
24 serious and immediate risk of physical harm.

1 “(B) REVIEW.—The official who makes a
2 determination under subparagraph (A) shall re-
3 view such determination every 4 hours for the
4 purpose of removing an incarcerated woman as
5 quickly as feasible from restrictive housing.

6 “(C) RESTRICTIVE HOUSING PLAN.—The
7 official who makes a determination under sub-
8 paragraph (A) shall develop an individualized
9 plan to move an incarcerated woman to less re-
10 strictive housing within a reasonable amount of
11 time, not to exceed 2 days.

12 “(D) MONITORING.—An incarcerated
13 woman who is placed in restrictive housing pur-
14 suant to this paragraph shall be—

15 “(i) monitored every hour;

16 “(ii) placed in a location visible to cor-
17 rectional officers; and

18 “(iii) prohibited from being placed in
19 solitary confinement if the incarcerated
20 woman is in her third trimester.

21 “(c) REPORTS.—

22 “(1) REPORT TO THE DIRECTOR AND HEALTH
23 CARE PROFESSIONAL AFTER THE USE OF RE-
24 STRAINTS.—If an official identified in subsection
25 (b)(1) or a correctional officer uses restraints on an

1 incarcerated woman under subsection (b), that offi-
2 cial (or an officer or marshal designated by that offi-
3 cial) or correctional officer shall submit, not later
4 than 30 days after placing the woman in restraints,
5 to the Director of the Bureau of Prisons or the Di-
6 rector of the U.S. Marshal Service, as applicable, a
7 written report which describes the facts and cir-
8 cumstances surrounding the use of restraints, and
9 includes each of the following:

10 “(A) A description of all attempts to use
11 alternative interventions and sanctions before
12 the restraints were used.

13 “(B) A description of the circumstances
14 that led to the use of restraints.

15 “(C) Strategies the facility is putting in
16 place to identify more appropriate alternative
17 interventions should a similar situation arise
18 again.

19 “(2) REPORT TO CONGRESS.—Beginning on the
20 date that is 6 months after the date of enactment
21 of the Protecting the Health and Wellness of Babies
22 and Pregnant Women in Custody Act, and every 6
23 months thereafter for a period of 10 years, the At-
24 torney General shall submit to the Committees on

1 the Judiciary of the House of Representatives and
2 the Senate a report on—

3 “(A) the reasoning upon which the deter-
4 mination to use restraints was made;

5 “(B) the details of the use of restraints,
6 including the type of restraints used and length
7 of time during which restraints were used; and

8 “(C) any resulting physical effects on the
9 prisoner observed by or known to the correc-
10 tions official or United States Marshal, as ap-
11 plicable.

12 “(3) REPORT TO THE DIRECTOR AND HEALTH
13 CARE PROFESSIONAL AFTER PLACEMENT IN RE-
14 STRICTIVE HOUSING.—If an official identified in
15 subsection (b)(3), correctional officer, or United
16 States Marshal places or causes an incarcerated
17 woman to be placed in restrictive housing under
18 such subsection, that official, correctional officer, or
19 United States Marshal shall submit, not later than
20 30 days after placing or causing the placement of
21 the incarcerated woman in restrictive housing, to the
22 Director of the Bureau of Prisons or the Director of
23 the United States Marshals Service, as applicable,
24 and to the health care professional responsible for
25 the health and safety of the woman, a written report

1 which describes the facts and circumstances sur-
2 rounding the restrictive housing placement, and in-
3 cludes the following:

4 “(A) The reasoning upon which the deter-
5 mination for the placement was made.

6 “(B) The details of the placement, includ-
7 ing length of time of placement and how fre-
8 quently and how many times the determination
9 was made subsequent to the initial determina-
10 tion to continue the restrictive housing place-
11 ment.

12 “(C) A description of all attempts to use
13 alternative interventions and sanctions before
14 the restrictive housing was used.

15 “(D) Any resulting physical effects on the
16 woman observed by or reported by the health
17 care professional responsible for the health and
18 safety of the woman.

19 “(E) Strategies the facility is putting in
20 place to identify more appropriate alternative
21 interventions should a similar situation arise
22 again.

23 “(4) REPORT TO CONGRESS.—Beginning on the
24 date that is 6 months after the date of enactment
25 of the Protecting the Health and Wellness of Babies

1 and Pregnant Women in Custody Act, and every 6
2 months thereafter for a period of 10 years, the At-
3 torney General shall submit to the Committees on
4 the Judiciary of the House of Representatives and
5 the Senate a report on the information described in
6 paragraph (3).

7 “(d) NOTICE.—Not later than 24 hours after the con-
8 firmation of an incarcerated woman’s pregnancy by a
9 health care professional, that woman shall be notified,
10 orally and in writing, by an appropriate health care profes-
11 sional, correctional officer, or United States Marshal, as
12 applicable—

13 “(1) of the restrictions on the use of restraints
14 and restrictive housing placements under this sec-
15 tion;

16 “(2) of the incarcerated woman’s right to make
17 a confidential report of a violation of restrictions on
18 the use of restraints or restrictive housing place-
19 ment; and

20 “(3) that the facility staff have been advised of
21 all rights of the incarcerated woman under sub-
22 section (a).

23 “(e) VIOLATION REPORTING PROCESS.—Not later
24 than 180 days after the date of enactment of this Act,
25 the Director of the Bureau of Prisons and the Director

1 of the United States Marshals Service shall establish proc-
2 esses through which an incarcerated person may report
3 a violation of this section.

4 “(f) NOTIFICATION OF RIGHTS.—The warden of the
5 Bureau of Prisons facility where a pregnant woman is in
6 custody shall notify necessary facility staff of the preg-
7 nancy and of the incarcerated pregnant woman’s rights
8 under subsection (a).

9 “(g) RETALIATION.—It shall be unlawful for any Bu-
10 reau of Prisons or United States Marshal Service em-
11 ployee to retaliate against an incarcerated person for re-
12 porting under the provisions of subsection (e) a violation
13 of subsection (a).

14 “(h) EDUCATION.—Not later than 90 days after the
15 date of enactment of the Protecting the Health and
16 Wellness of Babies and Pregnant Women in Custody Act,
17 the Director of the Bureau of Prisons and the Director
18 of the United States Marshals Service shall each develop
19 education guidelines regarding the physical and mental
20 health needs of incarcerated pregnant women, and the use
21 of restraints and restrictive housing placements on incar-
22 cerated women during the period of pregnancy, labor, and
23 postpartum recovery, and shall incorporate such guidelines
24 into appropriate education programs.

25 “(i) DEFINITION.—In this section:

1 “(1) RESTRAINTS.—The term ‘restraints’
2 means any physical or mechanical device used to
3 control the movement of an incarcerated pregnant
4 woman’s body, limbs, or both.

5 “(2) RESTRICTIVE HOUSING.—The term ‘re-
6 strictive housing’ means any type of detention that
7 involves—

8 “(A) removal from the general inmate pop-
9 ulation, whether voluntary or involuntary;

10 “(B) placement in a locked room or cell,
11 whether alone or with another inmate; and

12 “(C) inability to leave the room or cell for
13 the vast majority of the day.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 317 of title 18, United States
16 Code, is amended by amending the item relating to section
17 4322 to read as follows:

 “4322. Use of restraints and restrictive housing on incarcerated women during
 the period of pregnancy, labor, and postpartum recovery pro-
 hibited and to improve pregnancy care for women in Federal
 prisons.”.

18 **SEC. 14105. TREATMENT OF WOMEN WITH HIGH-RISK PREG-**
19 **NANCIES.**

20 (a) IN GENERAL.—Chapter 303 of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

1 **“§ 4051. Treatment of incarcerated pregnant women**

2 “(a) HIGH-RISK PREGNANCY HEALTH CARE.—The
3 Director of the Bureau of Prisons shall ensure that each
4 incarcerated pregnant woman receives health care appro-
5 priate for a high-risk pregnancy, including obstetrical and
6 gynecological care, during pregnancy and post-partum re-
7 covery.

8 “(b) HIGH-RISK PREGNANCIES.—

9 “(1) IN GENERAL.—The Director of the Bureau
10 of Prisons shall transfer any incarcerated woman,
11 who is determined by a health care professional to
12 have a high-risk pregnancy and who agrees to be
13 transferred, to a Residential Reentry Center with
14 adequate health care during her pregnancy and post-
15 partum recovery.

16 “(2) PRIORITY.—The Residential Reentry Cen-
17 ter to which an incarcerated pregnant woman is
18 transferred pursuant to paragraph (1) shall be in a
19 geographical location that is close to the family
20 members of the incarcerated pregnant woman. In
21 the case that a Residential Reentry Center is un-
22 available, the incarcerated pregnant woman shall be
23 transferred to alternative housing, including housing
24 with a family member.

25 “(3) TRANSPORTATION.—To transport an in-
26 carcerated pregnant woman to a Residential Reentry

1 Center, the Director of the Bureau of Prisons shall
2 provide to the woman a mode of transportation that
3 has been approved by the woman's health care pro-
4 fessional, at no expense to the woman.

5 “(4) MONITORING.—In the case that an incar-
6 cerated pregnant woman transferred to alternative
7 housing pursuant to this section is monitored elec-
8 tronically, an ankle monitor may not be used on the
9 woman, unless there is no feasible alternative for
10 monitoring the woman.

11 “(5) SERVICE OF SENTENCE.—Any time ac-
12 crued at a Residential Reentry Center or alternative
13 housing as a result of a transfer made pursuant to
14 this section shall be credited toward service of the
15 incarcerated pregnant woman's sentence.

16 “(6) CREDIT FOR PRETRIAL CUSTODY.—In the
17 case of an incarcerated pregnant woman, any time
18 accrued in pretrial custody shall be credited toward
19 service of the woman's sentence.

20 “(c) DEFINITIONS.—In this section:

21 “(1) FAMILY MEMBER.—The term ‘family
22 member’ means any individual related by blood or
23 affinity whose close association with the incarcerated
24 pregnant woman is the equivalent of a family rela-

1 tionship, including a parent, sibling, child, or indi-
2 vidual standing in loco parentis.

3 “(2) RESIDENTIAL REENTRY CENTER.—The
4 term ‘Residential Reentry Center’ means a Bureau
5 of Prisons contracted residential reentry center.

6 “(3) HEALTH CARE PROFESSIONAL.—

7 “(A) IN GENERAL.—The term ‘health care
8 professional’ means—

9 “(i) a doctor of medicine or osteop-
10 athy who is authorized to practice medicine
11 or surgery by the State in which the doctor
12 practices;

13 “(ii) any physician’s assistant or
14 nurse practitioner who is supervised by a
15 doctor of medicine or osteopathy described
16 in clause (i); or

17 “(iii) any other person determined by
18 the Secretary to be capable of providing
19 health care services.

20 “(B) OTHER HEALTH CARE SERVICES.—A
21 person is capable of providing health care serv-
22 ices if the person is—

23 “(i) a podiatrist, dentist, clinical psy-
24 chologist, optometrist, or chiropractor (lim-
25 ited to treatment consisting of manual ma-

1 nipulation of the spine to correct a sub-
2 luxation as demonstrated by X-ray to
3 exist) authorized to practice in the State
4 and performing within the scope of their
5 practice as defined under State law;

6 “(ii) a nurse practitioner, nurse-mid-
7 wife, clinical social worker, or physician’s
8 assistant who is authorized to practice
9 under State law and who is performing
10 within the scope of their practice as de-
11 fined under State law; and

12 “(iii) any health care professional
13 from whom an employer or the employer’s
14 group health plan’s benefits manager will
15 accept certification of the existence of a se-
16 rious health condition to substantiate a
17 claim for benefits.

18 “(C) AUTHORIZED TO PRACTICE IN THE
19 STATE.—The term ‘authorized to practice in
20 the State’ means that a professional must be
21 authorized to diagnose and treat physical or
22 mental health conditions under the laws of the
23 State in which the professional practices and
24 where the facility is located.

1 “(4) HIGH-RISK PREGNANCY.—The term ‘high-
2 risk pregnancy’ means, with respect to an incarcer-
3 ated woman, that the pregnancy threatens the
4 health or life of the woman or pregnancy, as deter-
5 mined by a health care professional.

6 “(5) POST-PARTUM RECOVERY.—The term
7 ‘post-partum recovery’ means the 3-month period be-
8 ginning on the date on which an incarcerated preg-
9 nant woman gives birth.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-
11 tions for chapter 303 of title 18, United States Code, is
12 amended by adding at the end the following:

“4051. Treatment of incarcerated pregnant women.”.

13 **SEC. 14106. EXEMPTION OF INCARCERATED PREGNANT**
14 **WOMEN FROM THE REQUIREMENTS FOR**
15 **SUITS BY PRISONERS.**

16 Section 7 of the Civil Rights of Institutionalized Per-
17 sons Act (42 U.S.C. 1997e) is amended—

18 (1) in subsection (a), by inserting after the pe-
19 riod at the end the following: “This subsection shall
20 not apply with respect to an incarcerated pregnant
21 woman who brings an action relating to or affecting
22 the woman’s pregnancy.”; and

23 (2) in subsection (d)(1), insert “, except an in-
24 carcerated pregnant woman,” before “who is con-
25 fined”.

1 **SEC. 14107. DEFINITIONS.**

2 In this Act:

3 (1) IN CUSTODY.—The term “in custody”
4 means, with respect to an individual, that the indi-
5 vidual is under the supervision of a Federal, State,
6 tribal or local correctional facility, including pretrial
7 and contract facilities, and juvenile or medical or
8 mental health facilities.

9 (2) OTHER PREGNANCY OUTCOME.—The term
10 “other pregnancy outcome” means a pregnancy that
11 ends in stillbirth, miscarriage, or ectopic pregnancy.

12 (3) POSTPARTUM RECOVERY.—The term “post-
13 partum recovery” means the 12-week period, or
14 longer as determined by the health care professional
15 responsible for the health and safety of the incarcer-
16 ated pregnant woman, following delivery, and shall
17 include the entire period that the incarcerated preg-
18 nant woman is in the hospital or infirmary.

19 (4) RESTRAINTS.—The term “restraints”
20 means any physical or mechanical device used to
21 control the movement of an incarcerated pregnant
22 woman’s body, limbs, or both.

23 (5) RESTRICTIVE HOUSING.—The term “re-
24 strictive housing” means any type of detention that
25 involves—

- 1 (A) removal from the general inmate popu-
2 lation, whether voluntary or involuntary;
3 (B) placement in a locked room or cell,
4 whether alone or with another inmate; and
5 (C) inability to leave the room or cell for
6 the vast majority of the day.

7 **SEC. 14108. EDUCATION AND TECHNICAL ASSISTANCE.**

8 The Director of the National Institute of Corrections
9 shall provide education and technical assistance, in con-
10 junction with the appropriate public agencies, at State and
11 local correctional facilities that house women and facilities
12 in which incarcerated women go into labor and give birth,
13 in order to educate the employees of such facilities, includ-
14 ing health personnel, on the dangers and potential mental
15 health consequences associated with the use of restrictive
16 housing and restraints on incarcerated women during
17 pregnancy, labor, and postpartum recovery, and on alter-
18 natives to the use of restraints and restrictive housing
19 placement.

20 **SEC. 14109. BUREAU OF PRISONS STAFF AND U.S. MAR-**
21 **SHALS TRAINING.**

22 (a) BUREAU OF PRISONS TRAINING.—Beginning not
23 later than 180 days after the date of enactment of this
24 Act, and biannually thereafter, the Director of the Bureau
25 of Prisons shall train each correctional officer at any Bu-

1 reau of Prisons women’s facility to carry out the require-
2 ments of this Act.

3 (b) NEW HIRES.—Beginning not later than 180 days
4 after the date of enactment of this Act, the Director of
5 the Bureau of Prisons shall train any newly hired correc-
6 tional officer at a Bureau of Prisons facility that houses
7 women to carry out the requirements of this Act not later
8 than 30 days after the date on which the officer is hired.

9 (c) U.S. MARSHAL TRAINING.—Beginning not later
10 than 180 days after the date of enactment of this Act,
11 and biannually thereafter, the Director of the U.S. Mar-
12 shals Service shall ensure that each Deputy U.S. Marshal
13 is trained pursuant to the guidelines described in sub-
14 section (d). Newly hired deputies shall receive such train-
15 ing not later than 30 days after the date on which such
16 deputy starts employment.

17 (d) GUIDELINES.—The Director of the Bureau of
18 Prisons and the United States Marshals Service shall each
19 develop guidelines on the treatment of incarcerated women
20 during pregnancy, labor, and postpartum recovery and in-
21 corporate such guidelines in the training required under
22 this section. Such guidelines shall include guidance on—

23 (1) the transportation of incarcerated pregnant
24 women;

25 (2) housing of incarcerated pregnant women;

1 (3) nutritional requirements for incarcerated
2 pregnant women; and

3 (4) the right of a health care professional to re-
4 quest that restraints not be used.

5 **SEC. 14110. GAO STUDY ON STATE AND LOCAL CORREC-**
6 **TIONAL FACILITIES.**

7 The Comptroller General of the United States shall
8 conduct a study of services and protections provided for
9 pregnant incarcerated women in local and State correc-
10 tional settings, including policies on obstetrical and gyne-
11 cological care, education on nutrition, health and safety
12 risks associated with pregnancy, mental health and sub-
13 stance use treatment, access to prenatal and post-delivery
14 support services and programs, the use of restraints and
15 restrictive housing placement, and the extent to which the
16 intent of such policies are fulfilled.

17 **SEC. 14111. GAO STUDY ON FEDERAL PRETRIAL DETEN-**
18 **TION FACILITIES.**

19 (a) STUDY.—The Comptroller General of the United
20 States shall conduct a study of services and protections
21 provided for pregnant women who are incarcerated in Fed-
22 eral pretrial detention facilities. Specifically, the study
23 shall examine—

1 (1) what available data indicate about pregnant
2 women detained or held in Federal pretrial detention
3 facilities;

4 (2) existing U.S. Marshals Service policies and
5 standards that address the care of pregnant women
6 in Federal pretrial detention facilities; and

7 (3) what is known about the care provided to
8 pregnant women in Federal pretrial detention facili-
9 ties.

10 (b) REPORT AND BEST PRACTICES.—Not later than
11 2 years after the date of enactment of this Act, the Comp-
12 troller General shall submit a report of the results of the
13 study conducted under subsection (a) to the Committee
14 on the Judiciary of the Senate and the Committee on the
15 Judiciary of the House of Representatives. The report
16 shall identify best practices for ensuring that Federal pre-
17 trial detention facilities implement services and protec-
18 tions for pregnant women consistent with this Act and
19 shall provide recommendations on how to implement these
20 best practices among all Federal pretrial detention facili-
21 ties.

22 (c) DEFINITION.—For purposes of this section, the
23 term “Federal pretrial detention facilities” includes State,
24 local, private, or other facilities under contract with the

1 U.S. Marshals Service for the purpose of housing Federal
2 pretrial detainees.

3 **SEC. 14112. PWIC GRANT PROGRAM.**

4 Section 508 of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (34 U.S.C. 10151 et seq.) is amended
6 to read as follows:

7 **“SEC. 508. PREGNANT WOMEN IN CUSTODY GRANT PRO-**
8 **GRAM.**

9 “(a) **SHORT TITLE.**—This section may be cited as the
10 ‘Pregnant Women in Custody Grant Program of 2020’ or
11 the ‘PWIC Act of 2020’.

12 “(b) **ESTABLISHMENT.**—The Attorney General may
13 make grants to eligible entities that have established a
14 program to promote the health needs of incarcerated preg-
15 nant women in the criminal justice system at the State,
16 tribal, and local levels or have declared their intent to es-
17 tablish such a program. Eligible entities shall—

18 “(1) promote the safety and wellness of preg-
19 nant women in custody;

20 “(2) provide services for obstetrical and gyneco-
21 logical care, for women in custody;

22 “(3) facilitate resources and support services
23 for nutrition and physical and mental health, for
24 women in custody;

1 “(4) establish and maintain policies that are
2 substantially similar to the limitations imposed
3 under section 4322 of title 18, United States Code,
4 limiting the use of restraints on pregnant women in
5 custody; and

6 “(5) maintain, establish, or build post-delivery
7 lactation and nursery care or residential programs to
8 keep the infant with the mother and to promote and
9 facilitate bonding skills for incarcerated pregnant
10 women and women with dependent children.

11 “(c) GRANT PERIOD.—A grant awarded under this
12 section shall be for a period of not more than 5 years.

13 “(d) ELIGIBLE ENTITY.—An entity is eligible for a
14 grant under this section if the entity is—

15 “(1) a State or territory department of correc-
16 tions;

17 “(2) a tribal entity that operates a correctional
18 facility; or

19 “(3) a unit of local government that operates a
20 prison or jail that houses women; or

21 “(4) a locally-based nonprofit organization, that
22 has partnered with a State or unit of local govern-
23 ment that operates a correctional facility, with ex-
24 pertise in providing health services to incarcerated
25 pregnant women.

1 “(e) APPLICATION.—To receive a grant under this
2 section, an eligible entity shall submit an application to
3 the Attorney General at such time, in such manner, and
4 containing such information as the Attorney General may
5 require, including a detailed description of the need for
6 the grant and an account of the number of individuals the
7 grantee expects to benefit from the grant.

8 “(f) ADMINISTRATIVE COSTS.—Not more than 5 per-
9 cent of a grant awarded under this section may be used
10 for costs incurred to administer such grant.

11 “(g) CONSTRUCTION COSTS.—Notwithstanding any
12 other provision of this Act, no funds provided under this
13 section may be used, directly or indirectly, for construction
14 projects, other than new construction or upgrade to a fa-
15 cility used to provide lactation, nursery, obstetrical, or
16 gynecological services.

17 “(h) PRIORITY FUNDING FOR STATES THAT PRO-
18 VIDE PROGRAMS AND SERVICES FOR INCARCERATED
19 WOMEN RELATED TO PREGNANCY AND CHILDBIRTH.—
20 In determining the amount provided to a State or unit
21 of local government under this section, the Attorney Gen-
22 eral shall give priority to States or units of local govern-
23 ment that have enacted laws or policies and implemented
24 services or pilot programs for incarcerated pregnant
25 women aimed at enhancing the safety and wellness of

1 pregnant women in custody, including providing services
2 for obstetrical and gynecological care, resources and sup-
3 port services for nutrition and physical and mental health,
4 and post-delivery lactation and nursery care or residential
5 programs to keep the infant with the mother and to pro-
6 mote and facilitate bonding skills for incarcerated preg-
7 nant women and women with dependent children.

8 “(i) SUBGRANT PRIORITY.—A State that receives a
9 grant under this section shall prioritize subgrants to a unit
10 of local government within the State that has established
11 a pilot program that enhances safety and wellness of preg-
12 nant women in custody.

13 “(j) FEDERAL SHARE.—

14 “(1) IN GENERAL.—The Federal share of a
15 grant under this section may not exceed 75 percent
16 of the total costs of the projects described in the
17 grant application.

18 “(2) WAIVER.—The requirement of paragraph
19 (1) may be waived by the Assistant Attorney Gen-
20 eral upon a determination that the financial cir-
21 cumstances affecting the applicant warrant a finding
22 that such a waiver is equitable.

23 “(k) COMPLIANCE AND REDIRECTION OF FUNDS.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 an eligible entity receives a grant under this section,

1 such entity shall implement a policy that is substan-
2 tially similar to the policy under section 3 of Pro-
3 tecting the Health and Wellness of Babies and Preg-
4 nant Women in Custody Act.

5 “(2) EXTENSION.—The Attorney General may
6 provide a 120-day extension to an eligible entity that
7 is making good faith efforts to collect the informa-
8 tion required under paragraph (1).

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section,
11 to remain available until expended—

12 “(1) for fiscal year 2021, \$5,000,000;

13 “(2) for fiscal year 2022, \$5,000,000;

14 “(3) for fiscal year 2023, \$5,000,000;

15 “(4) for fiscal year 2024, \$6,000,000; and

16 “(5) for fiscal year 2025, \$6,000,000.

17 “(m) FUNDS TO BE SUPPLEMENTAL.—To receive a
18 grant under this section, the eligible entity shall certify
19 to the Attorney General that the amounts received under
20 the grant shall be used to supplement, not supplant, non-
21 Federal funds that would otherwise be available for pro-
22 grams or services in the prison where funds will be used.

23 “(n) UNOBLIGATED AND UNSPENT FUNDS.—Funds
24 made available pursuant to this section that remain unob-
25 ligated for a period of 6 months after the end of the fiscal

1 year for which the funds have been appropriated shall be
2 awarded to other recipients of this grant.

3 “(o) CIVIL RIGHTS OBLIGATION.—A recipient of a
4 grant under this section shall be subject to the non-
5 discrimination requirement under section 40002(b)(13) of
6 the Violence Against Women Act of 1994 (34 U.S.C.
7 12291(b)(13)).

8 “(p) DEFINITIONS.—In this section, the term ‘in cus-
9 tody’ means, with respect to an individual, that the indi-
10 vidual is under the supervision of a Federal, State, tribal,
11 or local correctional facility, including pretrial and con-
12 tract facilities, and juvenile or medical or mental health
13 facilities.”.

14 **SEC. 14113. PLACEMENT IN PRERELEASE CUSTODY.**

15 Section 3624(c)(1) of title 18, United States Code,
16 is amended by adding at the end the following: “Notwith-
17 standing any other provision of this paragraph, in the case
18 of a pregnant woman in custody, if that woman’s due date
19 is within the final year of her term of imprisonment, that
20 woman may be placed into prerelease custody beginning
21 not earlier than the date that is 2 months prior to that
22 woman’s due date.”.

1 **Subtitle PP—Resources for Victims**
2 **of Gun Violence Act 2020**

3 **SEC. 14201. SHORT TITLE.**

4 This subtitle may be cited as the “Resources for Vic-
5 tims of Gun Violence Act of 2020”.

6 **SEC. 14202. FINDINGS.**

7 Congress finds the following:

8 (1) In the United States, approximately 100 in-
9 dividuals are killed with guns every day, and more
10 than 36,000 individuals die from gun violence every
11 year. Approximately 100,000 more individuals sur-
12 vive gun-related injuries every year.

13 (2) The approximately 100,000 individuals who
14 survive gun-related injuries every year in the United
15 States face a life-long process of physical and emo-
16 tional healing, in addition to the heavy economic
17 costs faced by those survivors, their families and
18 communities, and society as a whole. According to a
19 recent national poll, 4 percent of adults alive in the
20 United States as of the date of the poll, or an esti-
21 mated 10,000,000 people, have been shot and in-
22 jured in their lifetimes.

23 (3) Nearly two-thirds of gun-related deaths in
24 the United States are suicides. Suicide attempts in-
25 volving firearms are uniquely lethal: while less than

1 5 percent of suicide attempts not involving a firearm
2 result in death, approximately 85 percent of suicide
3 attempts involving a firearm end in death. According
4 to a 2018 report by the Department of Veterans Af-
5 fairs, veterans are about 1.5 times as likely as civil-
6 ians to die by suicide, and 69.4 percent of veteran
7 suicides in 2016 resulted from a firearm injury.

8 (4) More than one-third of gun-related deaths
9 in the United States are homicides, and in 2010, the
10 gun homicide rate in the United States was 25.2
11 times higher than in 22 other high-income countries.

12 (5) Gun homicides in the United States occur
13 disproportionately in cities, particularly in racially
14 segregated neighborhoods with high rates of poverty.
15 Gun homicide disproportionately affects communities
16 of color, and Black Americans represent the major-
17 ity of gun homicide victims.

18 (6) More than 325 mass shootings took place in
19 the United States in 2018, and more than 1,900
20 mass shootings have taken place since the shooting
21 at Sandy Hook Elementary School in Newtown,
22 Connecticut, in 2012. Fifty-four percent of mass
23 shootings are related to domestic or family violence.

24 (7) Firearms are the second leading cause of
25 death for children and teenagers and the first lead-

1 ing cause of death for Black children and teenagers
2 in the United States. Every year, nearly 3,000 chil-
3 dren and teenagers are shot and killed, and approxi-
4 mately 15,600 are shot and injured.

5 (8) During an average year in the United
6 States, more than 600 women are shot to death by
7 an intimate partner, and many more women are shot
8 and injured by an intimate partner. Nearly
9 1,000,000 women in the United States who are alive
10 as of the date of enactment of this Act have been
11 shot or shot at by an intimate partner, and approxi-
12 mately 4,500,000 women alive as of that date have
13 been threatened with a gun by an intimate partner.

14 (9) More than 10,300 violent hate crimes com-
15 mitted in the United States in an average year in-
16 volve a gun, or more than 28 each day. The vast
17 majority of hate crimes are directed against commu-
18 nities of color, religious minorities, and lesbian, gay,
19 bisexual, transgender, and queer (commonly known
20 as “LGBTQ”) people.

21 **SEC. 14203. DEFINITIONS.**

22 In this subtitle:

23 (1) **ADVISORY COUNCIL.**—The term “Advisory
24 Council” means the Advisory Council to Support

1 Victims of Gun Violence established under section
2 14204.

3 (2) APPROPRIATE COMMITTEES.—The term
4 “appropriate committees” means the following:

5 (A) The Committee on Health, Education,
6 Labor, and Pensions of the Senate.

7 (B) The Committee on the Judiciary of the
8 Senate.

9 (C) The Committee on Education and
10 Labor of the House of Representatives.

11 (D) The Committee on Energy and Com-
12 merce of the House of Representatives.

13 (E) The Committee on the Judiciary of the
14 House of Representatives.

15 (F) Any other relevant committee of the
16 Senate or of the House of Representatives with
17 jurisdiction over matters affecting victims of
18 gun violence.

19 (3) GUN VIOLENCE.—The term “gun violence”
20 means—

21 (A) suicide involving firearms;

22 (B) homicide involving firearms;

23 (C) domestic violence involving firearms;

24 (D) hate crimes involving firearms;

25 (E) youth violence involving firearms;

- 1 (F) mass shootings;
- 2 (G) unintentional shootings;
- 3 (H) nonfatal shootings; and
- 4 (I) threats or exposure to violent acts in-
- 5 volving firearms.

6 (4) VICTIM OF GUN VIOLENCE.—The term “vic-

7 tim of gun violence” means—

- 8 (A) an individual who has been wounded
- 9 as a result of gun violence;
- 10 (B) an individual who has been threatened
- 11 with an act of gun violence;
- 12 (C) an individual who has witnessed an act
- 13 of gun violence; and
- 14 (D) a relative, classmate, coworker, or
- 15 other associate of—
 - 16 (i) an individual who has been killed
 - 17 as a result of gun violence; or
 - 18 (ii) an individual described in sub-
 - 19 paragraph (A) or (B).

20 (5) VICTIM ASSISTANCE PROFESSIONAL.—The

21 term “victim assistance professional” means a pro-

22 fessional who assists victims of gun violence, includ-

23 ing—

- 24 (A) a medical professional, including an
- 25 emergency medical professional;

1 (B) a social worker;

2 (C) a provider of long-term services or
3 care; and

4 (D) a victim advocate.

5 **SEC. 14204. ADVISORY COUNCIL TO SUPPORT VICTIMS OF**
6 **GUN VIOLENCE.**

7 (a) ESTABLISHMENT.—There is established an Advi-
8 sory Council to Support Victims of Gun Violence.

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—The Advisory Council shall
11 be composed of the following members or their des-
12 ignees:

13 (A) The Secretary of Health and Human
14 Services.

15 (B) The Attorney General.

16 (C) The Secretary of Education.

17 (D) The Secretary of Housing and Urban
18 Development.

19 (E) The Secretary of Veterans Affairs.

20 (F) The Commissioner of the Social Secu-
21 rity Administration.

22 (G) The Assistant Secretary for Mental
23 Health and Substance Use.

24 (H) The Director of the Centers for Dis-
25 ease Control and Prevention.

1 (I) The Director of the National Institutes
2 of Health.

3 (J) The Administrator of the Administra-
4 tion for Community Living.

5 (K) The Director of the Office on Violence
6 Against Women.

7 (L) The Director of the Office for Victims
8 of Crime.

9 (M) The chairman of the Board of the
10 Legal Services Corporation.

11 (N) As appropriate, the head of any other
12 Federal department or agency identified by the
13 Secretary of Health and Human Services as
14 having responsibilities, or administering pro-
15 grams, relating to issues affecting victims of
16 gun violence.

17 (2) ADDITIONAL MEMBERS.—In addition to the
18 members described in paragraph (1), the Advisory
19 Council shall be composed of the following:

20 (A) Not fewer than 2 and not more than
21 5 victims of gun violence, who shall be ap-
22 pointed by the Secretary of Health and Human
23 Services.

24 (B) Not fewer than 2 and not more than
25 5 victim assistance professionals, who shall be

1 appointed by the Secretary of Health and
2 Human Services.

3 (3) LEAD AGENCY.—The Department of Health
4 and Human Services shall be the lead agency for the
5 Advisory Council.

6 (c) DUTIES.—

7 (1) ASSESSMENT.—The Advisory Council
8 shall—

9 (A) survey victims of gun violence and vic-
10 tim assistance professionals about their needs
11 in order to inform the content of information
12 disseminated under paragraph (2) and the re-
13 port published under paragraph (3);

14 (B) conduct a literature review and assess
15 past or ongoing programs designed to assist vic-
16 tims of gun violence or individuals with similar
17 needs to determine—

18 (i) the effectiveness of the programs;

19 and

20 (ii) best and promising practices for
21 assisting victims of gun violence; and

22 (C) assess the administration of compensa-
23 tion funds established after mass shootings to
24 determine best and promising practices to di-

1 rect victims of gun violence to sources of fund-
2 ing.

3 (2) INFORMATION.—

4 (A) IN GENERAL.—The Advisory Council
5 shall identify, promote, coordinate, and dissemi-
6 nate to the public information, resources, and
7 best and promising practices available to help
8 victims of gun violence—

9 (i) meet their medical, financial, edu-
10 cational, workplace, housing, transpor-
11 tation, assistive technology, and accessi-
12 bility needs;

13 (ii) maintain their mental health and
14 emotional well-being;

15 (iii) seek legal redress for their inju-
16 ries and protection against any ongoing
17 threats to their safety; and

18 (iv) access government programs,
19 services, and benefits for which they may
20 be eligible or to which they may be enti-
21 tled.

22 (B) CONTACT INFORMATION.—The Advi-
23 sory Council shall include in the information
24 disseminated under subparagraph (A) the
25 websites and telephone contact information for

1 helplines of relevant Federal agencies, State
2 agencies, and nonprofit organizations.

3 (C) AVAILABILITY.—The Advisory Council
4 shall make the information described in sub-
5 paragraphs (A) and (B) available—

6 (i) online through a public website;
7 and

8 (ii) by submitting a hard copy and
9 making available additional hard copies
10 to—

11 (I) each Member of Congress;

12 (II) each field office of the Social
13 Security Administration;

14 (III) each State agency that is
15 responsible for administering health
16 and human services, for dissemination
17 to medical facilities;

18 (IV) each State agency that is re-
19 sponsible for administering education
20 programs, for dissemination to
21 schools; and

22 (V) the office of each State attor-
23 ney general, for dissemination to local
24 prosecutor's offices.

1 (3) REPORT.—Not later than 180 days after
2 the date of enactment of this Act, the Advisory
3 Council shall—

4 (A) prepare a report that—

5 (i) includes the best and promising
6 practices, resources, and other useful infor-
7 mation for victims of gun violence identi-
8 fied under paragraph (2);

9 (ii) identifies any gaps in items de-
10 scribed in clause (i); and

11 (iii) if applicable, identifies any addi-
12 tional Federal or State legislative authority
13 necessary to implement the activities de-
14 scribed in clause (i) or address the gaps
15 described in clause (ii);

16 (B) submit the report prepared under sub-
17 paragraph (A) to—

18 (i) the appropriate committees;

19 (ii) each State agency that is respon-
20 sible for administering health and human
21 services;

22 (iii) each State agency that is respon-
23 sible for administering education pro-
24 grams; and

1 (iv) the office of each State attorney
2 general; and

3 (C) make the report prepared under sub-
4 paragraph (A) available to the public online in
5 an accessible format.

6 (4) FOLLOW-UP REPORT.—Not later than 2
7 years after the date on which the Advisory Council
8 prepares the report under paragraph (3), the Advi-
9 sory Council shall—

10 (A) submit to the entities described in sub-
11 paragraph (B) of that paragraph a follow-up re-
12 port that includes the information identified in
13 subparagraph (A) of that paragraph; and

14 (B) make the follow-up report described in
15 subparagraph (A) available to the public online
16 in an accessible format.

17 (5) PUBLIC INPUT.—

18 (A) IN GENERAL.—The Advisory Council
19 shall establish a process to collect public input
20 to inform the development of, and provide up-
21 dates to, the best and promising practices, re-
22 sources, and other information described in
23 paragraph (2), including by conducting out-
24 reach to entities and individuals described in
25 subparagraph (B) of this paragraph that—

1 (i) have a range of experience with the
2 types of gun violence described in section
3 14203(3); and

4 (ii) include representation from com-
5 munities disproportionately affected by gun
6 violence.

7 (B) ENTITIES AND INDIVIDUALS.—The en-
8 tities and individuals described in this subpara-
9 graph are—

10 (i) States, local governments, and or-
11 ganizations that provide information to, or
12 support for, victims of gun violence;

13 (ii) victims of gun violence; and

14 (iii) victim assistance professionals.

15 (C) NATURE OF OUTREACH.—In con-
16 ducting outreach under subparagraph (A), the
17 Advisory Council shall ask for input on—

18 (i) information, resources, and best
19 and promising practices available, includ-
20 ing identification of any gaps and unmet
21 needs;

22 (ii) recommendations that would help
23 victims of gun violence—

24 (I) better meet their medical, fi-
25 nancial, educational, workplace, hous-

1 ing, transportation, assistive tech-
2 nology, and accessibility needs;

3 (II) maintain their mental health
4 and emotional well-being;

5 (III) seek legal redress for their
6 injuries and protection against any
7 ongoing threats to their safety; and

8 (IV) access government pro-
9 grams, services, and benefits for
10 which the victims may be eligible or to
11 which the victims may be entitled; and

12 (iii) any other subject areas discovered
13 during the process that would help victims
14 of gun violence.

15 (d) FACA.—The Federal Advisory Committee Act (5
16 U.S.C. App.) shall not apply to the Advisory Council.

17 (e) FUNDING.—No additional funds are authorized to
18 be appropriated to carry out this Act.

19 (f) SUNSET.—The Advisory Council shall terminate
20 on the date that is 5 years after the date of establishment
21 of the Advisory Council.

1 **Subtitle QQ—The One Stop Shop**
2 **Community Reentry Program**
3 **Act of 2020**

4 **SEC. 14301. SHORT TITLE.**

5 This subtitle may be cited as the “The One Stop
6 Shop Community Reentry Program Act of 2020”.

7 **SEC. 14302. COMMUNITY REENTRY CENTER GRANT PRO-**
8 **GRAM.**

9 (a) PROGRAM AUTHORIZED.—The Attorney General
10 is authorized to carry out a grant program to make grants
11 to eligible entities for the purpose of creating community
12 reentry centers.

13 (b) APPLICATION REQUIREMENTS.—Each applica-
14 tion for a grant under this section shall—

15 (1) demonstrate a plan to work with community
16 leaders who interact with formerly incarcerated peo-
17 ple and their families to—

18 (A) identify specific strategies and ap-
19 proaches to providing reentry services;

20 (B) develop a needs assessment tool to sur-
21 vey or conduct focus groups with community
22 members in order to identify—

23 (i) the needs of individuals returning
24 to the community after conviction or incar-

1 ceration, and the barriers such individuals
2 face; and

3 (ii) the needs of the families and com-
4 munities to which such individuals are re-
5 turning; and

6 (C) use the information gathered pursuant
7 to subparagraph (B) to determine the reentry
8 services to be provided by the community re-
9 entry center;

10 (2) identify the correctional institutions from
11 which individuals who are released from incarcer-
12 ation are likely to reenter the community served by
13 the community reentry center, and a plan, if any, to
14 provide transportation for such released individuals
15 to the community reentry center, the individual's
16 residence, or to a location where the individual is or-
17 dered by a court to report;

18 (3) demonstrate a plan to provide accessible no-
19 tice of the location of the reentry intake and coordi-
20 nation center and the services that it will provide
21 (either directly or on a referral basis), including,
22 where feasible, within and outside of correctional in-
23 stitutions identified under paragraph (1);

24 (4) demonstrate a plan to provide intake and
25 reentry needs assessment that is trauma-informed

1 and gender-responsive after an individual is released
2 from a correctional institution, or, in the case of an
3 individual who is convicted of an offense and not
4 sentenced to a term of imprisonment, after such con-
5 viction, and where feasible, before release, to ensure
6 that the individuals served by the center are referred
7 to appropriate reentry services based on the individ-
8 ual's needs immediately upon release from a correc-
9 tional institution or after conviction, and continu-
10 ously thereafter as needed;

11 (5) demonstrate a plan to provide the reentry
12 services identified in paragraph (1)(C);

13 (6) demonstrate a plan to continue to provide
14 services (including through referral) for individuals
15 served by the center who move to a different geo-
16 graphic area to ensure appropriate case manage-
17 ment, case planning, and access to continuous or
18 new services where necessary and based on con-
19 sistent reevaluation of needs; and

20 (7) identify specific methods that the commu-
21 nity reentry center will employ to achieve perform-
22 ance objectives among the individuals served by the
23 center, including—

24 (A) increased access to and participation
25 in reentry services;

1 (B) reduction in recidivism rates;

2 (C) increased numbers of individuals ob-
3 taining and retaining employment;

4 (D) increased enrollment in and degrees
5 earned from educational programs, including
6 high school, GED, and institutions of higher
7 education;

8 (E) increased numbers of individuals ob-
9 taining and maintaining housing; and

10 (F) increased self-reports of successful
11 community living, including stability of living
12 situation and positive family relationships.

13 (c) PREFERENCE.—The Attorney General shall give
14 preference to applicants that demonstrate that they seek
15 to employ individuals who have been convicted of an of-
16 fense, or served a term of imprisonment or that, to the
17 extent allowable by law, employ such formerly incarcerated
18 individuals in positions of responsibility.

19 (d) EVALUATION AND REPORT.—

20 (1) EVALUATION.—The Attorney General shall
21 enter into a contract with a nonprofit organization
22 with expertise in analyzing data related to reentry
23 services and recidivism to monitor and evaluate each
24 recipient of a grant and each community reentry

1 center receiving funds under this section on an ongoing basis.

3 (2) ADMINISTRATIVE BURDEN.—The nonprofit
4 organization described in paragraph (1) shall provide
5 administrative support to assist recipients of grants
6 authorized by this Act to comply with the conditions
7 associated with the receipt of funding from the Department of Justice.

9 (3) REPORT.—Not later than one year after the
10 date on which grants are initially made under this
11 section, and annually thereafter, the Attorney General shall submit to Congress a report on the program, which shall include—

14 (A) the number of grants made, the number of eligible entities receiving such grants,
15 and the amount of funding distributed to each
16 eligible entity pursuant to this section;

18 (B) the location of each eligible entity receiving such a grant, and the population served
19 by the community reentry center;

21 (C) the number of persons who have participated in reentry services offered by a community reentry center, disaggregated by type of
22 services, and success rates of participants in
23 each service to the extent possible;

1 (D) the number of persons who have par-
2 ticipated in reentry services for which they re-
3 ceived a referral from a community reentry cen-
4 ter, disaggregated by type of services, and suc-
5 cess rates of participants in each service;

6 (E) recidivism rates within the population
7 served by each community reentry center, both
8 before and after receiving a grant under this
9 section;

10 (F) the number of individuals obtaining
11 and retaining employment within the population
12 served by each community reentry center, both
13 before and after receiving a grant under this
14 section; and

15 (G) the number of individuals obtaining
16 and maintaining housing within the population
17 served by each community reentry center, both
18 before and after receiving a grant under this
19 section.

20 (e) DEFINITIONS.—In this section:

21 (1) The term “eligible entity” means a commu-
22 nity-based nonprofit organization that—

23 (A) has expertise in the provision of re-
24 entry services; and

1 (B) is located in a geographic area that
2 has disproportionately high numbers of resi-
3 dents who—

4 (i) have been arrested;

5 (ii) have been convicted of a criminal
6 offense; and

7 (iii) return to such geographic area
8 after incarceration.

9 (2) The term “community reentry center”
10 means a center that—

11 (A) offers intake, reentry needs assess-
12 ments, case management, and case planning for
13 reentry services for individuals returning to the
14 community after conviction or incarceration;

15 (B) provides the reentry services identified
16 under subsection (b)(1)(C) at a single location;
17 and

18 (C) provides referrals to appropriate serv-
19 ice providers based on the assessment of needs
20 of the individual.

21 (3) The term “reentry services” means com-
22 prehensive and holistic services that improve out-
23 comes for individuals returning to the community
24 after conviction or incarceration, and may include—

1 (A) seeking and maintaining employment,
2 including through assistance with drafting re-
3 sumes, establishing emails accounts, locating
4 job solicitations, submission of job applications,
5 and preparation for interviews;

6 (B) placement in job placement programs
7 that partner with private employers;

8 (C) obtaining free and low-cost job skills
9 classes, including computer skills, technical
10 skills, vocational skills, and any other job-re-
11 lated skills;

12 (D) locating and maintaining housing,
13 which may include counseling on public housing
14 opportunities, assistance with applications for
15 public housing benefits, and locating and secur-
16 ing temporary or long-term shelter;

17 (E) obtaining identification cards and driv-
18 er's licenses;

19 (F) registering to vote, and applying for
20 voting rights to be restored, where permitted by
21 law;

22 (G) applying for or accessing GED
23 courses;

24 (H) applying for loans for and admission
25 to institutions of higher education;

1 (I) financial counseling;

2 (J) legal assistance or referrals for record
3 expungement, forfeiture of property or assets,
4 family law and custody matters, legal aid serv-
5 ices (including other civil legal aid services),
6 and relevant civil matters including housing and
7 other issues;

8 (K) retrieving property or funds retained
9 by the arresting agency or facility of incarcer-
10 ation, or retrieving property or funds obtained
11 while incarcerated;

12 (L) transportation, including through pro-
13 vision of transit fare;

14 (M) familial counseling;

15 (N) problem-solving, in coordination with
16 counsel where necessary, any difficulties in
17 compliance with court-ordered supervision re-
18 quirements, including restrictions on living with
19 certain family members, contact with certain
20 friends, bond requirements, location and resi-
21 dency restrictions, electronic monitoring compli-
22 ance, court-ordered substance abuse, and other
23 court-ordered requirements;

1 (O) communication needs, including pro-
2 viding a mobile phone, mobile phone service or
3 access, or internet access;

4 (P) applying for State or Federal govern-
5 ment benefits, where eligible;

6 (R) life skills assistance;

7 (S) mentorship;

8 (T) medical and mental health services,
9 and cognitive-behavioral programming;

10 (U) substance abuse treatment; and

11 (V) reactivation, application for, and main-
12 taining professional or other licenses.

13 (4) The term “community leader” means an in-
14 dividual who serves the community in a leadership
15 role, including—

16 (A) a school official;

17 (B) a faith leader;

18 (C) a social service provider;

19 (D) a member of a neighborhood associa-
20 tion;

21 (E) a public safety representative;

22 (F) an employee of an organization that
23 provides reentry services;

24 (G) a member of a civic or volunteer group
25 related to the provision of reentry services;

1 (H) a health care professional; and

2 (I) an employee of a State, local, or tribal
3 government agency with expertise in the provi-
4 sion of reentry services.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated \$10,000,000 for each of fiscal years
8 2021 through 2025 to carry out this section.

9 (2) EQUITABLE DISTRIBUTION.—The Attorney
10 General shall ensure that grants awarded under this
11 section are equitably distributed among the geo-
12 graphical regions and between urban and rural pop-
13 ulations, including Indian Tribes, consistent with the
14 objective of reducing recidivism.

15 **SEC. 14303. GRANTS FOR REENTRY SERVICES ASSISTANCE**
16 **HOTLINES.**

17 (a) GRANTS AUTHORIZED.—

18 (1) IN GENERAL.—The Attorney General is au-
19 thorized to make grants to States and units of local
20 government to operate reentry services assistance
21 hotlines that are toll-free and operate 24 hours a
22 day, 7 days a week.

23 (2) GRANT PERIOD.—A grant made under
24 paragraph (1) shall be for a period of not more than
25 5 years.

1 (b) HOTLINE REQUIREMENTS.—A grant recipient
2 shall ensure, with respect to a hotline funded by a grant
3 under subsection (a), that—

4 (1) the hotline directs individuals to local re-
5 entry services (as such term is defined in section
6 14302(e));

7 (2) any personally identifiable information that
8 an individual provides to an agency of the State
9 through the hotline is not directly or indirectly dis-
10 closed, without the consent of the individual, to any
11 other agency or entity, or person;

12 (3) the staff members who operate the hotline
13 are trained to be knowledgeable about—

14 (A) applicable Federal, State, and local re-
15 entry services; and

16 (B) the unique barriers to successful re-
17 entry into the community after a person has
18 been convicted or incarcerated;

19 (4) the hotline is accessible to—

20 (A) individuals with limited English pro-
21 ficiency, where appropriate; and

22 (B) individuals with disabilities;

23 (5) the hotline has the capability to engage with
24 individuals using text messages.

1 (c) BEST PRACTICES.—The Attorney General shall
 2 issue guidance to grant recipients on best practices for im-
 3 plementing the requirements of subsection (b).

4 (d) PREFERENCE.—The Attorney General shall give
 5 preference to applicants that demonstrate that they seek
 6 to employ individuals to operate the hotline who have been
 7 convicted of an offense, or served a term of imprisonment.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 9 authorized to be appropriated \$1,500,000 for each of fis-
 10 cal years 2021 through 2025 to carry out this section.

11 **Subtitle RR—Put Trafficking** 12 **Victims First Act of 2020**

13 **SEC. 14401. SHORT TITLE.**

14 This subtitle may be cited as the “Put Trafficking
 15 Victims First Act of 2020”.

16 **SEC. 14402. TRAINING FOR PROSECUTIONS OF TRAF-** 17 **FICKERS AND SUPPORT FOR STATE SERV-** 18 **ICES FOR VICTIMS OF TRAFFICKING.**

19 It is the sense of Congress that a portion of the funds
 20 available for training and technical assistance under sec-
 21 tion 107(b)(2)(B)(ii) of the Victims of Trafficking and Vi-
 22 olence Protection Act of 2000 (22 U.S.C.
 23 7105(b)(2)(B)(ii)) should be devoted to advancing the fol-
 24 lowing goals:

1 (1) Increasing the personal safety of victim
2 service providers, who may face intimidation or re-
3 taliation for their activities.

4 (2) Promoting a trauma-informed, evidence-
5 based, and victim-centered approach to the provision
6 of services for victims of trafficking.

7 (3) Ensuring that law enforcement officers and
8 prosecutors make every attempt to determine wheth-
9 er an individual is a victim of human trafficking be-
10 fore arresting the individual for, or charging the in-
11 dividual with, an offense that is a direct result of the
12 victimization of the individual.

13 (4) Effectively prosecuting traffickers and indi-
14 viduals who patronize or solicit children for sex, and
15 facilitating access for child victims of commercial sex
16 trafficking to the services and protections afforded
17 to other victims of sexual violence.

18 (5) Encouraging States to improve efforts to
19 identify and meet the needs of human trafficking
20 victims, including through internet outreach and
21 other methods that are responsive to the needs of
22 victims in their communities.

23 (6) Ensure victims of trafficking, including
24 United States citizens, lawful permanent residents,
25 and foreign nationals are eligible for services.

1 **SEC. 14403. WORKING TO DEVELOP METHODOLOGIES TO**
2 **ASSESS PREVALENCE OF HUMAN TRAF-**
3 **FICKING.**

4 (a) WORKING GROUP.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Attorney Gen-
7 eral, in consultation with other Federal entities en-
8 gaged in efforts to combat human trafficking, shall
9 establish an expert working group, which shall in-
10 clude survivors of human trafficking, experts on sex
11 and labor trafficking, representatives from organiza-
12 tions collecting data on human trafficking, and law
13 enforcement officers. The working group shall, uti-
14 lizing, to the extent practicable, existing efforts of
15 agencies, task forces, States, localities, tribes, re-
16 search institutions, and organizations—

17 (A) identify barriers to the collection of
18 data on the incidence of sex and labor traf-
19 ficking; and

20 (B) recommend practices to promote better
21 data collection and analysis.

22 (2) PILOT TESTING.—Not later than 3 years
23 after the date of enactment of this Act, the Attorney
24 General shall implement a pilot project to test prom-
25 ising methodologies studied under paragraph (1).

26 (b) REPORT.—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date of enactment of this Act, the Attorney Gen-
3 eral, in consultation with the Secretary of Labor, the
4 Secretary of Health and Human Services, the Sec-
5 retary of Homeland Security, and the Director of
6 the Human Smuggling and Trafficking Center, shall
7 submit to Congress a report on—

8 (A) Federal efforts to estimate the preva-
9 lence of human trafficking at the national and
10 regional levels;

11 (B) the effectiveness of current policies
12 and procedures to address the needs of victims
13 of trafficking; and

14 (C) an analysis of demographic character-
15 istics of victims of trafficking in different re-
16 gions of the United States and recommenda-
17 tions for how to address the unique
18 vulnerabilities of different victims.

19 (2) INPUT FROM RELEVANT PARTIES.—In de-
20 veloping the report under paragraph (1), the Attor-
21 ney General shall seek input from the United States
22 Advisory Council on Human Trafficking, victims of
23 trafficking, human trafficking survivor advocates,
24 service providers for victims of sex and labor traf-

1 ficking, and the President’s Interagency Task Force
2 on Human Trafficking.

3 (c) SURVEY.—Not later than 2 years after the date
4 of enactment of this Act, the Attorney General, in coordi-
5 nation with Federal, State, local, and Tribal governments,
6 and private organizations, including victim service pro-
7 viders and expert researchers, shall develop and execute
8 a survey of survivors seeking and receiving victim assist-
9 ance services for the purpose of improving the provision
10 of services to human trafficking victims and victim identi-
11 fication in the United States. Survey results shall be made
12 publicly available on the website of the Department of Jus-
13 tice.

14 (d) NO ADDITIONAL FUNDS.—No additional funds
15 are authorized to carry out this section.

16 **SEC. 14404. REPORT ON PROSECUTORS SEEKING RESTITU-**
17 **TION IN TRAFFICKING CASES.**

18 Not later than 1 year after the date of enactment
19 of this Act, the Attorney General, in consultation with the
20 Administrative Office of the United States Courts, shall
21 submit to Congress a report on efforts to increase restitui-
22 tion to victims of human trafficking.

1 **SEC. 14405. SENSE OF CONGRESS ENCOURAGING STATES**
2 **TO ADOPT PROTECTIONS FOR VICTIMS OF**
3 **TRAFFICKING.**

4 Congress recognizes and applauds the State legisla-
5 tive bodies that have taken tremendous steps to adopt pro-
6 tections and services for victims of trafficking. Congress
7 encourages States to—

8 (1) uphold the dignity of human trafficking sur-
9 vivors;

10 (2) ensure the safety, confidentiality, and well-
11 being of victims of trafficking, while recognizing
12 symptoms of trauma and coping mechanisms that
13 may impact victims' interactions with law enforce-
14 ment, the justice system, and service providers;

15 (3) implement screening mechanisms to identify
16 and extend appropriate services to children in the
17 custody of child protective services agencies, the ju-
18 venile justice system, or the criminal justice system
19 who are victims of trafficking;

20 (4) promote greater access to child welfare serv-
21 ices for, rather than criminalization of, child victims
22 of sex trafficking;

23 (5) develop a 24-hour emergency response plan
24 by which victims of human trafficking may receive
25 immediate protection, shelter, and support from a

1 victim assistance coordinator when those victims are
2 first identified;

3 (6) adopt protections for adult victims of traf-
4 ficking, such as protection if the victim's safety is at
5 risk, comprehensive trauma-informed, long-term, cul-
6 turally competent care and healing services, mental
7 health services to relieve traumatic stress, housing,
8 education (including, where appropriate, vocational
9 training and employment assistance), mentoring,
10 language assistance, drug and substance abuse serv-
11 ices, and legal services;

12 (7) ensure that child sex trafficking victims are
13 treated as children in need of child protective serv-
14 ices and receive appropriate care in the child wel-
15 fare, rather than juvenile justice, system;

16 (8) encourage the adoption of procedures for
17 human trafficking victims that are consistent with
18 those afforded to victims of sexual assault, rape,
19 child sexual abuse, or incest to allow human traf-
20 ficking victim to clear records, expunge convictions,
21 and vacate adjudications related to prostitution and
22 nonviolent offenses that arose as a direct result of
23 being trafficked, including protections for foreign
24 nationals who are being removed and those who are
25 losing or determined to be inadmissible for immigra-

1 tion benefits as a result of the aforementioned
2 human trafficking victim related conviction or ar-
3 rest; and

4 (9) ensure victims of trafficking, including
5 United States citizens, lawful permanent residents,
6 and foreign nationals are eligible for services.

7 **Subtitle SS—Wakeshia’s Law**

8 **SEC. 14501. SHORT TITLE.**

9 This subtitle may be cited as the “Family Notifica-
10 tion of Death in Custody or Life-Threatening Emergency
11 Act of 2020” or the “Wakiesha’s Law”.

12 **SEC. 14502. PURPOSE.**

13 To encourage State, local and tribal jurisdictions to
14 implement and enforce appropriate and time-sensitive pro-
15 cedures to notify the next-of-kin or designated person
16 upon the death or life-threatening emergency of an indi-
17 vidual who is in the custody of law enforcement.

18 **SEC. 14503. COMPLIANCE AND INELIGIBILITY.**

19 (a) COMPLIANCE.—

20 (1) FEDERAL LAW ENFORCEMENT AGENCIES.—

21 Each Federal law enforcement agency shall take
22 such actions as may be necessary to ensure compli-
23 ance with the requirements of sections 14504 and
24 14505.

1 (2) STATES AND LOCALITIES.—For purposes of
2 this section, a State or unit of local government is
3 a noncompliant jurisdiction if that State or unit of
4 local government does not establish, implement, or
5 enforce a law, policy, or procedure to ensure compli-
6 ance with the requirements of sections 14504 and
7 14505.

8 (b) REDUCTION OF GRANT FUNDS.—For each fiscal
9 year beginning after the date of enactment of this Act,
10 a State shall be subject to a 10-percent reduction of the
11 funds that would otherwise be allocated for the fiscal year
12 to the State under subpart 1 of part E of title I of the
13 Omnibus Crime Control and Safe Streets Act of 1968 (42
14 U.S.C. 3750 et seq.), whether characterized as the Ed-
15 ward Byrne Memorial State and Local Law Enforcement
16 Assistance Programs, the Local Government Law En-
17 forcement Block Grants Program, the Edward Byrne Me-
18 morial Justice Assistance Grant Program, or otherwise,
19 if during the prior fiscal year—

20 (1) the State was a noncompliant jurisdiction;
21 or

22 (2) a unit of local government was a noncompli-
23 ant jurisdiction.

24 (c) REALLOCATION OF FUNDS.—Amounts not allo-
25 cated accordingly to a State for failure to fully comply

1 with this Act shall be reallocated under that program to
2 States that have complied with this Act.

3 **SEC. 14504. INFORMATION REQUIRED UPON ARREST OR**
4 **DETENTION.**

5 (a) IN GENERAL.—In the case of an individual taken
6 into the custody of a law enforcement agency, the agency
7 shall, at the time of taking custody, including during an
8 arrest, during or prior to booking or intake screening as
9 a new commitment, in transfer from another institution,
10 as a court return, as a return from a writ, or as a hold-
11 over, obtain basic identification information for the indi-
12 vidual, including his or her name, date of birth, and last
13 known address, as well as ensuring that the information
14 is accurate and complete. The individual may not be
15 placed into any correctional institution prior to the acqui-
16 sition and confirmation of such information.

17 (b) EMERGENCY NOTIFICATION INFORMATION.—The
18 receiving institution or agency shall also obtain the name,
19 relationship, and contact information, including mailing
20 address and one or more phone numbers, of at least one
21 person or next-of-kin to be notified in case of death or
22 emergency. In all instances where counsel has entered ap-
23 pearance on the record as a representative for the indi-
24 vidual, the attorney listed shall by default be listed as the
25 designated emergency contact. The attorney contact shall

1 be provided in addition to the contact or contacts provided
2 by the individual.

3 (c) NO USE IN PROCEEDINGS.—Under no cir-
4 cumstances may any information obtained for the purpose
5 of identifying a next-of-kin or designated emergency con-
6 tact be used in any criminal, civil or investigative pro-
7 ceeding against the individual.

8 **SEC. 14505. NOTIFICATION BY LAW ENFORCEMENT OF FAM-**
9 **ILY WITH REGARD TO DEATH OR LIFE-**
10 **THREATENING EMERGENCY OCCURRING TO**
11 **INDIVIDUAL IN CUSTODY.**

12 (a) DEATH NOTIFICATION MINIMUM STANDARDS.—
13 In the case of an individual who dies while in the custody
14 of a law enforcement agency:

15 (1) WRITTEN NOTIFICATION PLAN.—A law en-
16 forcement agency shall have a written notification
17 plan in place identifying all designated staff mem-
18 bers who are authorized, trained and prepared to de-
19 liver notification of death to the next-of-kin or des-
20 ignated contact in a professional and compassionate
21 manner.

22 (2) TIMEFRAME FOR NOTIFICATION.—In the
23 event an individual dies while in the custody of law
24 enforcement, such notification shall be delivered not
25 later than 3 hours after the declaration of death.

1 (3) MANNER OF NOTIFICATION.—To minimize
2 confusion and trauma suffered by the family or des-
3 ignated contact of the deceased, reasonable efforts
4 may be taken when practical to ensure that notifica-
5 tion is provided in-person and in a private setting.

6 (4) INFORMATION REQUIRED.—Such notifica-
7 tion shall include the official time of death, the
8 cause of death (if determined) and all pertinent cir-
9 cumstances surrounding the death, including wheth-
10 er the individual's death is under investigation and
11 the reason for opening an investigation.

12 (5) DOCUMENTATION OF ATTEMPTS.—All noti-
13 fication attempts shall be documented and main-
14 tained within the custodial record, including—

15 (A) the staff name and corresponding
16 agency or department contact information for
17 all those responsible for carrying out the notifi-
18 cation;

19 (B) the date and time of successful and
20 unsuccessful contacts;

21 (C) the names and contacts to which at-
22 tempts were made, and any reason for failed or
23 unsuccessful contact; and

24 (D) any incidents of unclaimed or rejected
25 claims for the body or property of the deceased,

1 including a detailed description of where any
2 unclaimed bodies and property have been dis-
3 posed of.

4 (b) AUTOPSY NOTIFICATIONS.—In the case of an in-
5 dividual who dies while in the custody of a law enforce-
6 ment agency, if an autopsy of that individual is required:

7 (1) NOTIFICATION.—The next-of-kin or des-
8 ignated contacts shall be informed immediately upon
9 any determination that an autopsy shall be per-
10 formed, and such notification shall include the rea-
11 son that the autopsy is being performed.

12 (2) RESULTS REPORTED.—A copy of the au-
13 topsy report and results shall be made available to
14 the next-of-kin or designated contact immediately
15 upon completion.

16 (3) INDEPENDENT AUTOPSY.—The State and
17 the next of kin shall have the opportunity to perform
18 a separate autopsy.

19 (c) LIFE-THREATENING EMERGENCY NOTIFICATION
20 MINIMUM STANDARDS.—In the case of any life-threat-
21 ening event occurring to an individual in the custody of
22 a law enforcement agency:

23 (1) WRITTEN NOTIFICATION PLAN.—A law en-
24 forcement agency shall have a written notification
25 plan in place identifying all designated staff mem-

1 bers who are authorized, trained and prepared to de-
2 liver notification of a life-threatening event to the
3 next-of-kin or designated contact in a professional
4 and compassionate manner.

5 (2) TIMEFRAME FOR NOTIFICATION.—Notice to
6 the designated emergency contact shall be made as
7 soon as practicable after the life-threatening event
8 occurs, and, where practicable without delaying
9 treatment, prior to any required medical procedure,
10 but in any event, not later than any medical dis-
11 charge or clearance.

12 (3) MANNER OF NOTIFICATION.—To minimize
13 confusion and trauma suffered by the family or des-
14 ignated contact of the individual who has suffered a
15 life-threatening event, reasonable efforts may be
16 taken when practical to ensure that notification is
17 made in-person and in a private setting.

18 (4) INFORMATION REQUIRED.—Such notifica-
19 tion shall include details of the life-threatening
20 event, including—

21 (A) whether the individual is incapacitated,
22 unconscious, or unable to speak;

23 (B) the cause and nature of the life-threat-
24 ening event;

1 (C) whether any medical procedures or life-
2 saving measures were performed in response to
3 the life-threatening event; and

4 (D) whether any medical followup is rec-
5 ommended and the nature of the recommended
6 followup.

7 (5) DOCUMENTATION OF ATTEMPTS.—All noti-
8 fication attempts shall be documented and main-
9 tained within the custodial record, including—

10 (A) the staff name and corresponding
11 agency or department contact information for
12 all those responsible for carrying out the notifi-
13 cation;

14 (B) the date and time of successful and
15 unsuccessful contacts; and

16 (C) the names and contacts to which at-
17 tempts were made, and any reason for failed or
18 unsuccessful contact.

19 **SEC. 14506. REPORT TO ATTORNEY GENERAL.**

20 Section 2(b) of the Death in Custody Reporting Act
21 of 2013 (42 U.S.C. 13727(b)) is amended—

22 (1) in paragraph (3), by striking “and” at the
23 end;

24 (2) in paragraph (4), by striking the period at
25 the end and inserting a semicolon; and

1 (3) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) the date and time notification of death was
4 provided to the next of kin or designated contact;

5 “(6) the date and time of each unsuccessful no-
6 tification attempt was made; and

7 “(7) a detailed description of where any un-
8 claimed bodies and property have been disposed of,
9 including the amount of time lapsed prior to taking
10 such action.”.

11 **SEC. 14507. DEFINITIONS.**

12 In this Act:

13 (1) IN CUSTODY OF A LAW ENFORCEMENT
14 AGENCY.—The term “in the custody of a law en-
15 forcement agency” means, with regard to an indi-
16 vidual, that the individual is detained, under arrest,
17 or is in the process of being arrested, is en route to
18 be incarcerated, or is incarcerated at a municipal or
19 county jail, State prison, State-run boot camp pris-
20 on, boot camp prison that is contracted out by the
21 State, any State or local contract facility, or other
22 local, tribal or State correctional facility, including a
23 juvenile facility or a medical or mental health facil-
24 ity.

1 (2) CUSTODIAL RECORD.—The term “custodial
2 record” means the central file of an individual in
3 custody.

4 (3) JUVENILE FACILITY.—The term “juvenile
5 facility” includes juvenile or youth detention center,
6 placement facility, group home or other State, pri-
7 vate or contracted unit maintaining the custody of
8 a youth under court order or law enforcement ac-
9 tion.

10 (4) LIFE-THREATENING.—The term “life-
11 threatening event” means a medical event, episode,
12 condition, or accident—

13 (A) where, without immediate treatment
14 for the condition, death is eminent;

15 (B) where hospitalization is required be-
16 cause of a serious, life-threatening medical or
17 surgical condition that requires immediate
18 treatment; or

19 (C) where an individual is unconscious or
20 incapacitated such that they are incapable of
21 providing consent for medical treatment.

1 **Subtitle TT—Violence Against**
2 **Women Reauthorization Act of**
3 **2020**

4 **SEC. 14601. SHORT TITLE.**

5 This subtitle may be cited as the “Violence Against
6 Women Reauthorization Act of 2020”.

7 **SEC. 14602. UNIVERSAL DEFINITIONS AND GRANT CONDI-**
8 **TIONS.**

9 Section 40002 of the Violence Against Women Act
10 of 1994 (34 U.S.C. 12291) is amended—

11 (1) in subsection (a)—

12 (A) by striking “In this title” and insert-
13 ing “In this title, including for the purpose of
14 grants authorized under this Act”;

15 (B) by redesignating paragraphs (34)
16 through (45) as paragraphs (42) through (53);

17 (C) by inserting after paragraph (33) the
18 following:

19 “(39) INTERNET ENABLED DEVICE.—The term
20 ‘internet enabled device’ means devices that have a
21 connection the Internet, send and receive informa-
22 tion and data, and maybe accessed via mobile device
23 technology, video technology, or computer tech-
24 nology, away from the location where the device is

1 installed, and may include home automation sys-
2 tems, door locks, and thermostats.

3 “(40) TECHNOLOGICAL ABUSE.—The term
4 ‘technological abuse’ means behavior intended to
5 harm, threaten, intimidate, control, stalk, harass,
6 impersonate, or monitor, except as otherwise per-
7 mitted by law, another person, that occurs using the
8 Internet, internet enabled devices, social networking
9 sites, computers, mobile devices, cellular telephones,
10 apps, location tracking devices, instant messages,
11 text messages, or other forms of technology. Techno-
12 logical abuse may include—

13 “(A) unwanted, repeated telephone calls,
14 text messages, instant messages, or social
15 media posts;

16 “(B) non-consensual accessing e-mail ac-
17 counts, texts or instant messaging accounts, so-
18 cial networking accounts, or cellular telephone
19 logs;

20 “(C) controlling or restricting a person’s
21 ability to access technology with the intent to
22 isolate them from support and social connec-
23 tion;

1 “(D) using tracking devices or location
2 tracking software for the purpose of monitoring
3 or stalking another person’s location;

4 “(E) impersonating a person (including
5 through the use of spoofing technology in photo
6 or video or the creation of accounts under a
7 false name) with the intent to deceive or cause
8 harm; or

9 “(F) sharing or urging or compelling the
10 sharing of another person’s private information,
11 photographs, or videos without their consent.

12 “(41) FEMALE GENITAL MUTILATION.—The
13 terms ‘female genital mutilation’, ‘female genital
14 cutting’, ‘FGM/C’, or ‘female circumcision’ mean the
15 intentional removal or infibulation (or both) of either
16 the whole or part of the external female genitalia for
17 non-medical reasons. External female genitalia in-
18 cludes the pubis, labia minora, labia majora, clitoris,
19 and urethral and vaginal openings.”;

20 (D) in paragraph (19)(B), by striking
21 “and probation” and inserting “probation, and
22 vacatur or expungement”;

23 (E) by redesignating paragraphs (13)
24 through (33) as paragraphs (18) through (38);

1 (F) by striking paragraphs (11) and (12)
2 and inserting the following:

3 “(13) DIGITAL SERVICES.—The term ‘digital
4 services’ means services, resources, information, sup-
5 port or referrals provided through electronic commu-
6 nications platforms and media, whether via mobile
7 device technology, video technology, or computer
8 technology, including utilizing the internet, as well
9 as any other emerging communications technologies
10 that are appropriate for the purposes of providing
11 services, resources, information, support, or referrals
12 for the benefit of victims of domestic violence, dating
13 violence, sexual assault, or stalking.

14 “(14) ECONOMIC ABUSE.—The term ‘economic
15 abuse’, in the context of domestic violence, dating vi-
16 olence, and abuse in later life, means behavior that
17 is coercive, deceptive, or unreasonably controls or re-
18 strains a person’s ability to acquire, use, or maintain
19 economic resources to which they are entitled, in-
20 cluding using coercion, fraud, or manipulation to—

21 “(A) restrict a person’s access to money,
22 assets, credit, or financial information;

23 “(B) unfairly use a person’s personal eco-
24 nomic resources, including money, assets, and
25 credit, for one’s own advantage; or

1 “(C) exert undue influence over a person’s
2 financial and economic behavior or decisions,
3 including forcing default on joint or other fi-
4 nancial obligations, exploiting powers of attor-
5 ney, guardianship, or conservatorship, or failing
6 or neglecting to act in the best interests of a
7 person to whom one has a fiduciary duty.

8 “(15) ELDER ABUSE.—The term ‘elder abuse’
9 has the meaning given that term in section 2 of the
10 Elder Abuse Prevention and Prosecution Act. The
11 terms ‘abuse,’ ‘elder,’ and ‘exploitation’ have the
12 meanings given those terms in section 2011 of the
13 Social Security Act (42 U.S.C. 1397j).

14 “(16) FORCED MARRIAGE.—The term ‘forced
15 marriage’ means a marriage to which one or both
16 parties do not or cannot consent, and in which one
17 or more elements of force, fraud, or coercion is
18 present. Forced marriage can be both a cause and
19 a consequence of domestic violence, dating violence,
20 sexual assault or stalking.

21 “(17) HOMELESS.—The term ‘homeless’ has
22 the meaning given such term in section 41403(6).”;

23 (G) by redesignating paragraphs (9) and
24 (10) as paragraphs (11) and (12), respectively;

1 (H) by amending paragraph (8) to read as
2 follows:

3 “(10) DOMESTIC VIOLENCE.—The term ‘domes-
4 tic violence’ means a pattern of behavior involving
5 the use or attempted use of physical, sexual, verbal,
6 emotional, economic, or technological abuse or any
7 other coercive behavior committed, enabled, or solie-
8 ited to gain or maintain power and control over a
9 victim, by a person who—

10 “(A) is a current or former spouse or dat-
11 ing partner of the victim, or other person simi-
12 larly situated to a spouse of the victim under
13 the family or domestic violence laws of the ju-
14 risdiction;

15 “(B) is cohabitating with or has
16 cohabitated with the victim as a spouse or dat-
17 ing partner, or other person similarly situated
18 to a spouse of the victim under the family or
19 domestic violence laws of the jurisdiction;

20 “(C) shares a child in common with the
21 victim;

22 “(D) is an adult family member of, or paid
23 or nonpaid caregiver for, a victim aged 50 or
24 older or an adult victim with disabilities; or

1 “(E) commits acts against a youth or adult
2 victim who is protected from those acts under
3 the family or domestic violence laws of the ju-
4 risdiction.”;

5 (I) by redesignating paragraphs (6) and
6 (7) as paragraphs (8) and (9), respectively;

7 (J) by amending paragraph (5) to read as
8 follows:

9 “(7) COURT-BASED AND COURT-RELATED PER-
10 SONNEL.—The terms ‘court-based personnel’ and
11 ‘court-related personnel’ mean persons working in
12 the court, whether paid or volunteer, including—

13 “(A) clerks, special masters, domestic rela-
14 tions officers, administrators, mediators, cus-
15 tody evaluators, guardians ad litem, lawyers,
16 negotiators, probation, parole, interpreters, vic-
17 tim assistants, victim advocates, and judicial,
18 administrative, or any other professionals or
19 personnel similarly involved in the legal process;

20 “(B) court security personnel;

21 “(C) personnel working in related, supple-
22 mentary offices or programs (such as child sup-
23 port enforcement); and

24 “(D) any other court-based or community-
25 based personnel having responsibilities or au-

1 thority to address domestic violence, dating vio-
2 lence, sexual assault, or stalking in the court
3 system.”;

4 (K) by redesignating paragraphs (2)
5 through (4) as paragraphs (4) through (6) re-
6 spectively;

7 (L) by inserting after paragraph (1) the
8 following:

9 “(3) ALTERNATIVE JUSTICE RESPONSE.—The
10 term ‘alternative justice response’ means a process,
11 whether court-ordered or community-based, that—

12 “(A) involves, on a voluntary basis, and to
13 the extent possible, those who have committed
14 a specific offense and those who have been
15 harmed as a result of the offense;

16 “(B) has the goal of collectively seeking ac-
17 countability from the accused, and developing a
18 process whereby the accused will take responsi-
19 bility for his or her actions, and a plan for pro-
20 viding relief to those harmed, through allocu-
21 tion, restitution, community service, or other
22 processes upon which the victim, the accused,
23 the community, and the court (if court-ordered)
24 can agree;

1 “(C) is conducted in a framework that pro-
2 tects victim safety and supports victim auton-
3 omy; and

4 “(D) provides that information disclosed
5 during such process may not be used for any
6 other law enforcement purpose, including im-
7 peachment or prosecution, without the express
8 permission of all participants.”;

9 (M) by redesignating paragraph (1) as
10 paragraph (2); and

11 (N) by inserting before paragraph (2) (as
12 redesignated in subparagraph (M) of this para-
13 graph) the following:

14 “(1) ABUSE IN LATER LIFE.—The term ‘abuse
15 in later life’ means neglect, abandonment, domestic
16 violence, dating violence, sexual assault, or stalking
17 of an adult over the age of 50 by any person, or eco-
18 nomic abuse of that adult by a person in an ongoing,
19 relationship of trust with the victim. Self-neglect is
20 not included in this definition.”;

21 (2) in subsection (b)—

22 (A) in paragraph (2)—

23 (i) by redesignating subparagraphs
24 (F) and (G) as subparagraphs (H) and (I);

1 (ii) by inserting after subparagraph
2 (E) the following:

3 “(G) DEATH OF THE PARTY WHOSE PRI-
4 VACY HAD BEEN PROTECTED.—In the event of
5 the death of any victim whose confidentiality
6 and privacy is required to be protected under
7 this subsection, such requirement shall continue
8 to apply, and the right to authorize release of
9 any confidential or protected information be
10 vested in the next of kin, except that consent
11 for release of the deceased victim’s information
12 may not be given by a person who had per-
13 petrated abuse against the deceased victim.”;

14 (iii) by redesignating subparagraphs
15 (D) through (E) as subparagraphs (E)
16 through (F); and

17 (iv) by inserting after subparagraph
18 (C) the following:

19 “(D) USE OF TECHNOLOGY.—Grantees
20 and subgrantees may use telephone, internet,
21 and other technologies to protect the privacy,
22 location and help-seeking activities of victims
23 using services. Such technologies may include—

24 “(i) software, apps or hardware that
25 block caller ID or conceal IP addresses, in-

cluding instances in which victims use digital services; or

“(ii) technologies or protocols that inhibit or prevent a perpetrator’s attempts to use technology or social media to threaten, harass or harm the victim, the victim’s family, friends, neighbors or co-workers, or the program providing services to them.”;

(B) in paragraph (3), by inserting after “designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking” the following: “provided that the confidentiality and privacy requirements of this title are maintained, and that personally identifying information about adult, youth, and child victims of domestic violence, dating violence, sexual assault and stalking is not requested or included in any such collaboration or information-sharing”;

(C) in paragraph (6), by adding at the end the following: “However, such disbursing agencies must ensure that the confidentiality and privacy requirements of this title are maintained in making such reports, and that personally identifying information about adult, youth

1 and child victims of domestic violence, dating
2 violence, sexual assault and stalking is not re-
3 quested or included in any such reports.”;

4 (D) in paragraph (11), by adding at the
5 end the following: “The Office on Violence
6 Against Women shall make all technical assist-
7 ance available as broadly as possible to any ap-
8 propriate grantees, subgrantees, potential
9 grantees, or other entities without regard to
10 whether the entity has received funding from
11 the Office on Violence Against Women for a
12 particular program or project.”;

13 (E) in paragraph (13)—

14 (i) in subparagraph (A), by inserting
15 after “the Violence Against Women Reau-
16 thorization Act of 2013” the following:
17 “(Public Law 113–4; 127 Stat. 54)”;

18 (ii) in subparagraph (C), by striking
19 “section 3789d of title 42, United States
20 Code” and inserting “section 809 of title I
21 of the Omnibus Crime Control and Safe
22 Streets Act of 1968 (34 U.S.C. 10228)”;

23 (F) in paragraph (14), by inserting after
24 “are also victims of” the following: “forced
25 marriage, or”; and

1 (G) in paragraph (16)—

2 (i) in subparagraph (C)(i), by striking
3 “\$20,000 in Department funds, unless the
4 Deputy Attorney General” and inserting
5 “\$100,000 in Department funds, unless
6 the Director or Principal Deputy Director
7 of the Office on Violence Against Women,
8 the Deputy Attorney General,”; and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(E) INELIGIBILITY.—If the Attorney
12 General finds that a recipient of grant funds
13 under this Act has fraudulently misused such
14 grant funds, after reasonable notice and oppor-
15 tunity for a hearing, such recipient shall not be
16 eligible to receive grant funds under this Act
17 for up to 5 years. A misuse of grant funds or
18 an error that does not rise to the level of fraud
19 is not grounds for ineligibility.”; and

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

21 “(c) RULE OF CONSTRUCTION.—For purposes of this
22 Act, nothing may be construed to preclude the term ‘do-
23 mestic violence’ from including economic abuse each place
24 the term ‘domestic violence’ occurs unless doing so would
25 trigger an extension of effective date under section

1 703(f)(1)(B) of the Violence Against Women Reauthoriza-
2 tion Act of 2019.”.

3 **SEC. 14603. REPORTING ON FEMALE GENITAL MUTILATION,**
4 **FEMALE GENITAL CUTTING, OR FEMALE CIR-**
5 **CUMCISION.**

6 (a) IN GENERAL.—The Director of the Federal Bu-
7 reau of Investigation shall, pursuant to section 534 of title
8 28, United States Code, classify the offense of female gen-
9 ital mutilation, female genital cutting, or female circumci-
10 sion as a part II crime in the Uniform Crime Reports.

11 (b) DEFINITION.—In this section, the terms “female
12 genital mutilation”, “female genital cutting”, “FGM/C”,
13 or “female circumcision” mean the intentional removal or
14 infibulation (or both) of either the whole or part of the
15 external female genitalia for non-medical reasons. Exter-
16 nal female genitalia includes the pubis, labia minora, labia
17 majora, clitoris, and urethral and vaginal openings.

18 **SEC. 14604. AGENCY AND DEPARTMENT COORDINATION.**

19 The heads of Executive Departments responsible for
20 carrying out this Act are authorized to coordinate and col-
21 laborate on the prevention of domestic violence, dating vio-
22 lence, sexual assault, and stalking, including sharing best
23 practices and efficient use of resources and technology for
24 victims and those seeking assistance from the Govern-
25 ment.

1 **PART 1—ENHANCING LEGAL TOOLS TO COMBAT**
2 **DOMESTIC VIOLENCE, DATING VIOLENCE,**
3 **SEXUAL ASSAULT, AND STALKING**

4 **SEC. 14611. STOP GRANTS.**

5 (a) IN GENERAL.—Part T of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
7 10441 et seq.) is amended—

8 (1) in section 2001(b)—

9 (A) in paragraph (3), by inserting before
10 the semicolon at the end the following: “includ-
11 ing implementation of the non-discrimination
12 requirements in section 40002(b)(13) of the Vi-
13 olence Against Women Act of 1994”;

14 (B) in paragraph (9)—

15 (i) by striking “older and disabled
16 women” and inserting “people 50 years of
17 age or over and people with disabilities”;
18 and

19 (ii) by striking “older and disabled in-
20 dividuals” and inserting “people”;

21 (C) in paragraph (19), by striking “and”
22 at the end;

23 (D) in paragraph (20), by striking the pe-
24 riod at the end and inserting a semicolon; and

25 (E) by inserting after paragraph (20), the
26 following:

1 “(21) developing and implementing laws, poli-
2 cies, procedures, or training to ensure the lawful re-
3 covery and storage of any dangerous weapon by the
4 appropriate law enforcement agency from an adju-
5 dicated perpetrator of any offense of domestic vio-
6 lence, dating violence, sexual assault, or stalking,
7 and the return of such weapon when appropriate,
8 where any Federal, State, tribal, or local court
9 has—

10 “(A)(i) issued protective or other restrain-
11 ing orders against such a perpetrator; or

12 “(ii) found such a perpetrator to be guilty
13 of misdemeanor or felony crimes of domestic vi-
14 olence, dating violence, sexual assault, or stalk-
15 ing; and

16 “(B) ordered the perpetrator to relinquish
17 dangerous weapons that the perpetrator pos-
18 sesses or has used in the commission of at least
19 one of the aforementioned crimes;

20 Policies, procedures, protocols, laws, regulations, or
21 training under this section shall include the safest
22 means of recovery of, and best practices for storage
23 of, relinquished and recovered dangerous weapons
24 and their return, when applicable, at such time as
25 the individual is no longer prohibited from pos-

1 sessing such weapons under Federal, State, or Trib-
2 al law, or posted local ordinances;

3 “(22) developing, enlarging, or strengthening
4 culturally specific victim services programs to pro-
5 vide culturally specific victim services regarding, re-
6 sponses to, and prevention of female genital mutila-
7 tion, female genital cutting, or female circumcision;

8 “(23) providing victim advocates in State or
9 local law enforcement agencies, prosecutors’ offices,
10 and courts and providing supportive services and ad-
11 vocacy to urban American Indian and Alaska Native
12 victims of domestic violence, dating violence, sexual
13 assault, and stalking.”;

14 (2) in section 2007—

15 (A) in subsection (d)—

16 (i) by redesignating paragraphs (5)
17 and (6) as paragraphs (7) and (8), respec-
18 tively; and

19 (ii) by inserting after paragraph (4)
20 the following:

21 “(5) proof of compliance with the requirements
22 regarding protocols to strongly discourage compel-
23 ling victim testimony, described in section 2017;

24 “(6) proof of compliance with the requirements
25 regarding civil rights under section 40002(b)(13) of

1 the Violent Crime Control and Law Enforcement
2 Act of 1994;”;

3 (B) in subsection (i)—

4 (i) in paragraph (1), by inserting be-
5 fore the semicolon at the end the following:

6 “and the requirements under section
7 40002(b) of the Violent Crime Control and
8 Law Enforcement Act of 1994 (34 U.S.C.
9 12291(b))”; and

10 (ii) in paragraph (2)(C)(iv), by insert-
11 ing after “ethnicity,” the following: “sexual
12 orientation, gender identity,”; and

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

14 “(k) REVIEWS FOR COMPLIANCE WITH NON-
15 DISCRIMINATION REQUIREMENTS.—

16 “(1) IN GENERAL.—If allegations of discrimina-
17 tion in violation of section 40002(b)(13)(A) of the
18 Violence Against Women Act of 1994 (34 U.S.C.
19 12291(b)(13)(A)) by a potential grantee under this
20 part have been made to the Attorney General, the
21 Attorney General shall, prior to awarding a grant
22 under this part to such potential grantee, conduct a
23 review of the compliance of the potential grantee
24 with such section.

1 “(2) ESTABLISHMENT OF RULE.—Not later
2 than 1 year after the date of enactment of the Vio-
3 lence Against Women Reauthorization Act of 2019,
4 the Attorney General shall by rule establish proce-
5 dures for such a review.

6 “(3) ANNUAL REPORT.—Beginning on the date
7 that is 1 year after the date of enactment of the Vio-
8 lence Against Women Reauthorization Act of 2019,
9 the Attorney General shall report to the Committees
10 on the Judiciary of the Senate and of the House of
11 Representatives regarding compliance with section
12 40002(b)(13)(A) of the Violence Against Women Act
13 of 1994 (34 U.S.C. 12291(b)(13)(A)) by recipients
14 of grants under this part.”; and

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

16 **“SEC. 2017. GRANT ELIGIBILITY REGARDING COMPELLING**
17 **VICTIM TESTIMONY.**

18 “In order to be eligible for a grant under this part,
19 a State, Indian tribal government, territorial government,
20 or unit of local government shall certify that, not later
21 than 3 years after the date of enactment of this section,
22 their laws, policies, or practices will include a detailed pro-
23 tocol to discourage the use of bench warrants, material
24 witness warrants, perjury charges, or other means of com-
25 pelling victim-witness testimony in the investigation, pros-

1 ecution, trial, or sentencing of a crime related to the do-
2 mestic violence, sexual assault, dating violence or stalking
3 of the victim.”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
5 1001(a)(18) of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (34 U.S.C. 10261(a)(18)) is amended
7 by striking “2014 through 2018” and inserting “2020
8 through 2024”.

9 **SEC. 14612. GRANTS TO IMPROVE THE CRIMINAL JUSTICE**
10 **RESPONSE.**

11 (a) HEADING.—Part U of title I of the Omnibus
12 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
13 10461 et seq.) is amended in the heading, by striking
14 “**GRANTS TO ENCOURAGE ARREST POLICIES**” and in-
15 serting “**GRANTS TO IMPROVE THE CRIMINAL JUS-**
16 **TICE RESPONSE**”.

17 (b) GRANTS.—Section 2101 of the Omnibus Crime
18 Control and Safe Streets Act of 1968 (34 U.S.C. 10461)
19 is amended—

20 (1) by striking subsection (a) and inserting the
21 following:

22 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
23 this part is to assist States, State and local courts (includ-
24 ing juvenile courts), Indian tribal governments, tribal
25 courts, and units of local government to develop and

1 strengthen effective law enforcement and prosecution
2 strategies to combat violent crimes against women, and
3 to develop and strengthen victim services in cases involv-
4 ing violent crimes against women.”;

5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking
7 “proarrest” and inserting “offender account-
8 ability and homicide reduction”;

9 (B) in paragraph (8)—

10 (i) by striking “older individuals (as
11 defined in section 102 of the Older Ameri-
12 cans Act of 1965 (42 U.S.C. 3002))” and
13 inserting “people 50 years of age or over”;
14 and

15 (ii) by striking “individuals with dis-
16 abilities (as defined in section 3(2) of the
17 Americans with Disabilities Act of 1990
18 (42 U.S.C. 12102(2)))” and inserting
19 “people with disabilities (as defined in the
20 Americans with Disabilities Act of 1990
21 (42 U.S.C. 12102))”;

22 (C) in paragraph (19), by inserting before
23 the period at the end the following “, including
24 victims among underserved populations (as de-

1 fined in section 40002(a)(46) of the Violence
2 Against Women Act of 1994)”; and

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

4 “(23) To develop and implement an alternative
5 justice response (as such term is defined in section
6 40002(a) of the Violence Against Women Act of
7 1994).

8 “(24) To develop and implement policies, proce-
9 dures, protocols, laws, regulations, or training to en-
10 sure the lawful recovery and storage of any dan-
11 gerous weapon by the appropriate law enforcement
12 agency from an adjudicated perpetrator of any of-
13 fense of domestic violence, dating violence, sexual as-
14 sault, or stalking, and the return of such weapon
15 when appropriate, where any Federal, State, tribal,
16 or local court has—

17 “(A)(i) issued protective or other restrain-
18 ing orders against such a perpetrator; or

19 “(ii) found such a perpetrator to be guilty
20 of misdemeanor or felony crimes of domestic vi-
21 olence, dating violence, sexual assault, or stalk-
22 ing; and

23 “(B) ordered the perpetrator to relinquish
24 dangerous weapons that the perpetrator pos-

1 sesses or has used in the commission of at least
2 one of the aforementioned crimes.

3 Policies, procedures, protocols, laws, regulations, or
4 training under this section shall include the safest
5 means of recovery of and best practices for storage
6 of relinquished and recovered dangerous weapons
7 and their return, when applicable, at such time as
8 the persons are no longer prohibited from possessing
9 such weapons under Federal, State, Tribal or munic-
10 ipal law.”; and

11 (3) in subsection (c)(1)—

12 (A) in subparagraph (A)—

13 (i) in clause (i), by striking “encour-
14 age or mandate arrests of domestic vio-
15 lence offenders” and inserting “encourage
16 arrests of offenders”; and

17 (ii) in clause (ii), by striking “encour-
18 age or mandate arrest of domestic violence
19 offenders” and inserting “encourage arrest
20 of offenders”; and

21 (B) by inserting after subparagraph (E)

22 the following:

23 “(F) certify that, not later than 3 years
24 after the date of the enactment of this subpara-
25 graph, their laws, policies, or practices will in-

1 clude a detailed protocol to strongly discourage
2 the use of bench warrants, material witness
3 warrants, perjury charges, or other means of
4 compelling victim-witness testimony in the in-
5 vestigation, prosecution, trial, or sentencing of
6 a crime related to the domestic violence, sexual
7 assault, dating violence or stalking of the vic-
8 tim; and”.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
10 1001(a)(19) of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (34 U.S.C. 10261(a)(19)) is amended
12 by striking “2014 through 2018” and inserting “2020
13 through 2024”.

14 **SEC. 14613. LEGAL ASSISTANCE FOR VICTIMS.**

15 (a) IN GENERAL.—Section 1201 of division B of the
16 Victims of Trafficking and Violence Protection Act of
17 2000 (34 U.S.C. 20121) is amended—

18 (1) in subsection (a), by inserting after “no cost
19 to the victims.” the following: “When legal assist-
20 ance to a dependent is necessary for the safety of a
21 victim, such assistance may be provided.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1), by inserting after
24 “stalking, and sexual assault” the following: “,

1 or for dependents when necessary for the safety
2 of a victim”;

3 (B) in paragraph (2), by inserting after
4 “stalking, and sexual assault” the following: “,
5 or for dependents when necessary for the safety
6 of a victim,”; and

7 (C) in paragraph (3), by inserting after
8 “sexual assault, or stalking” the following: “, or
9 for dependents when necessary for the safety of
10 a victim,”; and

11 (3) in subsection (f)(1), by striking “2014
12 through 2018” and inserting “2020 through 2024”.

13 (b) GAO REPORT.—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall submit to Congress a report
16 on the return on investment for legal assistance grants
17 awarded pursuant to section 1201 of division B of the Vic-
18 tims of Trafficking and Violence Protection Act of 2000
19 (34 U.S.C. 20121), including an accounting of the amount
20 saved, if any, on housing, medical, or employment social
21 welfare programs.

1 **SEC. 14614. GRANTS TO SUPPORT FAMILIES IN THE JUS-**
2 **TICE SYSTEM.**

3 Section 1301 of division B of the Victims of Traf-
4 ficking and Violence Protection Act of 2000 (34 U.S.C.
5 12464) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (7), by striking “and” at
8 the end;

9 (B) in paragraph (8)—

10 (i) by striking “to improve” and in-
11 serting “improve”; and

12 (ii) by striking the period at the end
13 and inserting “; and”; and

14 (C) by inserting after paragraph (8) the
15 following:

16 “(9) develop and implement an alternative jus-
17 tice response (as such term is defined in section
18 40002(a) of the Violence Against Women Act of
19 1994).”; and

20 (2) in subsection (e), by striking “2014 through
21 2018” and inserting “2020 through 2024”.

22 **SEC. 14615. OUTREACH AND SERVICES TO UNDERSERVED**
23 **POPULATIONS GRANTS.**

24 Section 120 of the Violence Against Women and De-
25 partment of Justice Reauthorization Act of 2005 (34
26 U.S.C. 20123) is amended—

1 (1) in subsection (d)—

2 (A) in paragraph (4), by striking “or” at
3 the end;

4 (B) in paragraph (5), by striking the pe-
5 riod at the end and inserting “; or”; and

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

7 “(6) developing, enlarging, or strengthening
8 culturally specific programs and projects to provide
9 culturally specific services regarding, responses to,
10 and prevention of female genital mutilation, female
11 genital cutting, or female circumcision.”; and

12 (2) in subsection (g), by striking “2014 through
13 2018” and inserting “2020 through 2024”.

14 **SEC. 14616. CRIMINAL PROVISIONS.**

15 Section 2265 of title 18, United States Code, is
16 amended—

17 (1) in subsection (d)(3)—

18 (A) by striking “restraining order or in-
19 junction,”; and

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

21 “The prohibition under this paragraph applies
22 to all protection orders for the protection of a
23 person residing within a State, territorial, or
24 tribal jurisdiction, whether or not the protection

1 order was issued by that State, territory, or
2 Tribe.”; and

3 (2) in subsection (e), by adding at the end the
4 following: “This applies to all Alaska tribes without
5 respect to ‘Indian country’ or the population of the
6 Native village associated with the Tribe.”.

7 **SEC. 14617. RAPE SURVIVOR CHILD CUSTODY.**

8 Section 409 of the Justice for Victims of Trafficking
9 Act of 2015 (34 U.S.C. 21308) is amended by striking
10 “2015 through 2019” and inserting “2020 through
11 2024”.

12 **SEC. 14618. ENHANCING CULTURALLY SPECIFIC SERVICES**
13 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**
14 **ING VIOLENCE, SEXUAL ASSAULT, AND**
15 **STALKING.**

16 Section 121(a) of the Violence Against Women and
17 Department of Justice Reauthorization Act of 2005 (34
18 U.S.C. 20124(a)) is amended by adding at the end the
19 following:

20 “(3) **ADDITIONAL AUTHORIZATION OF APPRO-**
21 **PRIATIONS.**—In addition to the amounts made avail-
22 able under paragraph (1), there are authorized to be
23 appropriated to carry out this section \$2,000,000 for
24 each of fiscal years 2020 through 2024.”.

1 **SEC. 14619. GRANTS FOR LETHALITY ASSESSMENT PRO-**
2 **GRAMS.**

3 (a) IN GENERAL.—The Attorney General may make
4 grants to States, units of local government, Indian tribes,
5 domestic violence victim service providers, and State or
6 Tribal Domestic Violence Coalitions for technical assist-
7 ance and training in the operation or establishment of a
8 lethality assessment program.

9 (b) DEFINITION.—In this section, the term “lethality
10 assessment program” means a program that—

11 (1) rapidly connects a victim of domestic vio-
12 lence to local community-based victim service pro-
13 viders;

14 (2) helps first responders and others in the jus-
15 tice system, including courts, law enforcement agen-
16 cies, and prosecutors of tribal government and units
17 of local government, identify and respond to possibly
18 lethal circumstances; and

19 (3) identifies victims of domestic violence who
20 are at high risk of being seriously injured or killed
21 by an intimate partner.

22 (c) QUALIFICATIONS.—To be eligible for a grant
23 under this section, an applicant shall demonstrate experi-
24 ence in developing, implementing, evaluating, and dissemi-
25 nating a lethality assessment program.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$5,000,000 to carry out
3 this section for each of fiscal years 2020 through 2024.

4 (e) DEFINITIONS.—Terms used in this section have
5 the meanings given such terms in section 40002 of the
6 Violence Against Women Act of 1994.

7 **PART 2—IMPROVING SERVICES FOR VICTIMS**

8 **SEC. 14621. SEXUAL ASSAULT SERVICES PROGRAM.**

9 Section 41601 of the Violent Crime Control and Law
10 Enforcement Act of 1994 (34 U.S.C. 12511) is amend-
11 ed—

12 (1) in subsection (b)(4), by striking “0.25 per-
13 cent” and inserting “0.5 percent”; and

14 (2) in subsection (f)(1), by striking “2014
15 through 2018” and inserting “2020 through 2024”.

16 **SEC. 14622. SEXUAL ASSAULT SERVICES PROGRAM.**

17 Section 41601(f)(1) of the Violent Crime Control and
18 Law Enforcement Act of 1994 (34 U.S.C. 12511(f)(1))
19 is amended by striking “\$40,000,000 to remain available
20 until expended for each of fiscal years 2014 through
21 2018” and inserting “\$60,000,000 to remain available
22 until expended for each of fiscal years 2020 through
23 2024”.

1 **SEC. 14623. RURAL DOMESTIC VIOLENCE, DATING VIO-**
2 **LENCE, SEXUAL ASSAULT, STALKING, AND**
3 **CHILD ABUSE ENFORCEMENT ASSISTANCE**
4 **PROGRAM.**

5 Section 40295 of the Violent Crime Control and Law
6 Enforcement Act of 1994 (34 U.S.C. 12341) is amend-
7 ed—

8 (1) in subsection (a)(3), by striking “women”
9 and inserting “adults, youth,”; and

10 (2) in subsection (e)(1), by striking “2014
11 through 2018” and inserting “2020 through 2024”.

12 **SEC. 14624. TRAINING AND SERVICES TO END VIOLENCE**
13 **AGAINST PEOPLE WITH DISABILITIES.**

14 Section 1402 of division B of the Victims of Traf-
15 ficking and Violence Protection Act of 2000 (34 U.S.C.
16 20122) is amended—

17 (1) in the heading, by striking “**WOMEN**” and
18 inserting “**PEOPLE**”;

19 (2) in subsection (a), by striking “individuals”
20 each place it appears and inserting “people”;

21 (3) in subsection (b)—

22 (A) by striking “disabled individuals” each
23 place it appears and inserting “people with dis-
24 abilities”;

1 (B) in paragraph (3), by inserting after
 2 “law enforcement” the following: “and other
 3 first responders”; and

4 (C) in paragraph (8), by striking “pro-
 5 viding advocacy and intervention services with-
 6 in” and inserting “to enhance the capacity of”;

7 (4) in subsection (c), by striking “disabled indi-
 8 viduals” and inserting “people with disabilities”; and
 9 (5) in subsection (e), by striking “2014 through
 10 2018” and inserting “2020 through 2024”.

11 **SEC. 14625. TRAINING AND SERVICES TO END ABUSE IN**
 12 **LATER LIFE.**

13 Section 40801 of the Violent Crime Control and Law
 14 Enforcement Act of 1994 (34 U.S.C. 12421)—

15 (1) in the heading, by striking “**ENHANCED**
 16 **TRAINING**” and inserting “**TRAINING**”;

17 (2) by striking subsection “(a) DEFINITIONS.—
 18 In this section—” and all that follows through para-
 19 graph (1) of subsection (b) and inserting the fol-
 20 lowing: “The Attorney General shall make grants to
 21 eligible entities in accordance with the following.”;

22 (3) by redesignating paragraphs (2) through
 23 (5) of subsection (b) as paragraphs (1) through (4);

24 (4) in paragraph (1) (as redesignated by para-
 25 graph (3) of this subsection)—

1 (A) by striking “, including domestic vio-
2 lence, dating violence, sexual assault, stalking,
3 exploitation, and neglect” each place it appears;

4 (B) in subparagraph (A)—

5 (i) in clause (i), by inserting after
6 “elder abuse” the following: “and abuse in
7 later life”;

8 (ii) in clauses (ii) and (iii), by insert-
9 ing after “victims of” the following: “elder
10 abuse and”; and

11 (iii) in clause (iv), by striking “advo-
12 cates, victim service providers, and courts
13 to better serve victims of abuse in later
14 life” and inserting “leaders, victim advo-
15 cates, victim service providers, courts, and
16 first responders to better serve older vic-
17 tims”;

18 (C) in subparagraph (B)—

19 (i) in clause (i), by striking “or other
20 community-based organizations in recog-
21 nizing and addressing instances of abuse in
22 later life” and inserting “community-based
23 organizations, or other professionals who
24 may identify or respond to abuse in later
25 life”; and

1 (ii) in clause (ii), by inserting after
2 “victims of” the following: “elder abuse
3 and”; and

4 (D) in subparagraph (D), by striking “sub-
5 paragraph (B)(ii)” and inserting “paragraph
6 (2)(B)”;

7 (5) in paragraph (2) (as redesignated by para-
8 graph (3))—

9 (A) in subparagraph (A), by striking “over
10 50 years of age” and inserting “50 years of age
11 or over”; and

12 (B) in subparagraph (B), by striking “in
13 later life” and inserting “50 years of age or
14 over”; and

15 (6) in paragraph (4) (as redesignated by para-
16 graph (3)), by striking “2014 through 2018” and
17 inserting “2020 through 2024”.

18 **SEC. 14626. DEMONSTRATION PROGRAM ON TRAUMA-IN-**
19 **FORMED TRAINING FOR LAW ENFORCEMENT.**

20 Title IV of the Violent Crime Control and Law En-
21 forcement Act of 1994 (34 U.S.C. 10101 note) is amended
22 by adding at the end the following:

1 **“Subtitle Q—Trauma-informed**
2 **Training for Law Enforcement**

3 **“SEC. 41701. DEMONSTRATION PROGRAM ON TRAUMA-IN-**
4 **FORMED TRAINING FOR LAW ENFORCEMENT.**

5 “(a) DEFINITIONS.—In this section—

6 “(1) the term ‘Attorney General’ means the At-
7 torney General, acting through the Director of the
8 Office on Violence Against Women;

9 “(2) the term ‘covered individual’ means an in-
10 dividual who interfaces with victims of domestic vio-
11 lence, dating violence, sexual assault, and stalking,
12 including—

13 “(A) an individual working for or on behalf
14 of an eligible entity;

15 “(B) a school or university administrator;
16 and

17 “(C) an emergency services or medical em-
18 ployee;

19 “(3) the term ‘demonstration site’, with respect
20 to an eligible entity that receives a grant under this
21 section, means—

22 “(A) if the eligible entity is a law enforce-
23 ment agency described in paragraph (4)(A), the
24 area over which the eligible entity has jurisdic-
25 tion; and

1 “(B) if the eligible entity is an organiza-
2 tion or agency described in paragraph (4)(B),
3 the area over which a law enforcement agency
4 described in paragraph (4)(A) that is working
5 in collaboration with the eligible entity has ju-
6 risdiction; and

7 “(4) the term ‘eligible entity’ means—

8 “(A) a State, local, territorial, or Tribal
9 law enforcement agency; or

10 “(B) a national, regional, or local victim
11 services organization or agency working in col-
12 laboration with a law enforcement agency de-
13 scribed in subparagraph (A).

14 “(b) GRANTS AUTHORIZED.—

15 “(1) IN GENERAL.—The Attorney General shall
16 award grants on a competitive basis to eligible enti-
17 ties to carry out the demonstration program under
18 this section by implementing evidence-based or
19 promising policies and practices to incorporate trau-
20 ma-informed techniques designed to—

21 “(A) prevent re-traumatization of the vic-
22 tim;

23 “(B) ensure that covered individuals use
24 evidence-based practices to respond to and in-

1 vestigate cases of domestic violence, dating vio-
2 lence, sexual assault, and stalking;

3 “(C) improve communication between vic-
4 tims and law enforcement officers in an effort
5 to increase the likelihood of the successful in-
6 vestigation and prosecution of the reported
7 crime in a manner that protects the victim to
8 the greatest extent possible;

9 “(D) increase collaboration among stake-
10 holders who are part of the coordinated commu-
11 nity response to domestic violence, dating vio-
12 lence, sexual assault, and stalking; and

13 “(E) evaluate the effectiveness of the
14 training process and content by measuring—

15 “(i) investigative and prosecutorial
16 practices and outcomes; and

17 “(ii) the well-being of victims and
18 their satisfaction with the criminal justice
19 process.

20 “(2) TERM.—The Attorney General shall make
21 grants under this section for each of the first 2 fis-
22 cal years beginning after the date of enactment of
23 this Act.

24 “(3) AWARD BASIS.—The Attorney General
25 shall award grants under this section to multiple eli-

1 gible entities for use in a variety of settings and
2 communities, including—

3 “(A) urban, suburban, Tribal, remote, and
4 rural areas;

5 “(B) college campuses; or

6 “(C) traditionally underserved commu-
7 nities.

8 “(c) USE OF FUNDS.—An eligible entity that receives
9 a grant under this section shall use the grant to—

10 “(1) train covered individuals within the dem-
11 onstration site of the eligible entity to use evidence-
12 based, trauma-informed techniques and knowledge of
13 crime victims’ rights throughout an investigation
14 into domestic violence, dating violence, sexual as-
15 sault, or stalking, including by—

16 “(A) conducting victim interviews in a
17 manner that—

18 “(i) elicits valuable information about
19 the domestic violence, dating violence, sexual
20 assault, or stalking; and

21 “(ii) avoids re-traumatization of the
22 victim;

23 “(B) conducting field investigations that
24 mirror best and promising practices available at
25 the time of the investigation;

1 “(C) customizing investigative approaches
2 to ensure a culturally and linguistically appro-
3 priate approach to the community being served;

4 “(D) becoming proficient in understanding
5 and responding to complex cases, including
6 cases of domestic violence, dating violence, sex-
7 ual assault, or stalking—

8 “(i) facilitated by alcohol or drugs;

9 “(ii) involving strangulation;

10 “(iii) committed by a non-stranger;

11 “(iv) committed by an individual of
12 the same sex as the victim;

13 “(v) involving a victim with a dis-
14 ability;

15 “(vi) involving a male victim; or

16 “(vii) involving a lesbian, gay, bisex-
17 ual, or transgender (commonly referred to
18 as ‘LGBT’) victim;

19 “(E) developing collaborative relationships
20 between—

21 “(i) law enforcement officers and
22 other members of the response team; and

23 “(ii) the community being served; and

24 “(F) developing an understanding of how
25 to define, identify, and correctly classify a re-

1 port of domestic violence, dating violence, sex-
2 ual assault, or stalking; and

3 “(2) promote the efforts of the eligible entity to
4 improve the response of covered individuals to do-
5 mestic violence, dating violence, sexual assault, and
6 stalking through various communication channels,
7 such as the website of the eligible entity, social
8 media, print materials, and community meetings, in
9 order to ensure that all covered individuals within
10 the demonstration site of the eligible entity are
11 aware of those efforts and included in trainings, to
12 the extent practicable.

13 “(d) DEMONSTRATION PROGRAM TRAININGS ON
14 TRAUMA-INFORMED APPROACHES.—

15 “(1) IDENTIFICATION OF EXISTING
16 TRAININGS.—

17 “(A) IN GENERAL.—The Attorney General
18 shall identify trainings for law enforcement offi-
19 cers, in existence as of the date on which the
20 Attorney General begins to solicit applications
21 for grants under this section, that—

22 “(i) employ a trauma-informed ap-
23 proach to domestic violence, dating vio-
24 lence, sexual assault, and stalking; and

25 “(ii) focus on the fundamentals of—

1 “(I) trauma responses; and

2 “(II) the impact of trauma on
3 victims of domestic violence, dating vi-
4 olence, sexual assault, and stalking.

5 “(B) SELECTION.—An eligible entity that
6 receives a grant under this section shall select
7 one or more of the approaches employed by a
8 training identified under subparagraph (A) to
9 test within the demonstration site of the eligible
10 entity.

11 “(2) CONSULTATION.—In carrying out para-
12 graph (1), the Attorney General shall consult with
13 the Director of the Office for Victims of Crime in
14 order to seek input from and cultivate consensus
15 among outside practitioners and other stakeholders
16 through facilitated discussions and focus groups on
17 best practices in the field of trauma-informed care
18 for victims of domestic violence, dating violence, sex-
19 ual assault, and stalking.

20 “(e) EVALUATION.—The Attorney General, in con-
21 sultation with the Director of the National Institute of
22 Justice, shall require each eligible entity that receives a
23 grant under this section to identify a research partner,
24 preferably a local research partner, to—

1 “(1) design a system for generating and col-
 2 lecting the appropriate data to facilitate an inde-
 3 pendent process or impact evaluation of the use of
 4 the grant funds;

5 “(2) periodically conduct an evaluation de-
 6 scribed in paragraph (1); and

7 “(3) periodically make publicly available, during
 8 the grant period—

9 “(A) preliminary results of the evaluations
 10 conducted under paragraph (2); and

11 “(B) recommendations for improving the
 12 use of the grant funds.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—The At-
 14 torney General shall carry out this section using amounts
 15 otherwise available to the Attorney General.

16 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
 17 tion shall be construed to interfere with the due process
 18 rights of any individual.”.

19 **PART 3—SERVICES, PROTECTION, AND JUSTICE**
 20 **FOR YOUNG VICTIMS**

21 **SEC. 14631. RAPE PREVENTION AND EDUCATION GRANT.**

22 Section 393A of the Public Health Service Act (42
 23 U.S.C. 280b–1b) is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (2), by inserting before
2 the semicolon at the end the following “or dig-
3 ital services (as such term is defined in section
4 40002(a) of the Violence Against Women Act of
5 1994)”;

6 (B) in paragraph (7), by striking “sexual
7 assault” and inserting “sexual violence, sexual
8 assault, and sexual harassment”;

9 (2) in subsection (b), by striking “Indian trib-
10 al” and inserting “Indian Tribal”;

11 (3) in subsection (c)—

12 (A) in paragraph (1), by striking
13 “\$50,000,000 for each of fiscal years 2014
14 through 2018” and inserting “\$150,000,000
15 for each of fiscal years 2020 through 2024”;
16 and

17 (B) in paragraph (3), by adding at the end
18 the following: “Not less than 80 percent of the
19 total amount made available under this sub-
20 section in each fiscal year shall be awarded in
21 accordance with this paragraph.”; and

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

23 “(e) REPORT.—Not later than 1 year after the date
24 of the enactment of the Violence Against Women Reau-
25 thorization Act of 2019, the Secretary, acting through the

1 Director of the Centers for Disease Control and Preven-
2 tion, shall submit to Congress, the Committee on Appro-
3 priations and the Committee on Energy and Commerce
4 of the House of Representatives, and the Committee on
5 Appropriations and the Committee on Health, Education,
6 Labor, and Pensions of the Senate a report on the activi-
7 ties funded by grants awarded under this section and best
8 practices relating to rape prevention and education.”.

9 **SEC. 14632. CREATING HOPE THROUGH OUTREACH, OP-**
10 **TIONS, SERVICES, AND EDUCATION (CHOOSE)**
11 **FOR CHILDREN AND YOUTH.**

12 Section 41201 of the Violent Crime Control and Law
13 Enforcement Act of 1994 (34 U.S.C. 12451) is amend-
14 ed—

15 (1) in subsection (a)—

16 (A) by striking “stalking, or sex traf-
17 ficking” and inserting “or stalking”; and

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

19 “Grants awarded under this section may be
20 used to address sex trafficking or bullying as
21 part of a comprehensive program focused pri-
22 marily on domestic violence, dating violence,
23 sexual assault, or stalking.”;

24 (2) in subsection (b)—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “target youth who
3 are victims of domestic violence, dating vi-
4 olence, sexual assault, stalking, and sex
5 trafficking” and inserting “target youth,
6 including youth in underserved populations
7 who are victims of domestic violence, dat-
8 ing violence, sexual assault, stalking, and
9 sex trafficking”;

10 (ii) in subparagraph (B), by striking
11 “or” at the end;

12 (iii) in subparagraph (C), by striking
13 the period at the end and inserting a semi-
14 colon; and

15 (iv) by inserting after subparagraph
16 (C) the following:

17 “(D) clarify State or local mandatory re-
18 porting policies and practices regarding peer-to-
19 peer dating violence, sexual assault, stalking,
20 and sex trafficking; or

21 “(E) develop, enlarge, or strengthen cul-
22 turally specific programs and projects to pro-
23 vide culturally specific services regarding, re-
24 sponses to, and prevention of female genital

1 mutilation, female genital cutting, or female cir-
2 cumcision.”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by striking
5 “stalking, or sex trafficking” and inserting
6 “stalking, sex trafficking, or female genital
7 mutilation, female genital cutting, or fe-
8 male circumcision”;

9 (ii) in subparagraph (C), by inserting
10 “confidential” before “support services”;
11 and

12 (iii) in subparagraph (E), by inserting
13 after “programming for youth” the fol-
14 lowing: “, including youth in underserved
15 populations,”;

16 (3) in subsection (c)—

17 (A) in paragraph (1), by striking “stalk-
18 ing, or sex trafficking” and inserting “or stalk-
19 ing”; and

20 (B) in paragraph (2)(A), by striking
21 “paragraph (1)” and inserting “subparagraph
22 (A) or (B) of paragraph (1)”;

23 (4) in subsection (d)(3), by striking “stalking,
24 and sex trafficking” and inserting “and stalking, in-
25 cluding training on working with youth in under-

1 served populations (and, where intervention or pro-
2 gramming will include a focus on female genital mu-
3 tilation, female genital cutting, or female circumci-
4 sion, or on sex trafficking, sufficient training on
5 those topics)”; and

6 (5) in subsection (f), by striking “\$15,000,000
7 for each of fiscal years 2014 through 2018” and in-
8 serting “\$25,000,000 for each of fiscal years 2020
9 through 2024”.

10 **SEC. 14633. GRANTS TO COMBAT VIOLENT CRIMES ON CAM-**
11 **PUSES.**

12 (a) IN GENERAL.—Section 304 of the Violence
13 Against Women and Department of Justice Reauthoriza-
14 tion Act of 2005 (34 U.S.C. 20125) is amended—

15 (1) in subsection (b)—

16 (A) by amending paragraph (2) to read as
17 follows:

18 “(2) To develop, strengthen, and implement
19 campus policies, protocols, and services that more ef-
20 fectively identify and respond to the crimes of do-
21 mestic violence, dating violence, sexual assault and
22 stalking, including the use of technology to commit
23 these crimes, and to train campus administrators,
24 campus security personnel, and all participants in
25 the resolution process, including the Title IX coordi-

1 nator’s office and student conduct office on campus
2 disciplinary or judicial boards on such policies, pro-
3 tocols, and services.”;

4 (B) by amending paragraph (3) to read as
5 follows:

6 “(3) To provide prevention and education pro-
7 gramming about domestic violence, dating violence,
8 sexual assault, and stalking, including technological
9 abuse and reproductive and sexual coercion, that is
10 age-appropriate, culturally relevant, ongoing, deliv-
11 ered in multiple venues on campus, accessible, pro-
12 motes respectful nonviolent behavior as a social
13 norm, and engages men and boys. Such program-
14 ming should be developed in partnership or collabo-
15 ratively with experts in intimate partner and sexual
16 violence prevention and intervention.”;

17 (C) in paragraph (4), by inserting after
18 “improve delivery of” the following: “primary
19 prevention training and”;

20 (D) in paragraph (9), by striking “and
21 provide” and inserting “, provide, and dissemi-
22 nate”;

23 (E) in paragraph (10), by inserting after
24 “or adapt” the following “and disseminate”;
25 and

1 (F) by inserting after paragraph (10) the
2 following:

3 “(11) To train campus health centers and ap-
4 propriate campus faculty, such as academic advisors
5 or professionals who deal with students on a daily
6 basis, on how to recognize and respond to domestic
7 violence, dating violence, sexual assault, and stalk-
8 ing, including training health providers on how to
9 provide universal education to all members of the
10 campus community on the impacts of violence on
11 health and unhealthy relationships and how pro-
12 viders can support ongoing outreach efforts.

13 “(12) To train campus personnel in how to use
14 a victim-centered, trauma-informed interview tech-
15 nique, which means asking questions of a student or
16 a campus employee who is reported to be a victim
17 of sexual harassment, sexual assault, domestic vio-
18 lence, dating violence, or stalking, in a manner that
19 is focused on the experience of the reported victim,
20 that does not judge or blame the reported victim for
21 the alleged crime, and that is informed by evidence-
22 based research on the neurobiology of trauma. To
23 the extent practicable, campus personnel shall allow
24 the reported victim to participate in a recorded

1 interview and to receive a copy of the recorded inter-
2 view.

3 “(13) To develop and implement an alternative
4 justice response (as such term is defined in section
5 40002(a) of the Violence Against Women Act of
6 1994).”;

7 (2) in subsection (c)(3), by striking “2014
8 through 2018” and inserting “2020 through 2024”;

9 (3) in subsection (d)—

10 (A) in paragraph (3)(B), by striking “for
11 all incoming students” and inserting “for all
12 students”;

13 (B) by amending paragraph (3)(D) to read
14 as follows:

15 “(D) The grantee shall train all partici-
16 pants in the resolution process, including the
17 Title IX coordinator’s office and student con-
18 duct office, to respond effectively to situations
19 involving domestic violence, dating violence, sex-
20 ual assault, or stalking.”; and

21 (C) in paragraph (4)(C), by inserting after
22 “sex,” the following: “sexual orientation, gender
23 identity,”; and

24 (4) in subsection (e), by striking “\$12,000,000
25 for each of fiscal years 2014 through 2018” and in-

1 serting “\$16,000,000 for each of fiscal years 2020
2 through 2024”.

3 (b) REPORT ON BEST PRACTICES REGARDING DO-
4 MESTIC VIOLENCE, DATING VIOLENCE, SEXUAL AS-
5 SAULT, AND STALKING ON CAMPUSES.—Not later than 1
6 year after the date of enactment of this Act, the Secretary
7 of Education shall submit to Congress a report, which in-
8 cludes—

9 (1) an evaluation of programs, events, and edu-
10 cational materials related to domestic violence, dat-
11 ing violence, sexual assault, and stalking; and

12 (2) an assessment of best practices and guid-
13 ance from the evaluation described in paragraph (1),
14 which shall be made publicly available online to uni-
15 versities and college campuses to use as a resource.

16 **SEC. 14634. COMBAT ONLINE PREDATORS.**

17 (a) IN GENERAL.—Chapter 110A of title 18, United
18 States Code, is amended by inserting after section 2261A
19 the following:

20 **“§ 2261B. Enhanced penalty for stalkers of children**

21 “(a) IN GENERAL.—Except as provided in subsection
22 (b), if the victim of an offense under section 2261A is
23 under the age of 18 years, the maximum term of imprison-
24 ment for the offense is 5 years greater than the maximum

1 term of imprisonment otherwise provided for that offense
2 in section 2261.

3 “(b) LIMITATION.—Subsection (a) shall not apply to
4 a person who violates section 2261A if—

5 “(1) the person is subject to a sentence under
6 section 2261(b)(5); and

7 “(2)(A) the person is under the age of 18 at
8 the time the offense occurred; or

9 “(B) the victim of the offense is not less than
10 15 nor more than 17 years of age and not more
11 than 3 years younger than the person who com-
12 mitted the offense at the time the offense oc-
13 curred.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 110A of title 18, United States
16 Code, is amended by inserting after the item relating to
17 section 2261A the following new item:

“2261B. Enhanced penalty for stalkers of children.”.

18 (c) CONFORMING AMENDMENT.—Section 2261A of
19 title 18, United States Code, is amended in the matter
20 following paragraph (2)(B), by striking “section 2261(b)
21 of this title” and inserting “section 2261(b) or section
22 2261B, as the case may be”.

23 (d) REPORT ON BEST PRACTICES REGARDING EN-
24 FORCEMENT OF ANTI-STALKING LAWS.—Not later than
25 1 year after the date of the enactment of this Act, the

1 Attorney General shall submit a report to Congress, which
2 shall—

3 (1) include an evaluation of Federal, tribal,
4 State, and local efforts to enforce laws relating to
5 stalking; and

6 (2) identify and describe those elements of such
7 efforts that constitute the best practices for the en-
8 forcement of such laws.

9 **PART 4—VIOLENCE REDUCTION PRACTICES**

10 **SEC. 14641. STUDY CONDUCTED BY THE CENTERS FOR DIS-**
11 **EASE CONTROL AND PREVENTION.**

12 Section 402 of the Violence Against Women and De-
13 partment of Justice Reauthorization Act of 2005 (42
14 U.S.C. 280b-4) is amended—

15 (1) in subsection (b), by striking “violence
16 against women” and inserting “violence against
17 adults, youth,”; and

18 (2) in subsection (c), by striking “2014 through
19 2018” and inserting “2020 through 2024”.

20 **SEC. 14642. SAVING MONEY AND REDUCING TRAGEDIES**
21 **(SMART) THROUGH PREVENTION GRANTS.**

22 Section 41303 of the Violence Against Women Act
23 of 1994 (34 U.S.C. 12463) is amended—

24 (1) in subsection (b)(1)—

1 (A) in subparagraph (C), by striking
2 “and” at the end;

3 (B) in subparagraph (D), by striking the
4 period at the end and inserting “; and”; and

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

6 “(E) strategies within each of these areas
7 addressing the unmet needs of underserved pop-
8 ulations.”;

9 (2) in subsection (d)(3)—

10 (A) in subparagraph (A), by striking
11 “and” at the end;

12 (B) in subparagraph (B), by striking the
13 period at the end and inserting “; and”; and

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

15 “(C) include a focus on the unmet needs of
16 underserved populations.”;

17 (3) in subsection (f), by striking “\$15,000,000
18 for each of fiscal years 2014 through 2018” and in-
19 serting “\$45,000,000 for each of fiscal years 2020
20 through 2024”; and

21 (4) in subsection (g), by adding at the end the
22 following:

23 “(3) REMAINING AMOUNTS.—Any amounts not
24 made available under paragraphs (1) and (2) may be
25 used for any set of purposes described in paragraphs

1 (1), (2), or (3) of subsection (b), or for a project
 2 that fulfills two or more of such sets of purposes.”.

3 **PART 5—STRENGTHENING THE HEALTHCARE**
 4 **SYSTEMS RESPONSE**

5 **SEC. 14651. GRANTS TO STRENGTHEN THE HEALTHCARE**
 6 **SYSTEMS RESPONSE TO DOMESTIC VIO-**
 7 **LENCE, DATING VIOLENCE, SEXUAL ASSAULT,**
 8 **AND STALKING.**

9 Section 399P of the Public Health Service Act (42
 10 U.S.C. 280g–4) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (2), by striking “and” at
 13 the end;

14 (B) in paragraph (3), by striking the pe-
 15 riod at the end and inserting “; and”; and

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

17 “(4) the development or enhancement and im-
 18 plementation of training programs to improve the
 19 capacity of early childhood programs to address do-
 20 mestic violence, dating violence, sexual assault, and
 21 stalking among families they serve.”;

22 (2) in subsection (b)(1)—

23 (A) in subparagraph (A)(ii), by inserting “,
 24 including labor and sex trafficking” after
 25 “other forms of violence and abuse”;

1 (B) in subparagraph (B)(ii)—

2 (i) by striking “on-site access to”; and

3 (ii) by striking “patients by increas-
4 ing” and all that follows through the semi-
5 colon and inserting the following: “patients
6 by—

7 “(I) increasing the capacity of
8 existing health care professionals, in-
9 cluding specialists in trauma and in
10 behavioral health care, and public
11 health staff to address domestic vio-
12 lence, dating violence, sexual assault,
13 stalking, and children exposed to vio-
14 lence;

15 “(II) contracting with or hiring
16 advocates for victims of domestic vio-
17 lence or sexual assault to provide such
18 services; or

19 “(III) providing funding to State
20 domestic and sexual violence coalitions
21 to improve the capacity of such coali-
22 tions to coordinate and support health
23 advocates and other health system
24 partnerships;”;

1 (C) in subparagraph (B)(iii), by striking
2 “and” at the end;

3 (D) in subparagraph (B)(iv) by striking
4 the period at the end and inserting the fol-
5 lowing: “, with priority given to programs ad-
6 ministered through the Health Resources and
7 Services Administration, Office of Women’s
8 Health; and”; and

9 (E) in subparagraph (B), by adding at the
10 end the following:

11 “(v) the development, implementation,
12 dissemination, and evaluation of best prac-
13 tices, tools, and training materials for be-
14 havioral health professionals to identify
15 and respond to domestic violence, sexual
16 violence, stalking, and dating violence.”;

17 (3) in subsection (b)(2)(A)—

18 (A) in the heading, by striking “CHILD
19 AND ELDER ABUSE” and inserting the fol-
20 lowing: “CHILD ABUSE AND ABUSE IN LATER
21 LIFE”; and

22 (B) by striking “child or elder abuse” and
23 inserting the following: “child abuse or abuse in
24 later life”;

1 (4) in subsection (b)(2)(C)(i), by striking “elder
2 abuse” and inserting “abuse in later life”;

3 (5) in subsection (b)(2)(C)(iii), by striking “or”
4 at the end;

5 (6) in subsection (b)(2)(C)(iv)—

6 (A) by inserting “mental health,” after
7 “dental,”; and

8 (B) by striking “exams.” and inserting
9 “exams and certifications;”;

10 (7) in subsection (b)(2)(C), by inserting after
11 clause (iv) the following:

12 “(v) development of a State-level pilot
13 program to—

14 “(I) improve the response of sub-
15 stance use disorder treatment pro-
16 grams and systems to domestic vio-
17 lence, dating violence, sexual assault,
18 and stalking; and

19 “(II) improve the capacity of
20 substance use disorder treatment pro-
21 grams and systems to serve survivors
22 of domestic violence, dating violence,
23 sexual assault, and stalking dealing
24 with substance use disorder; or

1 “(vi) development and utilization of
2 existing technical assistance and training
3 resources to improve the capacity of sub-
4 stance use disorder treatment programs to
5 address domestic violence, dating violence,
6 sexual assault, and stalking among pa-
7 tients the programs serve.”;

8 (8) in subsection (d)(2)(A)—

9 (A) by inserting “or behavioral health”
10 after “of health”;

11 (B) by inserting “behavioral” after “phys-
12 ical or”; and

13 (C) by striking “mental” before “health
14 care”;

15 (9) in subsection (d)(2)(B)—

16 (A) by striking “or health system” and in-
17 serting “behavioral health treatment system”;
18 and

19 (B) by striking “mental” and inserting
20 “behavioral”;

21 (10) in subsection (f) in the heading, by strik-
22 ing “RESEARCH AND EVALUATION” and inserting
23 “RESEARCH, EVALUATION, AND DATA COLLEC-
24 TION”;

1 (11) in subsection (f)(1), by striking “research
2 and evaluation” and inserting “research, evaluation,
3 or data collection”;

4 (12) in subsection (f)(1)(B), by inserting after
5 “health care” the following: “or behavioral health”;

6 (13) in subsection (f)(2)—

7 (A) in the heading, by inserting after “RE-
8 SEARCH” the following: “AND DATA COLLEC-
9 TION”;

10 (B) in the matter preceding subparagraph
11 (A), by inserting “or data collection” before
12 “authorized in paragraph (1)”;

13 (C) in subparagraph (C), by striking
14 “and” at the end;

15 (D) in subparagraph (D), by striking the
16 period at the end and inserting a semicolon;
17 and

18 (E) by inserting after subparagraph (D)
19 the following:

20 “(E) research on the intersection of sub-
21 stance use disorder and domestic violence, dat-
22 ing violence, sexual assault, and stalking, in-
23 cluding the effect of coerced use and efforts by
24 an abusive partner or other to interfere with

1 substance use disorder treatment and recovery;
 2 and

3 “(F) improvement of data collection using
 4 existing Federal surveys by including questions
 5 about domestic violence, dating violence, sexual
 6 assault, or stalking and substance use disorder,
 7 coerced use, and mental or behavioral health.”;

8 (14) in subsection (g), by striking “2014
 9 through 2018” and inserting “2020 through 2024”;
 10 and

11 (15) in subsection (h), by striking “herein” and
 12 “provided for”.

13 **PART 6—SAFE HOMES FOR VICTIMS**

14 **SEC. 14661. HOUSING PROTECTIONS FOR VICTIMS OF DO-** 15 **MESTIC VIOLENCE, DATING VIOLENCE, SEX-** 16 **UAL ASSAULT, AND STALKING.**

17 Section 41411 of the Violence Against Women Act
 18 of 1994 (34 U.S.C. 12491) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)(A), by striking
 21 “brother, sister,” and inserting “sibling,”;

22 (B) in paragraph (3)—

23 (i) in subparagraph (A), by inserting
 24 before the semicolon at the end the fol-

1 lowing: “including the direct loan program
2 under such section”;

3 (ii) in subparagraph (D), by striking
4 “the program under subtitle A” and in-
5 serting “the programs under subtitles A
6 through D”;

7 (iii) in subparagraph (I)—

8 (I) by striking “sections 514,
9 515, 516, 533, and 538 of the Hous-
10 ing Act of 1949 (42 U.S.C. 1484,
11 1485, 1486, 1490m, and 1490p-2)”
12 and inserting “sections 514, 515, 516,
13 533, 538, and 542 of the Housing Act
14 of 1949 (42 U.S.C. 1484, 1485, 1486,
15 1490m, 1490p-2, and 1490r)”;

16 (II) by striking “and” at the end;

17 (iv) in subparagraph (J), by striking
18 the period at the end and inserting a semi-
19 colon; and

20 (v) by adding at the end the following:

21 “(K) the provision of assistance from the
22 Housing Trust Fund as established under sec-
23 tion 1338 of the Federal Housing Enterprises
24 Financial Safety and Soundness Act of 1992
25 (12 U.S.C. 4501);

1 “(L) the provision of assistance for hous-
2 ing under the Comprehensive Service Programs
3 for Homeless Veterans program under sub-
4 chapter II of chapter 20 of title 38, United
5 States Code (38 U.S.C. 2011 et seq.);

6 “(M) the provision of assistance for hous-
7 ing and facilities under the grant program for
8 homeless veterans with special needs under sec-
9 tion 2061 of title 38, United States Code;

10 “(N) the provision of assistance for perma-
11 nent housing under the program for financial
12 assistance for supportive services for very low-
13 income veteran families in permanent housing
14 under section 2044 of title 38, United States
15 Code; and

16 “(O) any other Federal housing programs
17 providing affordable housing to low-income per-
18 sons by means of restricted rents or rental as-
19 sistance as identified by the appropriate agen-
20 cy.”; and

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

22 “(4) COVERED HOUSING PROVIDER.—The term
23 ‘covered housing provider’ refers to the individual or
24 entity under a covered housing program that has re-
25 sponsibility for the administration or oversight of

1 housing assisted under a covered housing program
2 and includes public housing agencies, sponsors, own-
3 ers, mortgagors, managers, grantee under the Con-
4 tinuum of Care, State and local governments or
5 agencies thereof, and nonprofit or for-profit organi-
6 zations or entities.

7 “(5) CONTINUUM OF CARE.—The term ‘Con-
8 tinuum of Care’ means the Federal program author-
9 ized under subtitle C of title IV of the McKinney-
10 Vento Homeless Assistance Act (42 U.S.C. 11381 et
11 seq.).

12 “(6) INTERNAL TRANSFER.—The term ‘internal
13 transfer’ means an emergency transfer under sub-
14 section (e) from a unit of a covered housing provider
15 to a unit of the same covered housing provider and
16 under the same covered housing program except for
17 programs under the McKinney-Vento Homeless As-
18 sistance Act that can transfer to any unit of the
19 same covered housing provider.

20 “(7) EXTERNAL TRANSFER.—The term ‘exter-
21 nal transfer’ means an emergency transfer under
22 subsection (e) from a unit of a covered housing pro-
23 vider to a unit of a different covered housing pro-
24 vider under the same covered housing program.”;

25 (2) in subsection (b)(3)—

1 (A) in the heading, by inserting after
2 “CRIMINAL ACTIVITY” the following: “AND FAM-
3 ILY BREAK-UP”;

4 (B) by amending subparagraph (A) to read
5 as follows:

6 “(A) DENIAL OF ASSISTANCE, TENANCY,
7 AND OCCUPANCY RIGHTS PROHIBITED.—

8 “(i) IN GENERAL.—A tenant shall not
9 be denied assistance, tenancy, or occu-
10 pancy rights to housing assisted under a
11 covered housing program solely on the
12 basis of criminal activity directly relating
13 to domestic violence, dating violence, sex-
14 ual assault, or stalking that is engaged in
15 by a member of the household of the ten-
16 ant or any guest or other person under the
17 control of the tenant, if the tenant or an
18 affiliated individual of the tenant is the
19 victim or threatened victim of such domes-
20 tic violence, dating violence, sexual assault,
21 or stalking.

22 “(ii) CRIMINAL ACTIVITY ENGAGED IN
23 BY PERPETRATOR OF ABUSE.—A tenant
24 shall not be denied assistance, tenancy, or
25 occupancy rights to housing assisted under

1 a covered housing program solely on the
2 basis of criminal activity, including drug-
3 related criminal activity (as such term is
4 defined section 3(b)(9) of the United
5 States Housing Act of 1937 (42 U.S.C.
6 1437a(b)(9)), engaged in by the perpe-
7 trator of the domestic violence, dating vio-
8 lence, sexual assault, or stalking.

9 “(iii) REVIEW PRIOR TO DENIAL OF
10 ASSISTANCE.—Prior to denying assistance,
11 tenancy, or occupancy rights to housing as-
12 sisted under a covered housing program to
13 a tenant on the basis of criminal activity of
14 the tenant, including drug-related criminal
15 activity, the covered housing provider must
16 conduct an individualized review of the to-
17 tality of the circumstances regarding the
18 criminal activity at issue if the tenant is a
19 victim of domestic violence, dating violence,
20 sexual assault, or stalking. Such review
21 shall include consideration of—

22 “(I) the nature and severity of
23 the criminal activity;

1 “(II) the amount of time that
2 has elapsed since the occurrence of
3 the criminal activity;

4 “(III) if the tenant engaged in
5 more than one instance of criminal ac-
6 tivity, the frequency and duration of
7 the criminal activity;

8 “(IV) whether the criminal activ-
9 ity was related to a symptom of a dis-
10 ability, including a substance use dis-
11 order;

12 “(V) whether the victim was co-
13 erced by the perpetrator of domestic
14 violence, dating violence, sexual as-
15 sault, or stalking;

16 “(VI) whether the victim has
17 taken affirmative steps to reduce the
18 likelihood that the criminal activity
19 will recur; and

20 “(VII) any mitigating factors.

21 The covered housing program must provide
22 the tenant with a written summary of its
23 review and the tenant shall have the oppor-
24 tunity to invoke the covered housing pro-

1 gram’s grievance policy to dispute the find-
2 ings.”;

3 (C) in subparagraph (B)—

4 (i) in the heading, by striking “BI-
5 FURCATION” and inserting “FAMILY
6 BREAK-UP”;

7 (ii) by redesignating clauses (i) and
8 (ii) as clauses (ii) and (iii) respectively;

9 (iii) by inserting before clause (ii) (as
10 redesignated by clause (ii) of this subpara-
11 graph) the following:

12 “(i) IN GENERAL.—If a family break-
13 up results from an occurrence of domestic
14 violence, dating violence, sexual assault, or
15 stalking, and the perpetrator no longer re-
16 sides in the unit and was the sole tenant
17 eligible to receive assistance under a cov-
18 ered housing program, the covered housing
19 provider shall—

20 “(I) provide any other tenant or
21 resident the opportunity to establish
22 eligibility for the covered housing pro-
23 gram; or

24 “(II) provide that tenant or resi-
25 dent with at least 180 days to remain

1 in the unit under the same terms and
2 conditions as the perpetrator and find
3 new housing or establish eligibility for
4 another covered housing program.”;

5 (iv) in clause (ii) (as redesignated by
6 clause (ii) of this subparagraph)—

7 (I) in the heading, by striking
8 “IN GENERAL” and inserting “EVIC-
9 TION”; and

10 (II) by inserting after “a public
11 housing agency” the following: “, par-
12 ticipating jurisdictions, grantees under
13 the Continuum of Care, grantees,”;
14 and

15 (v) by striking clause (iii) (as redesign-
16 ated by clause (ii) of this subparagraph);
17 (D) in subparagraph (C)—

18 (i) in clause (iii), by striking “or” at
19 the end;

20 (ii) in clause (iv), by striking the pe-
21 riod at the end and inserting “; or”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(v) to limit any right, remedy, or
25 procedure otherwise available under the Vi-

1 violence Against Women Reauthorization Act
2 of 2005 (Public Law 109–162, 119 Stat.
3 2960) prior to the date of enactment of the
4 Violence Against Women Reauthorization
5 Act of 2019.”; and

6 (E) by inserting after subparagraph (C)
7 the following:

8 “(D) EARLY TERMINATION.—A covered
9 housing provider shall permit a tenant assisted
10 under the covered housing program to termi-
11 nate the lease at any time prior to the end date
12 of the lease, without penalty, if the tenant has
13 been a victim of domestic violence, dating vio-
14 lence, sexual assault, or stalking and the ten-
15 ant—

16 “(i) sends notice of the early lease ter-
17 mination to the landlord in writing prior to
18 or within 3 days of vacating the premises
19 unless a shorter notice period is provided
20 for under State law;

21 “(ii)(I) reasonably believes that the
22 tenant is threatened with imminent harm
23 if the tenant remains within the same
24 dwelling unit subject to the lease; or

1 “(II) is a victim of sexual assault, the
2 sexual assault occurred on the premises
3 during the 180-day period preceding the
4 request for lease termination; and

5 “(iii) provides a form of documenta-
6 tion consistent with the requirements out-
7 lined in subsection (c)(3).

8 Nothing in this subparagraph may be construed
9 to preclude any automatic termination of a
10 lease by operation of law.”;

11 (3) in subsection (c)(4), in the matter preceding
12 subparagraph (A)—

13 (A) by striking “Any information sub-
14 mitted to a public housing agency or owner or
15 manager” and inserting “Covered housing pro-
16 viders shall ensure any information submitted”;
17 and

18 (B) by inserting after “owner or manager”
19 the following: “of housing assisted under a cov-
20 ered housing program”;

21 (4) by amending subsection (e) to read as fol-
22 lows:

23 “(e) EMERGENCY TRANSFERS.—

24 “(1) IN GENERAL.—A tenant who is a victim of
25 domestic violence, dating violence, sexual assault, or

1 stalking may apply for an emergency transfer to an-
2 other available and safe dwelling unit assisted under
3 a covered housing program, and the covered housing
4 provider shall grant such application if—

5 “(A) the tenant expressly requests the
6 transfer from the covered housing provider; and

7 “(B)(i) the tenant reasonably believes that
8 the tenant is threatened with imminent harm
9 from further violence if the tenant remains
10 within the same dwelling unit assisted under a
11 covered housing program; or

12 “(ii) in the case of a tenant who is a victim
13 of sexual assault, the sexual assault occurred on
14 the premises during the 180 day period pre-
15 ceding the request for transfer.

16 A tenant who is not in good standing retains the
17 right to an emergency transfer if they meet the eligi-
18 bility requirements in this section and the eligibility
19 requirements of the program to which the tenant in-
20 tends to transfer.

21 “(2) POLICIES.—Each appropriate agency shall
22 adopt an emergency transfer policy for use by cov-
23 ered housing programs. Such emergency transfer
24 policies shall reflect the variations in program oper-

1 ation and administration by covered housing pro-
2 gram type. The policies must, at a minimum—

3 “(A) describe a process that—

4 “(i) permits tenants who are victims
5 of domestic violence, dating violence, sex-
6 ual assault, or stalking to move to another
7 available and safe dwelling quickly through
8 an internal transfer and by receiving a ten-
9 ant protection voucher, if eligible, pursuant
10 to subsection (f);

11 “(ii) provides that the victim can
12 choose between completing an internal
13 transfer or receiving a tenant protection
14 voucher, whichever is the safest option for
15 the victim; and

16 “(iii) requires that an internal trans-
17 fer must occur within 10 days after a cov-
18 ered housing provider’s approval of a re-
19 quest for an emergency transfer;

20 “(B) describe a process to permit tenants
21 who are victims of domestic violence, dating vio-
22 lence, sexual assault, or stalking to complete an
23 external transfer;

24 “(C) describe a process that allows a vic-
25 tim of domestic violence, dating violence, sexual

1 assault, or stalking to temporarily relocate,
2 while maintaining eligibility for the covered
3 housing program without the loss of their hous-
4 ing status, if there are no alternative com-
5 parable housing program units available, until a
6 safe housing unit under the covered housing
7 program or a tenant protection voucher is avail-
8 able;

9 “(D) prioritize completing internal trans-
10 fers and receiving tenant protection vouchers
11 over external transfers, except for Continua of
12 Care, which shall prioritize completing an inter-
13 nal transfer or external transfer prior to receiv-
14 ing a tenant protection voucher;

15 “(E) mandate that internal and external
16 transfers take priority over non-emergency
17 transfers;

18 “(F) mandate that internal and external
19 transfers are not considered new applicants and
20 take priority over existing waiting lists for a
21 covered housing program;

22 “(G) incorporate confidentiality measures
23 to ensure that the appropriate agency and the
24 covered housing provider do not disclose any in-
25 formation regarding a tenant who is victim of

1 domestic violence, dating violence, sexual as-
2 sault, or stalking, including the location of a
3 new dwelling unit to any person or entity with-
4 out the written authorization of the tenant;

5 “(H) mandate that if a victim cannot re-
6 ceive an internal transfer, external transfer, and
7 a tenant protection voucher, then the covered
8 housing provider must assist the victim in iden-
9 tifying other housing providers who may have
10 safe and available units to which the victim can
11 move and that the covered housing provider
12 also assist tenants in contacting local organiza-
13 tions offering assistance to victims; and

14 “(I) mandate a uniform policy for how a
15 victim of domestic violence, dating violence, sex-
16 ual assault, or stalking requests an internal or
17 external transfer.

18 “(3) LOCAL SYSTEMS FUNDED BY CONTINUUM
19 OF CARE.—In addition to adopting the policies as
20 defined in paragraph (2) in an emergency transfer
21 policy, each grantee under the Continuum of Care
22 shall designate the entity within its geographic area
23 that will coordinate and facilitate emergency trans-
24 fers, and that entity shall also—

1 “(A) coordinate external transfers among
2 all covered housing providers participating in
3 the Continuum of Care;

4 “(B) identify an external transfer, if avail-
5 able, within 30 days of an approved request;

6 “(C) coordinate emergency transfers with
7 Continua of Care in other jurisdictions in cases
8 where the victim requests an out-of-jurisdiction
9 transfer; and

10 “(D) ensure a victim is not required to be
11 reassessed through the local Continuum of Care
12 intake process when seeking an emergency
13 transfer placement.

14 “(4) REGIONAL OFFICES.—Each regional office
15 of the Department of Housing and Urban Develop-
16 ment (hereinafter in this section referred to as a
17 ‘HUD regional office’) shall develop and implement
18 a regional emergency transfer plan in collaboration
19 with public housing agencies and the entities des-
20 ignated under paragraph (3). Such a plan shall set
21 forth how public housing agencies will coordinate
22 emergency transfers with other public housing agen-
23 cies regionally. The plans must be submitted to the
24 Violence Against Women Director and be made pub-
25 licly available. HUD regional offices shall defer to

1 any additional emergency transfer policies, priorities
2 and strategies set by entities designated under para-
3 graph (3).

4 “(5) COVERED HOUSING PROVIDERS.—Each
5 covered housing provider shall develop and imple-
6 ment an emergency transfer policy consistent with
7 the requirements in paragraph (2) or (3).”;

8 (5) in subsection (f), by adding at the end the
9 following: “The Secretary shall establish these poli-
10 cies and procedures within 60 days after the date of
11 enactment of the Violence Against Women Reau-
12 thorization Act of 2019.”;

13 (6) by redesignating subsection (g) as sub-
14 section (k); and

15 (7) by inserting after subsection (f) the fol-
16 lowing:

17 “(g) EMERGENCY TRANSFER POLICIES AND PROCE-
18 DURES.—The head of each appropriate agency shall estab-
19 lish the policy required under subsection (e) with respect
20 to emergency transfers and emergency transfer vouchers
21 within 180 days after the date of enactment of the Vio-
22 lence Against Women Reauthorization Act of 2019.

23 “(h) EMERGENCY TRANSFER VOUCHERS.—Provision
24 of emergency transfer vouchers to victims of domestic vio-
25 lence, dating violence, sexual assault, or stalking under

1 subsection (e), shall be considered an eligible use of any
2 funding for tenant protection voucher assistance available
3 under section 8(o) of the United States Housing Act of
4 1937 (42 U.S.C. 1437f(o)) subject to the availability of
5 appropriated funds.

6 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out emergency
8 transfers under this section, \$20,000,000 under section
9 8(o) of the United States Housing Act of 1937 (42 U.S.C.
10 1437f(o)) for each of fiscal years 2020 through 2024.

11 “(j) TRAINING AND REFERRALS.—

12 “(1) TRAINING FOR STAFF OF COVERED HOUS-
13 ING PROGRAMS.—The Secretary of Housing and
14 Urban Development, in partnership with domestic
15 violence experts, shall develop mandatory training
16 for staff of covered housing providers to provide a
17 basic understanding of domestic violence, dating vio-
18 lence, sexual assault, and stalking, and to facilitate
19 implementation of this section. All staff of covered
20 housing providers shall attend the basic under-
21 standing training once annually; and all staff and
22 managers engaged in tenant services shall attend
23 both the basic understanding training and the imple-
24 mentation training once annually.

1 “(2) REFERRALS.—The appropriate agency
2 with respect to each covered housing program shall
3 supply all appropriate staff of the covered housing
4 providers with a referral listing of public contact in-
5 formation for all domestic violence, dating violence,
6 sexual assault, and stalking service providers offer-
7 ing services in its coverage area.”.

8 **SEC. 14662. ENSURING COMPLIANCE AND IMPLEMENTA-**
9 **TION; PROHIBITING RETALIATION AGAINST**
10 **VICTIMS.**

11 Chapter 2 of subtitle N of title IV of the Violence
12 Against Women Act of 1994 (34 U.S.C. 12491 et seq.)
13 is amended by inserting after section 41411 the following:
14 **“SEC. 41412. COMPLIANCE REVIEWS.**

15 “(a) ANNUAL COMPLIANCE REVIEWS.—Each appro-
16 priate agency administering a covered housing program
17 shall establish a process by which to review compliance
18 with the requirements of this subtitle, on an annual basis,
19 of the covered housing providers administered by that
20 agency. Such a review shall examine the following topics:

21 “(1) Covered housing provider compliance with
22 requirements prohibiting the denial of assistance,
23 tenancy, or occupancy rights on the basis of domes-
24 tic violence, dating violence, sexual assault, or stalk-
25 ing.

1 “(2) Covered housing provider compliance with
2 confidentiality provisions set forth in section
3 41411(c)(4).

4 “(3) Covered housing provider compliance with
5 the notification requirements set forth in section
6 41411(d)(2).

7 “(4) Covered housing provider compliance with
8 accepting documentation set forth in section
9 41411(c).

10 “(5) Covered housing provider compliance with
11 emergency transfer requirements set forth in section
12 41411(e).

13 “(6) Covered housing provider compliance with
14 the prohibition on retaliation set forth in section
15 41414.

16 “(b) REGULATIONS.—Each appropriate agency shall
17 issue regulations to implement subsection (a) not later
18 than 1 year after the effective date of the Violence Against
19 Women Reauthorization Act of 2019. These regulations
20 shall—

21 “(1) define standards of compliance for covered
22 housing providers;

23 “(2) include detailed reporting requirements, in-
24 cluding the number of emergency transfers re-
25 quested and granted, as well as the length of time

1 needed to process emergency transfers,
2 disaggregated by external and internal transfers;
3 and

4 “(3) include standards for corrective action
5 plans where a covered housing provider has failed to
6 meet compliance standards.

7 “(c) PUBLIC DISCLOSURE.—Each appropriate agen-
8 cy shall ensure that an agency-level assessment of the in-
9 formation collected during the compliance review process
10 completed pursuant to this subsection is made publicly
11 available. This agency-level assessment shall include an
12 evaluation of each topic identified in subsection (a).

13 “(d) RULES OF CONSTRUCTION.—Nothing in this
14 section shall be construed—

15 “(1) to limit any claim filed or other proceeding
16 commenced, by the date of enactment of the Vio-
17 lence Against Women Reauthorization Act of 2019,
18 with regard to any right, remedy, or procedure oth-
19 erwise available under the Violence Against Women
20 Reauthorization Act of 2005 (Public Law 109–162,
21 119 Stat. 2960), as in effect on the day prior to
22 such date of enactment; or

23 “(2) to supersede any provision of any Federal,
24 State, or local law that provides greater protection

1 than this section for victims of domestic violence,
2 dating violence, sexual assault, or stalking.

3 **“SEC. 41413. DEPARTMENT OF HOUSING AND URBAN DE-**
4 **VELOPMENT VIOLENCE AGAINST WOMEN DI-**
5 **RECTOR.**

6 “(a) ESTABLISHMENT.—There shall be, within the
7 Office of the Secretary of the Department of Housing and
8 Urban Development, a Violence Against Women Director
9 (in this section referred to as the ‘Director’).

10 “(b) DUTIES.—The Director shall—

11 “(1) support implementation of the provisions
12 of this subtitle;

13 “(2) coordinate development of Federal regula-
14 tions, policy, protocols, and guidelines on matters re-
15 lating to the implementation of this subtitle, at each
16 agency administering a covered housing program;

17 “(3) advise and coordinate with designated offi-
18 cials within the United States Interagency Council
19 on Homelessness, the Department of Housing and
20 Urban Development, the Department of the Treas-
21 ury, the Department of Agriculture, the Department
22 of Health and Human Services, the Department of
23 Veterans Affairs, and the Department of Justice
24 concerning legislation, implementation, and other

1 issues relating to or affecting the housing provisions
2 under this subtitle;

3 “(4) provide technical assistance, coordination,
4 and support to each appropriate agency regarding
5 advancing housing protections and access to housing
6 for victims of domestic violence, dating violence, sexual
7 assault, and stalking, including compliance with
8 this subtitle;

9 “(5) ensure that adequate technical assistance
10 is made available to covered housing providers re-
11 garding implementation of this subtitle, as well as
12 other issues related to advancing housing protections
13 for victims of domestic violence, dating violence, sexual
14 assault, and stalking, including compliance with
15 this subtitle;

16 “(6) act as a liaison with the judicial branches
17 of Federal, State, and local governments on matters
18 relating to the housing needs of victims of domestic
19 violence, dating violence, sexual assault, and stalk-
20 ing;

21 “(7) implement a quality control system and a
22 corrective action plan system for those covered hous-
23 ing providers that fail to comply with this subtitle,
24 wherein—

1 “(A) such corrective action plans shall be
2 developed in partnership with national, State,
3 or local programs focused on child or adult vic-
4 tims of domestic violence, dating violence, sex-
5 ual assault, or stalking; and

6 “(B) such corrective action plans shall in-
7 clude provisions requiring covered housing pro-
8 viders to review and develop appropriate no-
9 tices, procedures, and staff training to improve
10 compliance with this subtitle, in partnership
11 with national, state, or local programs focused
12 on child or adult victims;

13 “(8) establish a formal reporting process to re-
14 ceive individual complaints concerning noncompli-
15 ance with this subtitle;

16 “(9) coordinate the development of interagency
17 guidelines to ensure that information concerning
18 available dwelling units is forwarded to the Director
19 by all covered housing providers for use by the Sec-
20 retary in facilitating the emergency transfer process;

21 “(10) coordinate with HUD regional offices and
22 officials at each appropriate agency the development
23 of Federal regulations, policy, protocols, and guide-
24 lines regarding uniform timeframes for the comple-
25 tion of emergency transfers; and

1 “(11) ensure that the guidance and notices to
2 victims are distributed in commonly encountered lan-
3 guages.

4 “(c) RULES OF CONSTRUCTION.—Nothing in this
5 section shall be construed—

6 “(1) to limit any claim filed or other proceeding
7 commenced, by the date of enactment of the Vio-
8 lence Against Women Reauthorization Act of 2019,
9 with regard to any right, remedy, or procedure oth-
10 erwise available under the Violence Against Women
11 Reauthorization Act of 2005 (Public Law 109–162,
12 119 Stat. 2960), as in effect on the day prior to
13 such date of enactment; or

14 “(2) to supersede any provision of any Federal,
15 State, or local law that provides greater protection
16 than this section for victims of domestic violence,
17 dating violence, sexual assault, or stalking.

18 **“SEC. 41414. PROHIBITION ON RETALIATION.**

19 “(a) NONDISCRIMINATION REQUIREMENT.—No cov-
20 ered housing provider shall discriminate against any per-
21 son because that person has opposed any act or practice
22 made unlawful by this subtitle, or because that individual
23 testified, assisted, or participated in any matter related
24 to this subtitle.

1 “(b) PROHIBITION ON COERCION.—No covered hous-
 2 ing provider shall coerce, intimidate, threaten, or interfere
 3 with, or retaliate against, any person in the exercise or
 4 enjoyment of, or on account of the person having exercised
 5 or enjoyed, or on account of the person having aided or
 6 encouraged any other individual in the exercise or enjoy-
 7 ment of, any rights or protections under this subtitle, in-
 8 cluding—

9 “(1) intimidating or threatening any person be-
 10 cause that person is assisting or encouraging an in-
 11 dividual entitled to claim the rights or protections
 12 under this subtitle; and

13 “(2) retaliating against any person because that
 14 person has participated in any investigation or ac-
 15 tion to enforce this subtitle.

16 “(c) ENFORCEMENT AUTHORITY OF THE SEC-
 17 RETARY.—The authority of the Secretary of Housing and
 18 Urban Development and the Office for Fair Housing and
 19 Equal Opportunity to enforce this section shall be the
 20 same as the Fair Housing Act (42 U.S.C. 3610 et seq.).”.

21 **SEC. 14663. PROTECTING THE RIGHT TO REPORT CRIME**
 22 **FROM ONE’S HOME.**

23 (a) IN GENERAL.—Chapter 2 of subtitle N of title
 24 IV of the Violence Against Women Act of 1994 (34 U.S.C.

1 12491 et seq.), as amended by this Act, is further amend-
2 ed by inserting after section 41414 the following:

3 **“SEC. 41415. RIGHT TO REPORT CRIME AND EMERGENCIES**
4 **FROM ONE’S HOME.**

5 “(a) IN GENERAL.—Landlords, homeowners, resi-
6 dents, occupants, and guests of, and applicants for, hous-
7 ing assisted under a covered housing program shall have
8 the right to seek law enforcement or emergency assistance
9 on their own behalf or on behalf of another person in need
10 of assistance, and shall not be penalized based on their
11 requests for assistance or based on criminal activity of
12 which they are a victim or otherwise not at fault under
13 statutes, ordinances, regulations, or policies adopted or en-
14 forced by covered governmental entities as defined in sub-
15 section (d). Penalties that are prohibited include—

16 “(1) actual or threatened assessment of pen-
17 alties, fees, or fines;

18 “(2) actual or threatened eviction;

19 “(3) actual or threatened refusal to rent or
20 renew tenancy;

21 “(4) actual or threatened refusal to issue an oc-
22 cupancy permit or landlord permit; and

23 “(5) actual or threatened closure of the prop-
24 erty, or designation of the property as a nuisance or
25 a similarly negative designation.

1 “(b) REPORTING.—Consistent with the process pro-
2 vided for in section 104(b) of the Housing and Community
3 Development Act of 1974 (42 U.S.C. 5304(b)), covered
4 governmental entities shall—

5 “(1) report any of their laws or policies, or, as
6 applicable, the laws or policies adopted by sub-
7 grantees, that impose penalties on landlords, home-
8 owners, residents, occupants, guests, or housing ap-
9 plicants based on requests for law enforcement or
10 emergency assistance or based on criminal activity
11 that occurred at a property; and

12 “(2) certify that they are in compliance with
13 the protections under this subtitle or describe the
14 steps they will take within 180 days to come into
15 compliance, or to ensure compliance among sub-
16 grantees.

17 “(c) OVERSIGHT.—Oversight and accountability
18 mechanisms provided for under title VIII of the Civil
19 Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall be avail-
20 able to address violations of this section.

21 “(d) DEFINITION.—For purposes of this section,
22 ‘covered governmental entity’ shall mean any municipal,
23 county, or state government that receives funding pursu-
24 ant to section 106 of the Housing and Community Devel-
25 opment Act of 1974 (42 U.S.C. 5306).

1 “(e) SUBGRANTEES.—For those covered govern-
2 mental entities that distribute funds to subgrantees, com-
3 pliance with subsection (b)(1) includes inquiring about the
4 existence of laws and policies adopted by subgrantees that
5 impose penalties on landlords, homeowners, residents, oc-
6 cupants, guests, or housing applicants based on requests
7 for law enforcement or emergency assistance or based on
8 criminal activity that occurred at a property.”.

9 (b) SUPPORTING EFFECTIVE, ALTERNATIVE CRIME
10 REDUCTION METHODS.—

11 (1) ADDITIONAL AUTHORIZED USE OF BYRNE-
12 JAG FUNDS.—Section 501(a)(1) of subpart 1 of part
13 E of title I of the Omnibus Crime Control and Safe
14 Streets Act of 1968 (34 U.S.C. 10152(a)(1)) is
15 amended by adding after subparagraph (H) the fol-
16 lowing:

17 “(I) Programs for the development and im-
18 plementation of alternative methods of reducing
19 crime in communities, to supplant punitive pro-
20 grams or policies. For purposes of this subpara-
21 graph, a punitive program or policy is a pro-
22 gram or policy that (i) imposes a penalty on a
23 victim of domestic violence, dating violence, sex-
24 ual assault, or stalking, on the basis of a re-
25 quest by the victim for law enforcement or

1 emergency assistance; or (ii) imposes a penalty
2 on such a victim because of criminal activity at
3 the property in which the victim resides.”.

4 (2) ADDITIONAL AUTHORIZED USE OF COPS
5 FUNDS.—Section 1701(b) of part Q of title I of the
6 Omnibus Crime Control and Safe Streets Act of
7 1968 (34 U.S.C. 10381(b)) is amended—

8 (A) in paragraph (22), by striking “and”
9 after the semicolon;

10 (B) in paragraph (23), by striking the pe-
11 riod at the end and inserting “; and”; and

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

13 “(24) to develop and implement alternative
14 methods of reducing crime in communities, to sup-
15 plant punitive programs or policies (as such term is
16 defined in section 501(a)(1)(I)).”.

17 (3) ADDITIONAL AUTHORIZED USE OF GRANTS
18 TO ENCOURAGE ARREST POLICIES.—Section 2101(b)
19 of part U of title I of the Omnibus Crime Control
20 and Safe Streets Act of 1968 (34 U.S.C. 10461(b)),
21 as amended by this Act, is further amended by add-
22 ing at the end the following:

23 “(25) To develop and implement alternative
24 methods of reducing crime in communities, to sup-
25 plant punitive programs or policies. For purposes of

1 this paragraph, a punitive program or policy is a
 2 program or policy that (A) imposes a penalty on a
 3 victim of domestic violence, dating violence, sexual
 4 assault, or stalking, on the basis of a request by the
 5 victim for law enforcement or emergency assistance;
 6 or (B) imposes a penalty on such a victim because
 7 of criminal activity at the property in which the vic-
 8 tim resides.”.

9 **SEC. 14664. TRANSITIONAL HOUSING ASSISTANCE GRANTS**
 10 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**
 11 **ING VIOLENCE, SEXUAL ASSAULT, OR STALK-**
 12 **ING.**

13 Section 40299 of the Violence Against Women Act
 14 of 1994 (34 U.S.C. 12351) is amended—

15 (1) in subsection (a), in the matter preceding
 16 paragraph (1)—

17 (A) by striking “the Director of the Vio-
 18 lence Against Women Office” and inserting
 19 “the Director of the Office on Violence Against
 20 Women”; and

21 (B) by inserting after “, other nonprofit,
 22 nongovernmental organizations” the following:
 23 “, population-specific organizations”; and

24 (2) in subsection (g)—

1 (A) in paragraph (1), by striking “2014
2 through 2018” and inserting “2020 through
3 2024”;

4 (B) in paragraph (2), by striking “5 per-
5 cent” and inserting “8 percent”; and

6 (C) in paragraph (3)(B), by striking “0.25
7 percent” and inserting “0.5 percent”.

8 **SEC. 14665. ADDRESSING THE HOUSING NEEDS OF VICTIMS**
9 **OF DOMESTIC VIOLENCE, DATING VIOLENCE,**
10 **SEXUAL ASSAULT, AND STALKING.**

11 (a) **McKINNEY-VENTO HOMELESS ASSISTANCE**
12 **GRANTS.**—Section 423(a) of the McKinney-Vento Home-
13 less Assistance Act (42 U.S.C. 11383(a)) is amended by
14 adding at the end the following:

15 “(13) Facilitating and coordinating activities to
16 ensure compliance with section 41411(e) of the Vio-
17 lence Against Women Act of 1994, including, in con-
18 sultation with the regional office (if applicable) of
19 the appropriate agency (as such term is defined in
20 section 41411 of the Violence Against Women Act of
21 1994), development of external transfer memoranda
22 of understanding between covered housing providers,
23 participating in the local Continua of Care, facilita-
24 tion of external transfers between those covered
25 housing providers participating in the local Continua

1 of Care, and monitoring compliance with the con-
2 fidentiality protections of section 41411(c)(4) of the
3 Violence Against Women Act of 1994 for reporting
4 to that regional office.”.

5 (b) DEFINITION OF DOMESTIC VIOLENCE AND
6 OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS
7 AMENDED.—Section 103(b) of the McKinney-Vento
8 Homeless Assistance Act (42 U.S.C. 11302(b)) is amend-
9 ed to read as follows:

10 “(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS
11 OR LIFE-THREATENING CONDITIONS.—Notwithstanding
12 any other provision of this section, the Secretary shall con-
13 sider to be homeless any individual or family who—

14 “(1) is fleeing, or attempting to flee, domestic
15 violence, dating violence, sexual assault, stalking,
16 and who have no other residence and lack resources
17 to obtain other permanent housing; or

18 “(2) is fleeing or attempting to flee a dangerous
19 or life-threatening condition in the individual’s or
20 family’s current housing situation, including where
21 the health and safety of children are jeopardized and
22 who have no other residence and lack the resources
23 or support networks to obtain other permanent
24 housing.”.

1 (c) COLLABORATIVE GRANTS TO INCREASE THE
2 LONG-TERM STABILITY OF VICTIMS.—Section 41404(i)
3 of the Violence Against Women Act of 1994 (34 U.S.C.
4 12474(i)) is amended by striking “2014 through 2018”
5 and inserting “2020 through 2024”.

6 (d) GRANTS TO COMBAT VIOLENCE AGAINST
7 WOMEN IN PUBLIC AND ASSISTED HOUSING.—Section
8 41405 of the Violence Against Women Act of 1994 (34
9 U.S.C. 12475) is amended—

10 (1) in subsection (b), by striking “the Director
11 of the Violence Against Women Office” and insert-
12 ing “the Director of the Office on Violence Against
13 Women”;

14 (2) in subsection (c)(2)(D), by inserting after
15 “linguistically and culturally specific service pro-
16 viders,” the following: “population-specific organiza-
17 tions,”; and

18 (3) in subsection (g), by striking “2014 through
19 2018” and inserting the following: “2020 through
20 2024”.

21 **SEC. 14666. UNITED STATES HOUSING ACT OF 1937 AMEND-**
22 **MENTS.**

23 Section 5A(d) of the United States Housing Act of
24 1937 (42 U.S.C. 1437c–1(d)) is amended—

1 (1) by amending paragraph (13) to read as fol-
2 lows:

3 “(13) DOMESTIC VIOLENCE, DATING VIOLENCE,
4 SEXUAL ASSAULT, OR STALKING PROGRAMS.—

5 “(A) COPIES.—A copy of—

6 “(i) all standardized notices issued
7 pursuant to the housing protections under
8 subtitle N of the Violence Against Women
9 Act of 1994, including the notice required
10 under section 41411(d) of the Violence
11 Against Women Act of 1994;

12 “(ii) the emergency transfer plan
13 issued pursuant to section 41411 of the
14 Violence Against Women Act of 1994; and

15 “(iii) any and all memoranda of un-
16 derstanding with other covered housing
17 providers developed to facilitate emergency
18 transfers under section 41411(e) of the Vi-
19 olence Against Women Act of 1994.

20 “(B) DESCRIPTIONS.—A description of—

21 “(i) any activities, services, or pro-
22 grams provided or offered by an agency, ei-
23 ther directly or in partnership with other
24 service providers, to child or adult victims

1 of domestic violence, dating violence, sex-
2 ual assault, or stalking;

3 “(ii) any activities, services, or pro-
4 grams provided or offered by a public
5 housing agency that helps child and adult
6 victims of domestic violence, dating vio-
7 lence, sexual assault, or stalking, to obtain
8 or maintain housing;

9 “(iii) any activities, services, or pro-
10 grams provided or offered by a public
11 housing agency to prevent domestic vio-
12 lence, dating violence, sexual assault, and
13 stalking, or to enhance victim safety in as-
14 sisted families; and

15 “(iv) all training and support services
16 offered to staff of the public housing agen-
17 cy to provide a basic understanding of do-
18 mestic violence, dating violence, sexual as-
19 sault, and stalking, and to facilitate imple-
20 mentation of the housing protections of
21 section 41411 of the Violence Against
22 Women Act of 1994.”; and

23 (2) in paragraph (16), by inserting “the Vio-
24 lence Against Women Act of 1994,” before “the
25 Fair Housing Act”.

1 **PART 7—ECONOMIC SECURITY FOR VICTIMS**

2 **SEC. 14671. FINDINGS.**

3 Congress finds the following:

4 (1) Over 1 in 3 women experience sexual vio-
5 lence, and 1 in 5 women have survived completed or
6 attempted rape. Such violence has a devastating im-
7 pact on women’s physical and emotional health, fi-
8 nancial security, and ability to maintain their jobs,
9 and thus impacts interstate commerce and economic
10 security.

11 (2) The Office on Violence Against Women of
12 the Department of Justice defines domestic violence
13 as a pattern of abusive behavior in any relationship
14 that is used by one intimate partner to gain or
15 maintain power and control over another intimate
16 partner. Domestic violence can include physical, sex-
17 ual, emotional, economic, or psychological actions or
18 threats of actions that influence another person. Do-
19 mestic violence includes any behaviors that intimi-
20 date, manipulate, humiliate, isolate, frighten, ter-
21 rorize, coerce, threaten, blame, hurt, injure, or
22 wound an individual.

23 (3) The Centers for Disease Control and Pre-
24 vention report that domestic violence or intimate
25 partner violence is a serious public health issue for
26 millions of individuals in the United States. Nearly

1 1 in 4 women and 1 in 9 men in the United States
2 have suffered sexual violence, physical violence, or
3 stalking by an intimate partner.

4 (4) Transgender and gender non-conforming
5 people face extraordinary levels of physical and sex-
6 ual violence.

7 (5) More than 1 in 4 transgender people have
8 faced bias-driven assault, and this rate is higher for
9 trans women and trans people of color.

10 (6) The American Foundation for Suicide Pre-
11 vention has found that transgender and gender non-
12 conforming people had an elevated prevalence of sui-
13 cide attempts, especially when they have suffered
14 physical or sexual violence.

15 (7) Homicide is one of the leading causes of
16 death for women on the job. Domestic partners or
17 relatives commit 43 percent of workplace homicides
18 against women. One study found that intimate part-
19 ner violence resulted in 142 homicides among women
20 at work in the United States from 2003 to 2008, a
21 figure which represents 22 percent of the 648 work-
22 place homicides among women during the period. In
23 fact, in 2010, homicides against women at work in-
24 creased by 13 percent despite continuous declines in
25 overall workplace homicides in recent years.

1 (8) Women in the United States are 11 times
2 more likely to be murdered with guns than women
3 in other high-income countries. Female intimate
4 partners are more likely to be murdered with a fire-
5 arm than all other means combined. The presence of
6 a gun in domestic violence situations increases the
7 risk of homicide for women by 500 percent.

8 (9) Violence can have a dramatic impact on the
9 survivor of such violence. Studies indicate that 44
10 percent of surveyed employed adults experienced the
11 effect of domestic violence in the workplace, and 64
12 percent indicated their workplace performance was
13 affected by such violence. Another recent survey
14 found that 78 percent of offenders used workplace
15 resources to express anger, check up on, pressure, or
16 threaten a survivor. Sexual assault, whether occur-
17 ring in or out of the workplace, can impair an em-
18 ployee's work performance, require time away from
19 work, and undermine the employee's ability to main-
20 tain a job. Nearly 50 percent of sexual assault sur-
21 vivors lose their jobs or are forced to quit in the
22 aftermath of the assaults.

23 (10) Studies find that 60 percent of single
24 women lack economic security and 81 percent of
25 households with single mothers live in economic inse-

1 curity. Significant barriers that survivors confront
2 include access to housing, transportation, and child
3 care. Ninety-two percent of homeless women have
4 experienced domestic violence, and more than 50
5 percent of such women cite domestic violence as the
6 direct cause for homelessness. Survivors are deprived
7 of their autonomy, liberty, and security, and face
8 tremendous threats to their health and safety.

9 (11) The Centers for Disease Control and Pre-
10 vention report that survivors of severe intimate part-
11 ner violence lose nearly 8 million days of paid work,
12 which is the equivalent of more than 32,000 full-
13 time jobs and almost 5,600,000 days of household
14 productivity each year. Therefore, women dispropor-
15 tionately need time off to care for their health or to
16 find safety solutions, such as obtaining a restraining
17 order or finding housing, to avoid or prevent further
18 violence.

19 (12) Annual costs of intimate partner violence
20 are estimated to be more than \$8,300,000,000. Ac-
21 cording to the Centers for Disease Control and Pre-
22 vention, the costs of intimate partner violence
23 against women in 1995 exceeded an estimated
24 \$5,800,000,000. These costs included nearly
25 \$4,100,000,000 in the direct costs of medical and

1 mental health care and nearly \$1,800,000,000 in the
2 indirect costs of lost productivity. These statistics
3 are generally considered to be underestimated be-
4 cause the costs associated with the criminal justice
5 system are not included.

6 (13) Fifty-five percent of senior executives re-
7 cently surveyed said domestic violence has a harmful
8 effect on their company's productivity, and more
9 than 70 percent said domestic violence negatively af-
10 fects attendance. Seventy-eight percent of human re-
11 sources professionals consider partner violence a
12 workplace issue. However, more than 70 percent of
13 United States workplaces have no formal program or
14 policy that addresses workplace violence, let alone
15 domestic violence. In fact, only four percent of em-
16 ployers provided training on domestic violence.

17 (14) Studies indicate that one of the best pre-
18 dictors of whether a survivor will be able to stay
19 away from his or her abuser is the degree of his or
20 her economic independence. However, domestic vio-
21 lence, dating violence, sexual assault, and stalking
22 often negatively impact a survivor's ability to main-
23 tain employment.

24 (15) Abusers frequently seek to exert financial
25 control over their partners by actively interfering

1 with their ability to work, including preventing their
2 partners from going to work, harassing their part-
3 ners at work, limiting their partners' access to cash
4 or transportation, and sabotaging their partners'
5 child care arrangements.

6 (16) Economic abuse refers to behaviors that
7 control an intimate partner's ability to acquire, use,
8 and maintain access to, money, credit, ownership of
9 assets, or access to governmental or private financial
10 benefits, including defaulting on joint obligations
11 (such as school loans, credit card debt, mortgages,
12 or rent). Other forms of such abuse may include pre-
13 venting someone from attending school, threatening
14 to or actually terminating employment, controlling
15 or withholding access to cash, checking, or credit ac-
16 counts, and attempting to damage or sabotage the
17 creditworthiness of an intimate partner, including
18 forcing an intimate partner to write bad checks,
19 forcing an intimate partner to default on payments
20 related to household needs, such as housing, or fore-
21 ing an intimate partner into bankruptcy.

22 (17) The Patient Protection and Affordable
23 Care Act (Public Law 111–148), and the amend-
24 ments made by such Act, ensures that most health
25 plans must cover preventive services, including

1 screening and counseling for domestic violence, at no
2 additional cost. In addition, it prohibits insurance
3 companies from discriminating against patients for
4 preexisting conditions, like domestic violence.

5 (18) Yet, more can be done to help survivors.
6 Federal law in effect on the day before the date of
7 enactment of this Act does not explicitly—

8 (A) authorize survivors of domestic vio-
9 lence, dating violence, sexual assault, or stalk-
10 ing to take leave from work to seek legal assist-
11 ance and redress, counseling, or assistance with
12 safety planning activities;

13 (B) address the eligibility of survivors of
14 domestic violence, dating violence, sexual as-
15 sault, or stalking for unemployment compensa-
16 tion;

17 (C) provide job protection to survivors of
18 domestic violence, dating violence, sexual as-
19 sault, or stalking;

20 (D) prohibit insurers and employers who
21 self-insure employee benefits from discrimi-
22 nating against survivors of domestic violence,
23 dating violence, sexual assault, or stalking and
24 those who help them in determining eligibility,

1 rates charged, and standards for payment of
2 claims; or

3 (E) prohibit insurers from disclosing infor-
4 mation about abuse and the location of the sur-
5 vivors through insurance databases and other
6 means.

7 (19) This Act aims to empower survivors of do-
8 mestic violence, dating violence, sexual assault, or
9 stalking to be free from violence, hardship, and con-
10 trol, which restrains basic human rights to freedom
11 and safety in the United States.

12 **SEC. 14672. NATIONAL RESOURCE CENTER ON WORKPLACE**
13 **RESPONSES TO ASSIST VICTIMS OF DOMES-**
14 **TIC AND SEXUAL VIOLENCE.**

15 Section 41501 of the Violent Crime Control and Law
16 Enforcement Act of 1994 (34 U.S.C. 12501) is amend-
17 ed—

18 (1) in subsection (a)—

19 (A) by inserting “and sexual harassment”
20 after “domestic and sexual violence”; and

21 (B) by striking “employers and labor orga-
22 nizations” and inserting “employers, labor or-
23 ganizations, and victim service providers”;

1 (2) in subsection (b)(3), by striking “and stalk-
2 ing” and inserting “stalking, and sexual harass-
3 ment”;

4 (3) in subsection (c)(1), by inserting before the
5 period at the end “or sexual harassment”;

6 (4) in subsection (c)(2)(A), by inserting “or
7 sexual harassment” after “sexual violence”; and

8 (5) in subsection (e), by striking “\$1,000,000
9 for each of fiscal years 2014 through 2018” and in-
10 serting “\$2,000,000 for each of fiscal years 2020
11 through 2024”.

12 **SEC. 14673. ENTITLEMENT TO UNEMPLOYMENT COMPENSA-**
13 **TION FOR VICTIMS OF SEXUAL AND OTHER**
14 **HARASSMENT AND SURVIVORS OF DOMESTIC**
15 **VIOLENCE, SEXUAL ASSAULT, OR STALKING.**

16 (a) UNEMPLOYMENT COMPENSATION.—

17 (1) Section 3304(a) of the Internal Revenue
18 Code of 1986 is amended by striking “and” at the
19 end of paragraph (18), by redesignating paragraph
20 (19) as paragraph (20), and by inserting after para-
21 graph (18) the following new paragraph:

22 “(19) no person may be denied compensation
23 under such State law solely on the basis of the indi-
24 vidual having a voluntary separation from work if
25 such separation is attributable to such individual

1 being a victim of sexual or other harassment or a
2 survivor of domestic violence, sexual assault, or
3 stalking; and”.

4 (2) Section 3304 of the Internal Revenue Code
5 of 1986 is amended by adding at the end the fol-
6 lowing new subsection:

7 “(g) SEXUAL OR OTHER HARASSMENT; ETC.—

8 “(1) DOCUMENTATION.—For purposes of sub-
9 section (a)(19), a voluntary separation of an indi-
10 vidual shall be considered to be attributable to such
11 individual being a survivor or victim of sexual or
12 other harassment or a survivor of domestic violence,
13 sexual assault, or stalking if such individual submits
14 such evidence as the State deems sufficient.

15 “(2) SUFFICIENT DOCUMENTATION.—For pur-
16 poses of paragraph (1), a State shall deem suffi-
17 cient, at a minimum—

18 “(A) evidence of such harassment, violence,
19 assault, or stalking in the form of—

20 “(i) a sworn statement and a form of
21 identification;

22 “(ii) a police or court record; or

23 “(iii) documentation from a victim
24 service provider, an attorney, a police offi-
25 cer, a medical professional, a social worker,

1 an antiviolence counselor, a member of the
2 clergy, or another professional; and

3 “(B) an attestation that such voluntary
4 separation is attributable to such harassment,
5 violence, assault, or stalking.

6 “(3) DEFINITIONS.—For purposes of this sec-
7 tion—

8 “(A) The terms ‘domestic violence’, ‘sexual
9 assault’, ‘stalking’, ‘victim of sexual or other
10 harassment’, and ‘survivor of domestic violence,
11 sexual assault, or stalking’ have the meanings
12 given such terms under State law, regulation,
13 or policy.

14 “(B) The term ‘victim service provider’ has
15 the meaning given such term in section 40002
16 of the Violence Against Women Act of 1994.”.

17 (b) UNEMPLOYMENT COMPENSATION PERSONNEL
18 TRAINING.—Section 303(a) of the Social Security Act (42
19 U.S.C. 503(a)) is amended—

20 (1) by redesignating paragraphs (4) through
21 (12) as paragraphs (5) through (13), respectively;
22 and

23 (2) by inserting after paragraph (3) the fol-
24 lowing new paragraph:

1 “(4)(A) Such methods of administration as will
2 ensure that—

3 “(i) applicants for unemployment com-
4 pensation and individuals inquiring about such
5 compensation are notified of the provisions of
6 section 3304(a)(19) of the Internal Revenue
7 Code of 1986; and

8 “(ii) claims reviewers and hearing per-
9 sonnel are trained in—

10 “(I) the nature and dynamics of sex-
11 ual and other harassment, domestic vio-
12 lence, sexual assault, or stalking; and

13 “(II) methods of ascertaining and
14 keeping confidential information about pos-
15 sible experiences of sexual and other har-
16 assment, domestic violence, sexual assault,
17 or stalking to ensure that—

18 “(aa) requests for unemployment
19 compensation based on separations
20 stemming from sexual and other har-
21 assment, domestic violence, sexual as-
22 sault, or stalking are identified and
23 adjudicated; and

1 “(bb) confidentiality is provided
2 for the individual’s claim and sub-
3 mitted evidence.

4 “(B) For purposes of this paragraph—

5 “(i) the terms ‘domestic violence’, ‘sexual
6 assault’, and ‘stalking’ have the meanings given
7 such terms in section 40002 of the Violence
8 Against Women Act of 1994;

9 “(ii) the term ‘sexual and other harass-
10 ment’ has the meaning given such term under
11 State law, regulation, or policy; and

12 “(iii) the term ‘survivor of domestic vio-
13 lence, sexual assault, or stalking’ means—

14 “(I) a person who has experienced or
15 is experiencing domestic violence, sexual
16 assault, or stalking; and

17 “(II) a person whose family or house-
18 hold member has experienced or is experi-
19 encing domestic violence, sexual assault, or
20 stalking.”.

21 (c) TANF PERSONNEL TRAINING.—Section 402(a)
22 of the Social Security Act (42 U.S.C. 602(a)) is amended
23 by adding at the end the following new paragraph:

24 “(8) CERTIFICATION THAT THE STATE WILL
25 PROVIDE INFORMATION TO SURVIVORS OF SEXUAL

1 AND OTHER HARASSMENT, DOMESTIC VIOLENCE,
2 SEXUAL ASSAULT, OR STALKING.—

3 “(A) IN GENERAL.—A certification by the
4 chief executive officer of the State that the
5 State has established and is enforcing stand-
6 ards and procedures to—

7 “(i) ensure that applicants for assist-
8 ance under the State program funded
9 under this part and individuals inquiring
10 about such assistance are adequately noti-
11 fied of—

12 “(I) the provisions of section
13 3304(a)(19) of the Internal Revenue
14 Code of 1986; and

15 “(II) assistance made available
16 by the State to survivors of sexual
17 and other harassment, domestic vio-
18 lence, sexual assault, or stalking;

19 “(ii) ensure that case workers and
20 other agency personnel responsible for ad-
21 ministering the State program funded
22 under this part are adequately trained in—

23 “(I) the nature and dynamics of
24 sexual and other harassment, domes-

1 tic violence, sexual assault, or stalk-
2 ing;

3 “(II) State standards and proce-
4 dures relating to the prevention of,
5 and assistance for individuals who are
6 survivors of sexual and other harass-
7 ment, domestic violence, sexual as-
8 sault, or stalking; and

9 “(III) methods of ascertaining
10 and keeping confidential information
11 about possible experiences of sexual
12 and other harassment, domestic vio-
13 lence, sexual assault, or stalking;

14 “(iii) ensure that, if a State has elect-
15 ed to establish and enforce standards and
16 procedures regarding the screening for,
17 and identification of, domestic violence
18 pursuant to paragraph (7)—

19 “(I) applicants for assistance
20 under the State program funded
21 under this part and individuals inquir-
22 ing about such assistance are ade-
23 quately notified of options available
24 under such standards and procedures;
25 and

1 “(II) case workers and other
2 agency personnel responsible for ad-
3 ministering the State program funded
4 under this part are provided with ade-
5 quate training regarding such stand-
6 ards and procedures and options
7 available under such standards and
8 procedures; and

9 “(iv) ensure that the training required
10 under subparagraphs (B) and, if applica-
11 ble, (C)(ii) is provided through a training
12 program operated by an eligible entity.

13 “(B) DEFINITIONS.—For purposes of this
14 paragraph—

15 “(i) the terms ‘domestic violence’,
16 ‘sexual assault’, and ‘stalking’ have the
17 meanings given such terms in section
18 40002 of the Violence Against Women Act
19 of 1994;

20 “(ii) the term ‘sexual and other har-
21 assment’ has the meaning given such term
22 under State law, regulation, or policy; and

23 “(iii) the term ‘survivor of domestic
24 violence, sexual assault, or stalking’
25 means—

1 “(I) a person who has experi-
2 enced or is experiencing domestic vio-
3 lence, sexual assault, or stalking; and

4 “(II) a person whose family or
5 household member has experienced or
6 is experiencing domestic violence, sex-
7 ual assault, or stalking.”.

8 (d) SEXUAL AND OTHER HARASSMENT, DOMESTIC
9 VIOLENCE, SEXUAL ASSAULT, OR STALKING TRAINING
10 GRANT PROGRAM.—

11 (1) GRANTS AUTHORIZED.—The Secretary of
12 Labor (in this subsection referred to as the “Sec-
13 retary”) is authorized to award—

14 (A) a grant to a national victim service
15 provider in order for such organization to—

16 (i) develop and disseminate a model
17 training program (and related materials)
18 for the training required under section
19 303(a)(4)(B) of the Social Security Act, as
20 added by subsection (b), and under sub-
21 paragraph (B) and, if applicable, subpara-
22 graph (C)(ii) of section 402(a)(8) of such
23 Act, as added by subsection (c); and

24 (ii) provide technical assistance with
25 respect to such model training program,

1 including technical assistance to the tem-
2 porary assistance for needy families pro-
3 gram and unemployment compensation
4 personnel; and

5 (B) grants to State, tribal, or local agen-
6 cies in order for such agencies to contract with
7 eligible entities to provide State, tribal, or local
8 caseworkers and other State, tribal, or local
9 agency personnel responsible for administering
10 the temporary assistance for needy families pro-
11 gram established under part A of title IV of the
12 Social Security Act in a State or Indian res-
13 ervation with the training required under sub-
14 paragraph (B) and, if applicable, subparagraph
15 (C)(ii) of such section 402(a)(8).

16 (2) ELIGIBLE ENTITY DEFINED.—For purposes
17 of paragraph (1)(B), the term “eligible entity”
18 means an entity—

19 (A) that is—

20 (i) a State or tribal domestic violence
21 coalition or sexual assault coalition;

22 (ii) a State or local victim service pro-
23 vider with recognized expertise in the dy-
24 namics of domestic violence, sexual assault,
25 or stalking whose primary mission is to

1 provide services to survivors of domestic vi-
2 olence, sexual assault, or stalking, includ-
3 ing a rape crisis center or domestic vio-
4 lence program; or

5 (iii) an organization with dem-
6 onstrated expertise in State or county wel-
7 fare laws and implementation of such laws
8 and experience with disseminating informa-
9 tion on such laws and implementation, but
10 only if such organization will provide the
11 required training in partnership with an
12 entity described in clause (i) or (ii); and

13 (B) that—

14 (i) has demonstrated expertise in the
15 dynamics of both domestic violence and
16 sexual assault, such as a joint domestic vi-
17 olence and sexual assault coalition; or

18 (ii) will provide the required training
19 in partnership with an entity described in
20 clause (i) or (ii) of subparagraph (A) in
21 order to comply with the dual domestic vio-
22 lence and sexual assault expertise require-
23 ment under clause (i).

24 (3) APPLICATION.—An entity seeking a grant
25 under this subsection shall submit an application to

1 the Secretary at such time, in such form and man-
2 ner, and containing such information as the Sec-
3 retary specifies.

4 (4) REPORTS.—

5 (A) REPORTS TO CONGRESS.—Not later
6 than a year after the date of the enactment of
7 this Act, and annually thereafter, the Secretary
8 shall submit to Congress a report on the grant
9 program established under this subsection.

10 (B) REPORTS AVAILABLE TO PUBLIC.—

11 The Secretary shall establish procedures for the
12 dissemination to the public of each report sub-
13 mitted under subparagraph (A). Such proce-
14 dures shall include the use of the internet to
15 disseminate such reports.

16 (5) AUTHORIZATION OF APPROPRIATIONS.—

17 (A) IN GENERAL.—There are authorized to
18 be appropriated—

19 (i) \$1,000,000 for fiscal year 2020 to
20 carry out the provisions of paragraph
21 (1)(A); and

22 (ii) \$12,000,000 for each of fiscal
23 years 2020 through 2024 to carry out the
24 provisions of paragraph (1)(B).

1 (B) THREE-YEAR AVAILABILITY OF GRANT
2 FUNDS.—Each recipient of a grant under this
3 subsection shall return to the Secretary any un-
4 used portion of such grant not later than 3
5 years after the date the grant was awarded, to-
6 gether with any earnings on such unused por-
7 tion.

8 (C) AMOUNTS RETURNED.—Any amounts
9 returned pursuant to subparagraph (B) shall be
10 available without further appropriation to the
11 Secretary for the purpose of carrying out the
12 provisions of paragraph (1)(B).

13 (e) EFFECT ON EXISTING LAWS, ETC.—

14 (1) MORE PROTECTIVE LAWS, AGREEMENTS,
15 PROGRAMS, AND PLANS.—Nothing in this title shall
16 be construed to supersede any provision of any Fed-
17 eral, State, or local law, collective bargaining agree-
18 ment, or employment benefits program or plan that
19 provides greater unemployment insurance benefits
20 for survivors of sexual and other harassment, domes-
21 tic violence, sexual assault, or stalking than the
22 rights established under this title.

23 (2) LESS PROTECTIVE LAWS, AGREEMENTS,
24 PROGRAMS, AND PLANS.—Any law, collective bar-
25 gaining agreement, or employment benefits program

1 or plan of a State or unit of local government is pre-
2 empted to the extent that such law, agreement, or
3 program or plan would impair the exercise of any
4 right established under this title or the amendments
5 made by this title.

6 (f) EFFECTIVE DATE.—

7 (1) UNEMPLOYMENT AMENDMENTS.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B) and paragraph (2), the
10 amendments made by this section shall apply in
11 the case of compensation paid for weeks begin-
12 ning on or after the expiration of the 180-day
13 period beginning on the date of enactment of
14 this Act.

15 (B) EXTENSION OF EFFECTIVE DATE FOR
16 STATE LAW AMENDMENT.—

17 (i) IN GENERAL.—Except as provided
18 in paragraph (2), in a case in which the
19 Secretary of Labor identifies a State as re-
20 quiring a change to its statutes, regula-
21 tions, or policies in order to comply with
22 the amendments made by this section, such
23 amendments shall apply in the case of
24 compensation paid for weeks beginning
25 after the earlier of—

1 (I) the date the State changes its
2 statutes, regulations, or policies in
3 order to comply with such amend-
4 ments; or

5 (II) the end of the first session of
6 the State legislature which begins
7 after the date of enactment of this
8 Act or which began prior to such date
9 and remained in session for at least
10 25 calendar days after such date, ex-
11 cept that in no case shall such amend-
12 ments apply before the date that is
13 180 days after the date of enactment
14 of this Act.

15 (ii) SESSION DEFINED.—In this sub-
16 paragraph, the term “session” means a
17 regular, special, budget, or other session of
18 a State legislature.

19 (2) TANF AMENDMENT.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the amendment made by
22 subsection (c) shall take effect on the date of
23 enactment of this Act.

24 (B) EXTENSION OF EFFECTIVE DATE FOR
25 STATE LAW AMENDMENT.—In the case of a

1 State plan under part A of title IV of the Social
2 Security Act which the Secretary of Health and
3 Human Services determines requires State ac-
4 tion (including legislation, regulation, or other
5 administrative action) in order for the plan to
6 meet the additional requirements imposed by
7 the amendment made by subsection (c), the
8 State plan shall not be regarded as failing to
9 comply with the requirements of such amend-
10 ment on the basis of its failure to meet these
11 additional requirements before the first day of
12 the first calendar quarter beginning after the
13 close of the first regular session of the State
14 legislature that begins after the date of enact-
15 ment of this Act. For purposes of the previous
16 sentence, in the case of a State that has a 2-
17 year legislative session, each year of the session
18 is considered to be a separate regular session of
19 the State legislature.

20 (g) DEFINITIONS.—In this section, the terms “do-
21 mestic violence”, “sexual assault”, “stalking”, “survivor
22 of domestic violence, sexual assault, or stalking”, and “vic-
23 tim service provider” have the meanings given such terms
24 in section 3304(g) of the Internal Revenue Code of 1986.

1 **SEC. 14674. STUDY AND REPORTS ON BARRIERS TO SUR-**
2 **VIVORS' ECONOMIC SECURITY ACCESS.**

3 (a) STUDY.—The Secretary of Health and Human
4 Services, in consultation with the Secretary of Labor, shall
5 conduct a study on the barriers that survivors of domestic
6 violence, dating violence, sexual assault, or stalking
7 throughout the United States experience in maintaining
8 economic security as a result of issues related to domestic
9 violence, dating violence, sexual assault, or stalking.

10 (b) REPORTS.—Not later than 1 year after the date
11 of enactment of this title, and every 5 years thereafter,
12 the Secretary of Health and Human Services, in consulta-
13 tion with the Secretary of Labor, shall submit a report
14 to Congress on the study conducted under subsection (a).

15 (c) CONTENTS.—The study and reports under this
16 section shall include—

17 (1) identification of geographic areas in which
18 State laws, regulations, and practices have a strong
19 impact on the ability of survivors of domestic vio-
20 lence, dating violence, sexual assault, or stalking to
21 exercise—

22 (A) any rights under this Act without com-
23 promising personal safety or the safety of oth-
24 ers, including family members and excluding
25 the abuser; and

1 (B) other components of economic security,
2 including financial empowerment, affordable
3 housing, transportation, healthcare access, and
4 quality education and training opportunities;

5 (2) identification of geographic areas with
6 shortages in resources for such survivors, with an
7 accompanying analysis of the extent and impact of
8 such shortage;

9 (3) analysis of factors related to industries,
10 workplace settings, employer practices, trends, and
11 other elements that impact the ability of such sur-
12 vivors to exercise any rights under this Act without
13 compromising personal safety or the safety of others,
14 including family members;

15 (4) the recommendations of the Secretary of
16 Health and Human Services and the Secretary of
17 Labor with respect to resources, oversight, and en-
18 forcement tools to ensure successful implementation
19 of the provisions of this Act in order to support the
20 economic security and safety of survivors of domestic
21 violence, dating violence, sexual assault, or stalking;
22 and

23 (5) best practices for States, employers, health
24 carriers, insurers, and other private entities in ad-

1 dressing issues related to domestic violence, dating
2 violence, sexual assault, or stalking.

3 **SEC. 14675. GAO STUDY.**

4 Not later than 18 months after the date of enactment
5 of this Act, the Comptroller General of the United States
6 shall submit to the Committee on Health, Education,
7 Labor, and Pensions of the Senate a report that examines,
8 with respect to survivors of domestic violence, dating vio-
9 lence, sexual assault, or stalking who are, or were, enrolled
10 at institutions of higher education and borrowed a loan
11 made, insured, or guaranteed under title IV of the Higher
12 Education Act of 1965 (20 U.S.C. 1070 et seq.) for which
13 the survivors have not repaid the total interest and prin-
14 cipal due, each of the following:

15 (1) The implications of domestic violence, dat-
16 ing violence, sexual assault, or stalking on a bor-
17 rower's ability to repay their Federal student loans.

18 (2) The adequacy of policies and procedures re-
19 garding Federal student loan deferment, forbear-
20 ance, and grace periods when a survivor has to sus-
21 pend or terminate the survivor's enrollment at an in-
22 stitution of higher education due to domestic vio-
23 lence, dating violence, sexual assault, or stalking.

24 (3) The adequacy of institutional policies and
25 practices regarding retention or transfer of credits

1 when a survivor has to suspend or terminate the
2 survivor's enrollment at an institution of higher edu-
3 cation due to domestic violence, dating violence, sex-
4 ual assault, or stalking.

5 (4) The availability or any options for a sur-
6 vivor of domestic violence, dating violence, sexual as-
7 sault, or stalking who attended an institution of
8 higher education that committed unfair, deceptive,
9 or abusive acts or practices, or otherwise substan-
10 tially misrepresented information to students, to be
11 able to seek a defense to repayment of the survivor's
12 Federal student loan.

13 (5) The limitations faced by a survivor of do-
14 mestic violence, dating violence, sexual assault, or
15 stalking to obtain any relief or restitution on the
16 survivor's Federal student loan debt due to the use
17 of forced arbitration, gag orders, or bans on class
18 actions.

19 **SEC. 14676. EDUCATION AND INFORMATION PROGRAMS**
20 **FOR SURVIVORS.**

21 (a) PUBLIC EDUCATION CAMPAIGN.—

22 (1) IN GENERAL.—The Secretary of Labor, in
23 conjunction with the Secretary of Health and
24 Human Services (through the Director of the Cen-
25 ters for Disease Control and Prevention and the

1 grant recipient under section 41501 of the Violence
2 Against Women Act of 1994 that establishes the na-
3 tional resource center on workplace responses to as-
4 sist victims of domestic and sexual violence) and the
5 Attorney General (through the Principal Deputy Di-
6 rector of the Office on Violence Against Women),
7 shall coordinate and provide for a national public
8 outreach and education campaign to raise public
9 awareness of the workplace impact of domestic vio-
10 lence, dating violence, sexual assault, and stalking,
11 including outreach and education for employers,
12 service providers, teachers, and other key partners.
13 This campaign shall pay special attention to ensure
14 that survivors are made aware of the existence of the
15 following types of workplace laws (federal and/or
16 State): anti-discrimination laws that bar treating
17 survivors differently; leave laws, both paid and un-
18 paid that are available for use by survivors; unem-
19 ployment insurance laws and policies that address
20 survivor eligibility.

21 (2) DISSEMINATION.—The Secretary of Labor,
22 in conjunction with the Secretary of Health and
23 Human Services and the Attorney General, as de-
24 scribed in paragraph (1), may disseminate informa-
25 tion through the public outreach and education cam-

1 paign on the resources and rights referred to in this
2 subsection directly or through arrangements with
3 health agencies, professional and nonprofit organiza-
4 tions, consumer groups, labor organizations, institu-
5 tions of higher education, clinics, the media, and
6 Federal, State, and local agencies.

7 (3) INFORMATION.—The information dissemi-
8 nated under paragraph (2) shall include, at a min-
9 imum, a description of—

10 (A) the resources and rights that are—

11 (i) available to survivors of domestic
12 violence, dating violence, sexual assault, or
13 stalking; and

14 (ii) established in this Act and the Vi-
15 olence Against Women Act of 1994 (34
16 U.S.C. 12291 et seq.);

17 (B) guidelines and best practices on pre-
18 vention of domestic violence, dating violence,
19 stalking, and sexual assault;

20 (C) resources that promote healthy rela-
21 tionships and communication skills;

22 (D) resources that encourage bystander
23 intervention in a situation involving domestic vi-
24 olence, dating violence, stalking, or sexual as-
25 sault;

1 (E) resources that promote workplace poli-
2 cies that support and help maintain the eco-
3 nomic security of survivors of domestic violence,
4 dating violence, sexual assault, or stalking, in-
5 cluding guidelines and best practices to promote
6 the creation of effective employee assistance
7 programs; and

8 (F) resources and rights that the heads of
9 Federal agencies described in paragraph (2) de-
10 termine are appropriate to include.

11 (4) COMMON LANGUAGES.—The Secretary of
12 Labor shall ensure that the information dissemi-
13 nated to survivors under paragraph (2) is made
14 available in commonly encountered languages.

15 (b) DEFINITIONS.—In this section:

16 (1) EMPLOYEE.—

17 (A) IN GENERAL.—The term “employee”
18 means any individual employed by an employer.
19 In the case of an individual employed by a pub-
20 lic agency, such term means an individual em-
21 ployed as described in section 3(e)(2) of the
22 Fair Labor Standards Act of 1938 (29 U.S.C.
23 203(e)(2)).

24 (B) BASIS.—The term includes a person
25 employed as described in subparagraph (A) on

1 a full- or part-time basis, for a fixed time pe-
2 riod, on a temporary basis, pursuant to a detail,
3 or as a participant in a work assignment as a
4 condition of receipt of Federal or State income-
5 based public assistance.

6 (2) EMPLOYER.—The term “employer”—

7 (A) means any person engaged in com-
8 merce or in any industry or activity affecting
9 commerce who employs 15 or more individuals;
10 and

11 (B) includes any person acting directly or
12 indirectly in the interest of an employer in rela-
13 tion to an employee, and includes a public agen-
14 cy that employs individuals as described in sec-
15 tion 3(e)(2) of the Fair Labor Standards Act of
16 1938, but does not include any labor organiza-
17 tion (other than when acting as an employer) or
18 anyone acting in the capacity of officer or agent
19 of such labor organization.

20 (3) FLSA TERMS.—The terms “employ” and
21 “State” have the meanings given the terms in sec-
22 tion 3 of the Fair Labor Standards Act of 1938 (29
23 U.S.C. 203).

24 (c) STUDY ON WORKPLACE RESPONSES.—The Sec-
25 retary of Labor, in conjunction with the Secretary of

1 Health and Human Services, shall conduct a study on the
2 status of workplace responses to employees who experience
3 domestic violence, dating violence, sexual assault, or stalk-
4 ing while employed, in each State and nationally, to im-
5 prove the access of survivors of domestic violence, dating
6 violence, sexual assault, or stalking to supportive resources
7 and economic security.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section,
10 such sums as may be necessary for each of fiscal years
11 2020 through 2024.

12 **SEC. 14677. SEVERABILITY.**

13 If any provision of this Act, any amendment made
14 by this Act, or the application of such provision or amend-
15 ment to any person or circumstance is held to be unconsti-
16 tutional, the remainder of the provisions of this Act, the
17 amendments made by this Act, and the application of such
18 provisions or amendments to any person or circumstance
19 shall not be affected.

1 **PART 8—HOMICIDE REDUCTION INITIATIVES**
2 **SEC. 14681. PROHIBITING PERSONS CONVICTED OF MIS-**
3 **DEMEANOR CRIMES AGAINST DATING PART-**
4 **NERS AND PERSONS SUBJECT TO PROTEC-**
5 **TION ORDERS.**

6 Section 921(a) of title 18, United States Code, is
7 amended—

8 (1) in paragraph (32), by striking all that fol-
9 lows after “The term ‘intimate partner’” and insert-
10 ing the following: “—

11 “(A) means, with respect to a person, the
12 spouse of the person, a former spouse of the
13 person, an individual who is a parent of a child
14 of the person, and an individual who cohabi-
15 tates or has cohabited with the person; and

16 “(B) includes—

17 “(i) a dating partner or former dating
18 partner (as defined in section 2266); and

19 “(ii) any other person similarly situ-
20 ated to a spouse who is protected by the
21 domestic or family violence laws of the
22 State or tribal jurisdiction in which the in-
23 jury occurred or where the victim resides.”;

24 (2) in paragraph (33)(A)—

25 (A) in clause (i), by inserting after “Fed-
26 eral, State,” the following: “municipal,”; and

1 (B) in clause (ii), by inserting “intimate
2 partner,” after “spouse,” each place it appears;
3 (3) by redesignating paragraphs (34) and (35)
4 as paragraphs (35) and (36) respectively; and
5 (4) by inserting after paragraph (33) the fol-
6 lowing:

7 “(34)(A) The term ‘misdemeanor crime of stalking’
8 means an offense that—

9 “(i) is a misdemeanor crime of stalking under
10 Federal, State, Tribal, or municipal law; and

11 “(ii) is a course of harassment, intimidation, or
12 surveillance of another person that—

13 “(I) places that person in reasonable fear
14 of material harm to the health or safety of—

15 “(aa) that person;

16 “(bb) an immediate family member
17 (as defined in section 115) of that person;

18 “(cc) a household member of that per-
19 son; or

20 “(dd) a spouse or intimate partner of
21 that person; or

22 “(II) causes, attempts to cause, or would
23 reasonably be expected to cause emotional dis-
24 tress to a person described in item (aa), (bb),
25 (cc), or (dd) of subclause (I).

1 “(B) A person shall not be considered to have been
2 convicted of such an offense for purposes of this chapter,
3 unless—

4 “(i) the person was represented by counsel in
5 the case, or knowingly and intelligently waived the
6 right to counsel in the case; and

7 “(ii) in the case of a prosecution for an offense
8 described in this paragraph for which a person was
9 entitled to a jury trial in the jurisdiction in which
10 the case was tried, either—

11 “(I) the case was tried by a jury; or

12 “(II) the person knowingly and intel-
13 ligently waived the right to have the case tried
14 by a jury, by guilty plea or otherwise.

15 “(C) A person shall not be considered to have been
16 convicted of such an offense for purposes of this chapter
17 if the conviction has been expunged or set aside, or is an
18 offense for which the person has been pardoned or has
19 had civil rights restored (if the law of the applicable juris-
20 diction provides for the loss of civil rights under such an
21 offense) unless the pardon, expungement, or restoration
22 of civil rights expressly provides that the person may not
23 ship, transport, possess, or receive firearms.”.

1 **SEC. 14682. PROHIBITING STALKERS AND INDIVIDUALS**
2 **SUBJECT TO COURT ORDER FROM POS-**
3 **SESSING A FIREARM.**

4 Section 922 of title 18, United States Code, is
5 amended—

6 (1) in subsection (d)—

7 (A) in paragraph (8), by striking “that re-
8 strains such person” and all that follows, and
9 inserting “described in subsection (g)(8);”;

10 (B) in paragraph (9), by striking the pe-
11 riod at the end and inserting “; or”; and

12 (C) by inserting after paragraph (9) the
13 following:

14 “(10) who has been convicted in any court of
15 a misdemeanor crime of stalking.”; and

16 (2) in subsection (g)—

17 (A) by amending paragraph (8) to read as
18 follows:

19 “(8) who is subject to a court order—

20 “(A) that was issued—

21 “(i) after a hearing of which such per-
22 son received actual notice, and at which
23 such person had an opportunity to partici-
24 pate; or

1 “(ii) in the case of an ex parte order,
2 relative to which notice and opportunity to
3 be heard are provided—

4 “(I) within the time required by
5 State, tribal, or territorial law; and

6 “(II) in any event within a rea-
7 sonable time after the order is issued,
8 sufficient to protect the due process
9 rights of the person;

10 “(B) that restrains such person from—

11 “(i) harassing, stalking, or threat-
12 ening an intimate partner of such person
13 or child of such intimate partner or person,
14 or engaging in other conduct that would
15 place an intimate partner in reasonable
16 fear of bodily injury to the partner or
17 child; or

18 “(ii) intimidating or dissuading a wit-
19 ness from testifying in court; and

20 “(C) that—

21 “(i) includes a finding that such per-
22 son represents a credible threat to the
23 physical safety of such individual described
24 in subparagraph (B); or

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such individual described in subparagraph (B) that would reasonably be expected to cause bodily injury;”;

(B) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) who has been convicted in any court of a misdemeanor crime of stalking,”.

PART 9—SAFETY FOR INDIAN WOMEN

SEC. 14691. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) American Indians and Alaska Natives are 2.5 times as likely to experience violent crimes—and at least 2 times more likely to experience rape or sexual assault crimes—compared to all other races.

(2) More than 4 in 5 American Indian and Alaska Native women, or 84.3 percent, have experienced violence in their lifetime.

(3) The vast majority of Native victims—96 percent of women and 89 percent of male victims—report being victimized by a non-Indian.

1 (4) Native victims of sexual violence are three
2 times as likely to have experienced sexual violence by
3 an interracial perpetrator as non-Hispanic White
4 victims and Native stalking victims are nearly 4
5 times as likely to be stalked by someone of a dif-
6 ferent race.

7 (5) While tribes exercising jurisdiction over
8 non-Indians have reported significant successes, the
9 inability to prosecute crimes related to the Special
10 Domestic Violence Criminal Jurisdiction crimes con-
11 tinues to leave Tribes unable to fully hold domestic
12 violence offenders accountable.

13 (6) Tribal prosecutors report that the majority
14 of domestic violence cases involve children either as
15 witnesses or victims, and Department of Justice re-
16 ports that American Indian and Alaska Native chil-
17 dren suffer exposure to violence at rates higher than
18 any other race in the United States.

19 (7) Childhood exposure to violence has imme-
20 diate and long-term effects, including: increased
21 rates of altered neurological development, poor phys-
22 ical and mental health, poor school performance,
23 substance abuse, and overrepresentation in the juve-
24 nile justice system.

1 (8) According to the Centers for Disease Con-
2 trol and Prevention, homicide is the third leading
3 cause of death among American Indian and Alaska
4 Native women between 10 and 24 years of age and
5 the fifth leading cause of death for American Indian
6 and Alaska Native women between 25 and 34 years
7 of age.

8 (9) On some reservations, Indian women are
9 murdered at more than 10 times the national aver-
10 age.

11 (10) According to a 2010 Government Account-
12 ability Office report, United States Attorneys de-
13 clined to prosecute nearly 52 percent of violent
14 crimes that occur in Indian country.

15 (11) Investigation into cases of missing and
16 murdered Indian women is made difficult for tribal
17 law enforcement agencies due to a lack of resources,
18 such as—

19 (A) necessary training, equipment, or
20 funding;

21 (B) a lack of interagency cooperation; and

22 (C) a lack of appropriate laws in place.

23 (12) Domestic violence calls are among the
24 most dangerous calls that law enforcement receives.

1 (13) The complicated jurisdictional scheme that
2 exists in Indian country—

3 (A) has a significant negative impact on
4 the ability to provide public safety to Indian
5 communities;

6 (B) has been increasingly exploited by
7 criminals; and

8 (C) requires a high degree of commitment
9 and cooperation among tribal, Federal, and
10 State law enforcement officials.

11 (14) Restoring and enhancing local, tribal ca-
12 pacity to address violence against women provides
13 for greater local control, safety, accountability, and
14 transparency.

15 (15) In States with restrictive land settlement
16 acts such as Alaska, “Indian country” is limited, re-
17 sources for local tribal responses either nonexistent
18 or insufficient to meet the needs, jurisdiction unnec-
19 essarily complicated and increases the already high
20 levels of victimization of American Indian and Alas-
21 ka Native women. According to the Tribal Law and
22 Order Act Commission Report, Alaska Native
23 women are over-represented in the domestic violence
24 victim population by 250 percent; they comprise 19
25 percent of the State population, but are 47 percent

1 of reported rape victims. And among other Indian
2 Tribes, Alaska Native women suffer the highest
3 rates of domestic and sexual violence in the country.

4 (b) PURPOSES.—The purposes of this title are—

5 (1) to clarify the responsibilities of Federal,
6 State, tribal, and local governments with respect to
7 responding to cases of domestic violence, dating vio-
8 lence, stalking, trafficking, sexual violence, crimes
9 against children, and assault against tribal law en-
10 forcement officers and murdered Indians;

11 (2) to increase coordination and communication
12 among Federal, State, tribal, and local law enforce-
13 ment agencies;

14 (3) to empower tribal governments with the re-
15 sources and information necessary to effectively re-
16 spond to cases of domestic violence, dating violence,
17 stalking, sex trafficking, sexual violence, and missing
18 and murdered Indians; and

19 (4) to increase the collection of data related to
20 missing and murdered Indians and the sharing of in-
21 formation among Federal, State, and tribal officials
22 responsible for responding to and investigating cases
23 of missing and murdered Indians.

1 **SEC. 14692. AUTHORIZING FUNDING FOR THE TRIBAL AC-**
2 **CESS PROGRAM.**

3 (a) IN GENERAL.—Section 534 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated \$3,000,000 for each of
8 fiscal years 2020 through 2024, to remain available until
9 expended, for the purposes of enhancing the ability of trib-
10 al government entities to access, enter information into,
11 and obtain information from, Federal criminal informa-
12 tion databases, as authorized by this section.”.

13 (b) INDIAN TRIBE AND INDIAN LAW ENFORCEMENT
14 INFORMATION SHARING.—Section 534 of title 28, United
15 States Code, is further amended by amending subsection
16 (d) to read as follows:

17 “(d) INDIAN TRIBE AND INDIAN LAW ENFORCE-
18 MENT INFORMATION SHARING.—The Attorney General
19 shall permit tribal law enforcement entities (including en-
20 tities designated by a tribe as maintaining public safety
21 within a tribe’s territorial jurisdiction that has no federal
22 or state arrest authority) and Bureau of Indian Affairs
23 law enforcement agencies—

24 “(1) to access and enter information into Fed-
25 eral criminal information databases; and

1 “(2) to obtain information from the data-
2 bases.”.

3 **SEC. 14693. TRIBAL JURISDICTION OVER CRIMES OF DO-**
4 **MESTIC VIOLENCE, DATING VIOLENCE, OB-**
5 **STRUCTION OF JUSTICE, SEXUAL VIOLENCE,**
6 **SEX TRAFFICKING, STALKING, AND ASSAULT**
7 **OF A LAW ENFORCEMENT OFFICER OR COR-**
8 **RECTIONS OFFICER.**

9 Section 204 of Public Law 90–284 (25 U.S.C. 1304)
10 (commonly known as the “Indian Civil Rights Act of
11 1968”) is amended—

12 (1) in the heading, by striking “**CRIMES OF**
13 **DOMESTIC VIOLENCE**” and inserting “**CRIMES**
14 **OF DOMESTIC VIOLENCE, DATING VIOLENCE,**
15 **OBSTRUCTION OF JUSTICE, SEXUAL VIOLENCE,**
16 **SEX TRAFFICKING, STALKING, AND ASSAULT**
17 **OF A LAW ENFORCEMENT OR CORRECTIONS**
18 **OFFICER**”;

19 (2) in subsection (a)(6), in the heading, by
20 striking “SPECIAL DOMESTIC VIOLENCE CRIMINAL
21 JURISDICTION” and inserting “SPECIAL TRIBAL
22 CRIMINAL JURISDICTION”;

23 (3) by striking “special domestic violence crimi-
24 nal jurisdiction” each place such term appears and
25 inserting “special tribal criminal jurisdiction”;

1 (4) in subsection (a)—

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

3 “(12) STALKING.—The term ‘stalking’ means
4 engaging in a course of conduct directed at a spe-
5 cific person proscribed by the criminal law of the In-
6 dian tribe that has jurisdiction over the Indian coun-
7 try where the violation occurs that would cause a
8 reasonable person to—

9 “(A) fear for the person’s safety or the
10 safety of others; or

11 “(B) suffer substantial emotional dis-
12 tress.”;

13 (B) by redesignating paragraphs (6) and
14 (7) as paragraphs (10) and (11);

15 (C) by inserting before paragraph (10) (as
16 redesignated) the following:

17 “(8) SEX TRAFFICKING.—

18 “(A) IN GENERAL.—The term ‘sex traf-
19 ficking’ means conduct—

20 “(i) consisting of—

21 “(I) recruiting, enticing, har-
22 boring, transporting, providing, ob-
23 taining, advertising, maintaining, pa-
24 tronizing, or soliciting by any means a
25 person; or

1 “(II) benefitting, financially or
2 by receiving anything of value, from
3 participation in a venture that has en-
4 gaged in an act described in subclause
5 (I); and

6 “(ii) carried out with the knowledge,
7 or, except where the act constituting the
8 violation of clause (i) is advertising, in
9 reckless disregard of the fact, that—

10 “(I) means of force, threats of
11 force, fraud, coercion, or any combina-
12 tion of such means will be used to
13 cause the person to engage in a com-
14 mercial sex act; or

15 “(II) the person has not attained
16 the age of 18 years and will be caused
17 to engage in a commercial sex act.

18 “(B) DEFINITIONS.—In this paragraph,
19 the terms ‘coercion’ and ‘commercial sex act’
20 have the meanings given the terms in section
21 1591(e) of title 18, United States Code.

22 “(9) SEXUAL VIOLENCE.—The term ‘sexual vio-
23 lence’ means any nonconsensual sexual act or con-
24 tact proscribed by the criminal law of the Indian
25 tribe that has jurisdiction over the Indian country

1 where the violation occurs, including in any case in
2 which the victim lacks the capacity to consent to the
3 act.”;

4 (D) by redesignating paragraphs (4) and
5 (5) as paragraphs (6) and (7);

6 (E) by redesignating paragraphs (1)
7 through (3) as paragraphs (2) through (4);

8 (F) in paragraph (3) (as redesignated), to
9 read as follows:

10 “(3) DOMESTIC VIOLENCE.—The term ‘domes-
11 tic violence’ means violence—

12 “(A) committed by a current or former
13 spouse or intimate partner of the victim, by a
14 person with whom the victim shares a child in
15 common, by a person who is cohabitating with
16 or has cohabitated with the victim as a spouse
17 or intimate partner, or by a person similarly
18 situated to a spouse of the victim under the
19 domestic- or family- violence laws of an Indian
20 tribe that has jurisdiction over the Indian coun-
21 try where the violence occurs; or

22 “(B)(i) committed against a victim who is
23 a child under the age of 18, or an elder (as
24 such term is defined by tribal law), including
25 when an offender recklessly engages in conduct

1 that creates a substantial risk of death or seri-
2 ous bodily injury to the victim, or committed as
3 described in subparagraph (A) while the child
4 or elder is present; and

5 “(ii) the child or elder—

6 “(I) resides or has resided in the
7 same household as the offender;

8 “(II) is related to the offender by
9 blood or marriage;

10 “(III) is related to another victim of
11 the offender by blood or marriage;

12 “(IV) is under the care of a victim of
13 the offender who is an intimate partner or
14 former spouse; or

15 “(V) is under the care of a victim of
16 the offender who is similarly situated to a
17 spouse of the victim under the domestic- or
18 family- violence laws of an Indian tribe
19 that has jurisdiction over the Indian coun-
20 try where the violence occurs.”;

21 (G) by inserting before paragraph (2) (as
22 redesignated), the following:

23 “(1) ASSAULT OF A LAW ENFORCEMENT OR
24 CORRECTIONAL OFFICER.—The term ‘assault of a
25 law enforcement or correctional officer’ means any

1 criminal violation of the law of the Indian tribe that
2 has jurisdiction over the Indian country where the
3 violation occurs that involves the threatened, at-
4 tempted, or actual harmful or offensive touching of
5 a law enforcement or correctional officer.”; and

6 (H) by inserting after paragraph (4) (as
7 redesignated), the following:

8 “(5) OBSTRUCTION OF JUSTICE.—The term
9 ‘obstruction of justice’ means any violation of the
10 criminal law of the Indian tribe that has jurisdiction
11 over the Indian country where the violation occurs,
12 and the violation involves interfering with the ad-
13 ministration or due process of the tribe’s laws in-
14 cluding any tribal criminal proceeding or investiga-
15 tion of a crime.”;

16 (5) in subsection (b)(1), by inserting after “the
17 powers of self-government of a participating tribe”
18 the following: “, including any participating tribes in
19 the State of Maine,”;

20 (6) in subsection (b)(4)—

21 (A) in subparagraph (A)(i), by inserting
22 after “over an alleged offense” the following: “,
23 other than obstruction of justice or an act of
24 assault of a law enforcement or corrections offi-
25 cer,”; and

1 (B) in subparagraph (B)—

2 (i) in clause (ii), by striking “or” at
3 the end;

4 (ii) in clause (iii)(II), by striking the
5 period at the end and inserting the fol-
6 lowing: “; or”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(iv) is being prosecuted for a crime
10 of sexual violence, stalking, sex trafficking,
11 obstructing justice, or assaulting a police
12 or corrections officer under the laws of the
13 prosecuting tribe.”;

14 (7) in subsection (c)—

15 (A) in the matter preceding paragraph (1),
16 by striking “domestic violence” and inserting
17 “tribal”; and

18 (B) in paragraph (1)—

19 (i) in the paragraph heading, by strik-
20 ing “AND DATING VIOLENCE” and insert-
21 ing “, DATING VIOLENCE, OBSTRUCTION
22 OF JUSTICE, SEXUAL VIOLENCE, STALK-
23 ING, SEX TRAFFICKING, OR ASSAULT OF A
24 LAW ENFORCEMENT OR CORRECTIONS OF-
25 FICER”; and

1 (ii) by striking “or dating violence”
2 and inserting “, dating violence, obstruc-
3 tion of justice, sexual violence, stalking,
4 sex trafficking, or assault of a law enforce-
5 ment or corrections officer”;

6 (8) in subsection (d), by striking “domestic vio-
7 lence” each place it appears and inserting “tribal”;

8 (9) by striking subsections (f), (g), and (h) and
9 inserting the following:

10 “(f) GRANTS AND REIMBURSEMENT TO TRIBAL GOV-
11 ERNMENTS.—

12 “(1) REIMBURSEMENT.—

13 “(A) IN GENERAL.—The Attorney General
14 is authorized to reimburse tribal government
15 authorities for expenses incurred in exercising
16 special tribal criminal jurisdiction.

17 “(B) ELIGIBLE EXPENSES.—Eligible ex-
18 penses for reimbursement shall include—

19 “(i) expenses incurred to arrest or
20 prosecute offenders and to detain inmates
21 (including costs associated with providing
22 health care);

23 “(ii) expenses related to indigent de-
24 fense services; and

1 “(iii) costs associated with probation
2 and rehabilitation services.

3 “(C) PROCEDURE.—Reimbursements au-
4 thorized pursuant to this section shall be in ac-
5 cordance with rules promulgated by the Attor-
6 ney General after consultation with Indian
7 tribes and within 1 year after the date of enact-
8 ment of this Act. The rules promulgated by the
9 Department shall set a maximum allowable re-
10 imbursement to any tribal government in a 1-
11 year period.

12 “(2) GRANTS.—The Attorney General may
13 award grants to the governments of Indian tribes (or
14 to authorized designees of those governments)—

15 “(A) to strengthen tribal criminal justice
16 systems to assist Indian tribes in exercising
17 special tribal criminal jurisdiction, including—

18 “(i) law enforcement (including the
19 capacity of law enforcement, court per-
20 sonnel, or other non-law enforcement enti-
21 ties that have no Federal or State arrest
22 authority agencies but have been des-
23 ignated by a tribe as responsible for main-
24 taining public safety within its territorial
25 jurisdiction, to enter information into and

1 obtain information from national crime in-
2 formation databases);

3 “(ii) prosecution;

4 “(iii) trial and appellate courts (in-
5 cluding facilities construction);

6 “(iv) probation systems;

7 “(v) detention and correctional facili-
8 ties (including facilities construction);

9 “(vi) alternative rehabilitation centers;

10 “(vii) culturally appropriate services
11 and assistance for victims and their fami-
12 lies; and

13 “(viii) criminal codes and rules of
14 criminal procedure, appellate procedure,
15 and evidence;

16 “(B) to provide indigent criminal defend-
17 ants with the effective assistance of licensed de-
18 fense counsel, at no cost to the defendant, in
19 criminal proceedings in which a participating
20 tribe prosecutes—

21 “(i) a crime of domestic violence;

22 “(ii) a crime of dating violence;

23 “(iii) a criminal violation of a protec-
24 tion order;

25 “(iv) a crime of sexual violence;

1 “(v) a crime of stalking;

2 “(vi) a crime of sex trafficking;

3 “(vii) a crime of obstruction of justice;

4 or

5 “(viii) a crime of assault of a law en-
6 forcement or correctional officer;

7 “(C) to ensure that, in criminal pro-
8 ceedings in which a participating tribe exercises
9 special tribal criminal jurisdiction, jurors are
10 summoned, selected, and instructed in a man-
11 ner consistent with all applicable requirements;

12 “(D) to accord victims of domestic vio-
13 lence, dating violence, sexual violence, stalking,
14 sex trafficking, obstruction of justice, assault of
15 a law enforcement or correctional officer, and
16 violations of protection orders rights that are
17 similar to the rights of a crime victim described
18 in section 3771(a) of title 18, consistent with
19 tribal law and custom; and

20 “(E) to create a pilot project to allow up
21 to five Indian tribes in Alaska to implement
22 special tribal criminal jurisdiction.

23 “(g) SUPPLEMENT, NOT SUPPLANT.—Amounts
24 made available under this section shall supplement and
25 not supplant any other Federal, State, tribal, or local gov-

1 ernment amounts made available to carry out activities de-
2 scribed in this section.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated \$7,000,000 for each of
5 fiscal years 2020 through 2024 to carry out subsection
6 (f) and to provide training, technical assistance, data col-
7 lection, and evaluation of the criminal justice systems of
8 participating tribes.

9 “(i) USE OF FUNDS.—Not less than 25 percent of
10 the total amount of funds appropriated under this section
11 in a given year shall be used for each of the purposes de-
12 scribed in paragraphs (1) and (2) of subsection (f), with
13 remaining funds available to be distributed for either of
14 the purposes described in paragraph (1) or (2) of sub-
15 section (f), or any combination of such purposes, depend-
16 ing on need and in consultation with Indian tribes.”;

17 (10) by inserting after subsection (i) the fol-
18 lowing:

19 “(j) INDIAN COUNTRY DEFINED.—For purposes of
20 the pilot project described in subsection (f)(5), the defini-
21 tion of ‘Indian country’ shall include—

22 “(1) Alaska Native-owned Townsites, Allot-
23 ments, and former reservation lands acquired in fee
24 by Alaska Native Village Corporations pursuant to
25 the Alaska Native Claims Settlement Act (43 U.S.C.

1 33) and other lands transferred in fee to Native vil-
2 lages; and

3 “(2) all lands within any Alaska Native village
4 with a population that is at least 75 percent Alaska
5 Native.”.

6 **SEC. 14694. ANNUAL REPORTING REQUIREMENTS.**

7 Beginning in the first fiscal year after the date of
8 enactment of this title, and annually thereafter, the Attor-
9 ney General and the Secretary of the Interior shall jointly
10 prepare and submit a report, to the Committee on Indian
11 Affairs and the Committee on the Judiciary of the Senate
12 and the Committee on Natural Resources and the Com-
13 mittee on the Judiciary of the House of Representatives,
14 that—

15 (1) includes known statistics on missing and
16 murdered Indian women in the United States, in-
17 cluding statistics relating to incidents of sexual
18 abuse or sexual assault suffered by the victims; and

19 (2) provides recommendations regarding how to
20 improve data collection on missing and murdered In-
21 dian women.

22 **SEC. 14695. REPORT ON THE RESPONSE OF LAW ENFORCE-**
23 **MENT AGENCIES TO REPORTS OF MISSING**
24 **OR MURDERED INDIANS.**

25 (a) DEFINITIONS.—In this section:

1 (1) COVERED DATABASE.—The term “covered
2 database” means—

3 (A) the database of the National Crime In-
4 formation Center;

5 (B) the Combined DNA Index System;

6 (C) the Next Generation Identification
7 System; and

8 (D) any other database or system of a law
9 enforcement agency under which a report of a
10 missing or murdered Indian may be submitted,
11 including—

12 (i) the Violent Criminal Apprehension
13 Program; or

14 (ii) the National Missing and Uniden-
15 tified Persons System.

16 (2) INDIAN.—The term “Indian” has the mean-
17 ing given the term in section 4 of the Indian Self-
18 Determination and Education Assistance Act (25
19 U.S.C. 5304).

20 (3) INDIAN COUNTRY.—The term “Indian coun-
21 try” has the meaning given the term in section 1151
22 of title 18, United States Code.

23 (4) LAW ENFORCEMENT AGENCY.—The term
24 “law enforcement agency” means a Federal, State,
25 local, or Tribal law enforcement agency.

1 (5) MISSING OR MURDERED INDIAN.—The term
2 “missing or murdered Indian” means any Indian
3 who is—

4 (A) reported missing in Indian country or
5 any other location; or

6 (B) murdered in Indian country or any
7 other location.

8 (6) NOTIFICATION SYSTEM.—The term “notifi-
9 cation system” means—

10 (A) the Criminal Justice Information Net-
11 work;

12 (B) the AMBER Alert communications
13 network established under subtitle A of title III
14 of the PROTECT Act (34 U.S.C. 20501 et
15 seq.); and

16 (C) any other system or public notification
17 system that relates to a report of a missing or
18 murdered Indian, including any State, local, or
19 Tribal notification system.

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this section, the Comptroller General of
22 the United States shall submit to the Committee on Indian
23 Affairs of the Senate and the Committee on Natural Re-
24 sources of the House of Representatives a comprehensive
25 report that includes—

1 (1) a review of—

2 (A) each law enforcement agency that has
3 jurisdiction over missing or murdered Indians
4 and the basis for that jurisdiction;

5 (B) the response procedures, with respect
6 to a report of a missing or murdered Indian,
7 of—

8 (i) the Federal Bureau of Investiga-
9 tion;

10 (ii) the Bureau of Indian Affairs; and

11 (iii) any other Federal law enforce-
12 ment agency responsible for responding to
13 or investigating a report of a missing or
14 murdered Indian;

15 (C) each covered database and notification
16 system;

17 (D) Federal interagency cooperation and
18 notification policies and procedures related to
19 missing or murdered Indians;

20 (E) the requirements of each Federal law
21 enforcement agency relating to notifying State,
22 local, or Tribal law enforcement agencies after
23 the Federal law enforcement agency receives a
24 report of a missing or murdered Indian; and

1 (F) the public notification requirements of
2 law enforcement agencies relating to missing or
3 murdered Indians;

4 (2) recommendations and best practices relating
5 to improving cooperation between and response poli-
6 cies of law enforcement agencies relating to missing
7 and murdered Indians; and

8 (3) recommendations relating to—

9 (A) improving how—

10 (i) covered databases address in-
11 stances of missing or murdered Indians,
12 including by improving access to, inte-
13 grating, and improving the sharing of in-
14 formation between covered databases; and

15 (ii) notification systems address in-
16 stances of missing or murdered Indians,
17 including by improving access to, inte-
18 grating, and improving the sharing of in-
19 formation between notification systems;

20 (B) social, educational, economic, and any
21 other factor that may contribute to an Indian
22 becoming a missing or murdered Indian; and

23 (C) legislation to reduce the likelihood that
24 an Indian may become a missing or murdered
25 Indian.

**PART 10—OFFICE ON VIOLENCE AGAINST
WOMEN**

**SEC. 14701. ESTABLISHMENT OF OFFICE ON VIOLENCE
AGAINST WOMEN.**

(a) ESTABLISHMENT OF OFFICE ON VIOLENCE
AGAINST WOMEN.—Section 2002 of title I of the Omnibus
Crime Control and Safe Streets Act of 1968 (34 U.S.C.
10442) is amended—

(1) in subsection (a), by striking “a Violence
Against Women Office” and inserting “an Office on
Violence Against Women”;

(2) in subsection (b), by inserting after “within
the Department of Justice” the following: “, not
subsumed by any other office”;

(3) in subsection (c)(2), by striking “Violence
Against Women Act of 1994 (title VI of Public Law
103–322) and the Violence Against Women Act of
2000 (division B of Public Law 106–386)” and in-
serting “Violence Against Women Act of 1994 (title
VII of Public Law 103–322), the Violence Against
Women Act of 2000 (division B of Public Law 106–
386), the Violence Against Women and Department
of Justice Reauthorization Act of 2005 (title IX of
Public Law 109–162; 119 Stat. 3080), the Violence
Against Women Reauthorization Act of 2013 (Public

1 Law 113–4; 127 Stat. 54), and the Violence Against
2 Women Reauthorization Act of 2019”.

3 (b) DIRECTOR OF THE OFFICE ON VIOLENCE
4 AGAINST WOMEN.—Section 2003 of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (34 U.S.C. 10443)
6 is amended to read as follows:

7 **“SEC. 2003. DIRECTOR OF THE OFFICE ON VIOLENCE**
8 **AGAINST WOMEN.**

9 “(a) APPOINTMENT.—The President, by and with the
10 advice and consent of the Senate, shall appoint a Director
11 for the Office on Violence Against Women (in this title
12 referred to as the ‘Director’) to be responsible, under the
13 general authority of the Attorney General, for the admin-
14 istration, coordination, and implementation of the pro-
15 grams and activities of the Office.

16 “(b) OTHER EMPLOYMENT.—The Director shall
17 not—

18 “(1) engage in any employment other than that
19 of serving as Director; or

20 “(2) hold any office in, or act in any capacity
21 for, any organization, agency, or institution with
22 which the Office makes any contract or other agree-
23 ment under the Violence Against Women Act of
24 1994 (title IV of Public Law 103–322), the Violence
25 Against Women Act of 2000 (division B of Public

1 Law 106–386), the Violence Against Women and
2 Department of Justice Reauthorization Act of 2005
3 (title IX of Public Law 109–162; 119 Stat. 3080),
4 the Violence Against Women Reauthorization Act of
5 2013 (Public Law 113–4; 127 Stat. 54), or the Violence
6 Against Women Reauthorization Act of 2019.

7 “(c) VACANCY.—In the case of a vacancy, the Presi-
8 dent may designate an officer or employee who shall act
9 as Director during the vacancy.

10 “(d) COMPENSATION.—The Director shall be com-
11 pensated at a rate of pay not to exceed the rate payable
12 for level V of the Executive Schedule under section 5316
13 of title 5, United States Code.”.

14 (c) DUTIES AND FUNCTIONS OF DIRECTOR OF THE
15 OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2004
16 of the Omnibus Crime Control and Safe Streets Act of
17 1968 (34 U.S.C. 10444) is amended to read as follows:

18 **“SEC. 2004. DUTIES AND FUNCTIONS OF DIRECTOR OF THE**
19 **OFFICE ON VIOLENCE AGAINST WOMEN.**

20 “The Director shall have the following duties:

21 “(1) Maintaining liaison with the judicial
22 branches of the Federal and State Governments on
23 matters relating to violence against women.

24 “(2) Providing information to the President,
25 the Congress, the judiciary, State, local, and tribal

1 governments, and the general public on matters re-
2 lating to violence against women.

3 “(3) Serving, at the request of the Attorney
4 General, as the representative of the Department of
5 Justice on domestic task forces, committees, or com-
6 missions addressing policy or issues relating to vio-
7 lence against women.

8 “(4) Serving, at the request of the President,
9 acting through the Attorney General, as the rep-
10 resentative of the United States Government on
11 human rights and economic justice matters related
12 to violence against women in international fora, in-
13 cluding, but not limited to, the United Nations.

14 “(5) Carrying out the functions of the Depart-
15 ment of Justice under the Violence Against Women
16 Act of 1994 (title IV of Public Law 103–322), the
17 Violence Against Women Act of 2000 (division B of
18 Public Law 106–386), the Violence Against Women
19 and Department of Justice Reauthorization Act of
20 2005 (title IX of Public Law 109–162; 119 Stat.
21 3080), the Violence Against Women Reauthorization
22 Act of 2013 (Public Law 113–4; 127 Stat. 54), and
23 the Violence Against Women Reauthorization Act of
24 2019, including with respect to those functions—

1 “(A) the development of policy, protocols,
2 and guidelines;

3 “(B) the development and management of
4 grant programs and other programs, and the
5 provision of technical assistance under such
6 programs; and

7 “(C) the awarding and termination of
8 grants, cooperative agreements, and contracts.

9 “(6) Providing technical assistance, coordina-
10 tion, and support to—

11 “(A) other components of the Department
12 of Justice, in efforts to develop policy and to
13 enforce Federal laws relating to violence against
14 women, including the litigation of civil and
15 criminal actions relating to enforcing such laws;

16 “(B) other Federal, State, local, and tribal
17 agencies, in efforts to develop policy, provide
18 technical assistance, synchronize federal defini-
19 tions and protocols, and improve coordination
20 among agencies carrying out efforts to elimi-
21 nate violence against women, including Indian
22 or indigenous women; and

23 “(C) grantees, in efforts to combat violence
24 against women and to provide support and as-
25 sistance to victims of such violence.

1 “(7) Exercising such other powers and func-
 2 tions as may be vested in the Director pursuant to
 3 this subchapter or by delegation of the Attorney
 4 General.

5 “(8) Establishing such rules, regulations, guide-
 6 lines, and procedures as are necessary to carry out
 7 any function of the Office.”.

8 (d) STAFF OF OFFICE ON VIOLENCE AGAINST
 9 WOMEN.—Section 2005 of the Omnibus Crime Control
 10 and Safe Streets Act of 1968 (34 U.S.C. 10445) is amend-
 11 ed in the heading, by striking “**VIOLENCE AGAINST**
 12 **WOMEN OFFICE**” and inserting “**OFFICE ON VIO-**
 13 **LENCE AGAINST WOMEN**”.

14 (e) CLERICAL AMENDMENT.—Section 121(a)(1) of
 15 the Violence Against Women and Department of Justice
 16 Reauthorization Act of 2005 (34 U.S.C. 20124(a)(1)) is
 17 amended by striking “the Violence Against Women Of-
 18 fice” and inserting “the Office on Violence Against
 19 Women”.

20 **SEC. 14702. REPORT OF THE ATTORNEY GENERAL ON THE**
 21 **EFFECTS OF THE SHUTDOWN.**

22 Not later than 180 days after the date of enactment
 23 of this title, the Attorney General shall submit a report
 24 to Congress on the effects of the Federal Government
 25 shutdown that lasted from December 22, 2018 to January

1 25, 2019, evaluating and detailing the extent of the effect
 2 of the shutdown on the ability of the Department of Jus-
 3 tice to disperse funding and services under the Violence
 4 Against Women Act of 1994, the Violence Against Women
 5 and Department of Justice Reauthorization Act of 2005,
 6 and the Victims of Crime Act of 1984, to victims of do-
 7 mestic violence, dating violence, sexual assault, and stalk-
 8 ing.

9 **PART 11—IMPROVING CONDITIONS FOR WOMEN**

10 **IN FEDERAL CUSTODY**

11 **SEC. 14711. IMPROVING THE TREATMENT OF PRIMARY**
 12 **CARETAKER PARENTS AND OTHER INDIVID-**
 13 **UALS IN FEDERAL PRISONS.**

14 (a) **SHORT TITLE.**—This section may be cited as the
 15 “Ramona Brant Improvement of Conditions for Women
 16 in Federal Custody Act”.

17 (b) **IN GENERAL.**—Chapter 303 of title 18, United
 18 States Code, is amended by adding at the end the fol-
 19 lowing:

20 **“§ 4051. Treatment of primary caretaker parents and**
 21 **other individuals**

22 “(a) **DEFINITIONS.**—In this section—

23 “(1) the term ‘correctional officer’ means a cor-
 24 rectional officer of the Bureau of Prisons;

1 “(2) the term ‘covered institution’ means a
2 Federal penal or correctional institution;

3 “(3) the term ‘Director’ means the Director of
4 the Bureau of Prisons;

5 “(4) the term ‘post-partum recovery’ means the
6 first 8-week period of post-partum recovery after
7 giving birth;

8 “(5) the term ‘primary caretaker parent’ has
9 the meaning given the term in section 31903 of the
10 Family Unity Demonstration Project Act (34 U.S.C.
11 12242);

12 “(6) the term ‘prisoner’ means an individual
13 who is incarcerated in a Federal penal or correc-
14 tional institution, including a vulnerable person; and

15 “(7) the term ‘vulnerable person’ means an in-
16 dividual who—

17 “(A) is under 21 years of age or over 60
18 years of age;

19 “(B) is pregnant;

20 “(C) identifies as lesbian, gay, bisexual,
21 transgender, or intersex;

22 “(D) is victim or witness of a crime;

23 “(E) has filed a nonfrivolous civil rights
24 claim in Federal or State court;

1 “(F) has a serious mental or physical ill-
2 ness or disability; or

3 “(G) during the period of incarceration,
4 has been determined to have experienced or to
5 be experiencing severe trauma or to be the vic-
6 tim of gender-based violence—

7 “(i) by any court or administrative ju-
8 dicial proceeding;

9 “(ii) by any corrections official;

10 “(iii) by the individual’s attorney or
11 legal service provider; or

12 “(iv) by the individual.

13 “(b) GEOGRAPHIC PLACEMENT.—

14 “(1) ESTABLISHMENT OF OFFICE.—The Direc-
15 tor shall establish within the Bureau of Prisons an
16 office that determines the placement of prisoners.

17 “(2) PLACEMENT OF PRISONERS.—In deter-
18 mining the placement of a prisoner, the office estab-
19 lished under paragraph (1) shall—

20 “(A) if the prisoner has children, place the
21 prisoner as close to the children as possible;

22 “(B) in deciding whether to assign a
23 transgender or intersex prisoner to a facility for
24 male or female prisoners, and in making other
25 housing and programming assignments, con-

1 sider on a case-by-case basis whether a place-
2 ment would ensure the prisoner's health and
3 safety, including serious consideration of the
4 prisoner's own views with respect to their safe-
5 ty, and whether the placement would present
6 management or security problems; and

7 “(C) consider any other factor that the of-
8 fice determines to be appropriate.

9 “(c) PROHIBITION ON PLACEMENT OF PREGNANT
10 PRISONERS OR PRISONERS IN POST-PARTUM RECOVERY
11 IN SEGREGATED HOUSING UNITS.—

12 “(1) PLACEMENT IN SEGREGATED HOUSING
13 UNITS.—A covered institution may not place a pris-
14 oner who is pregnant or in post-partum recovery in
15 a segregated housing unit unless the prisoner pre-
16 sents an immediate risk of harm to the prisoner or
17 others.

18 “(2) RESTRICTIONS.—Any placement of a pris-
19 oner described in subparagraph (A) in a segregated
20 housing unit shall be limited and temporary.

21 “(d) PARENTING CLASSES.—The Director shall pro-
22 vide parenting classes to each prisoner who is a primary
23 caretaker parent, and such classes shall be made available
24 to prisoners with limited English proficiency in compliance
25 with title VI of the Civil Rights Act of 1964.

1 “(e) TRAUMA SCREENING.—The Director shall pro-
2 vide training, including cultural competency training, to
3 each correctional officer and each employee of the Bureau
4 of Prisons who regularly interacts with prisoners, includ-
5 ing each instructor and health care professional, to enable
6 those correctional officers and employees to—

7 “(1) identify a prisoner who has a mental or
8 physical health need relating to trauma the prisoner
9 has experienced; and

10 “(2) refer a prisoner described in paragraph (1)
11 to the proper healthcare professional for treatment.

12 “(f) INMATE HEALTH.—

13 “(1) HEALTH CARE ACCESS.—The Director
14 shall ensure that all prisoners receive adequate
15 health care.

16 “(2) HYGIENIC PRODUCTS.—The Director shall
17 make essential hygienic products, including sham-
18 poo, toothpaste, toothbrushes, and any other hygien-
19 ic product that the Director determines appropriate,
20 available without charge to prisoners.

21 “(3) GYNECOLOGIST ACCESS.—The Director
22 shall ensure that all prisoners have access to a gyne-
23 cologist as appropriate.

24 “(g) USE OF SEX-APPROPRIATE CORRECTIONAL OF-
25 FICERS.—

1 “(1) REGULATIONS.—The Director shall make
2 rules under which—

3 “(A) a correctional officer may not conduct
4 a strip search of a prisoner of the opposite sex
5 unless—

6 “(i) the prisoner presents a risk of
7 immediate harm to the prisoner or others,
8 and no other correctional officer of the
9 same sex as the prisoner, or medical staff
10 is available to assist; or

11 “(ii) the prisoner has previously re-
12 quested that an officer of a different sex
13 conduct searches;

14 “(B) a correctional officer may not enter a
15 restroom reserved for prisoners of the opposite
16 sex unless—

17 “(i) a prisoner in the restroom pre-
18 sents a risk of immediate harm to them-
19 selves or others; or

20 “(ii) there is a medical emergency in
21 the restroom and no other correctional offi-
22 cer of the appropriate sex is available to
23 assist;

1 “(C) a transgender prisoner’s sex is deter-
2 mined according to the sex with which they
3 identify; and

4 “(D) a correctional officer may not search
5 or physically examine a prisoner for the sole
6 purpose of determining the prisoner’s genital
7 status or sex.

8 “(2) RELATION TO OTHER LAWS.—Nothing in
9 paragraph (1) shall be construed to affect the re-
10 quirements under the Prison Rape Elimination Act
11 of 2003 (42 U.S.C. 15601 et seq.).”.

12 (c) SUBSTANCE ABUSE TREATMENT.—Section
13 3621(e) of title 18, United States Code, is amended by
14 adding at the end the following:

15 “(7) ELIGIBILITY OF PRIMARY CARETAKER
16 PARENTS AND PREGNANT WOMEN.—The Director of
17 the Bureau of Prisons may not prohibit an eligible
18 prisoner who is a primary caretaker parent (as de-
19 fined in section 4051) or pregnant from partici-
20 pating in a program of residential substance abuse
21 treatment provided under paragraph (1) on the basis
22 of a failure by the eligible prisoner, before being
23 committed to the custody of the Bureau of Prisons,
24 to disclose to any official of the Bureau of Prisons
25 that the prisoner had a substance abuse problem on

1 or before the date on which the eligible prisoner was
2 committed to the custody of the Bureau of Pris-
3 ons.”.

4 (d) IMPLEMENTATION DATE.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of enactment of this Act, the Director of
7 the Bureau of Prisons shall implement this section
8 and the amendments made by this section.

9 (2) REPORT.—Not later than 1 year after the
10 date of enactment of this Act, the Director of the
11 Bureau of Prisons shall submit to the Committee on
12 the Judiciary of the Senate and the Committee on
13 the Judiciary of the House of Representatives a re-
14 port on the implementation of this section and the
15 amendments made by this section.

16 (e) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 303 of title 18, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

“4051. Treatment of primary caretaker parents and other individuals.”.

20 **SEC. 14712. PUBLIC HEALTH AND SAFETY OF WOMEN.**

21 (a) SHORT TITLE.—This section may be cited as the
22 “Stop Infant Mortality And Recidivism Reduction Act” or
23 the “SIMARRA Act”.

24 (b) ESTABLISHMENT.—Not later than 270 days after
25 the date of the enactment of this section, the Director of

1 the Federal Bureau of Prisons (in this section referred
2 to as the “Director”) shall establish a pilot program (in
3 this section referred to as the “Program”) in accordance
4 with this section to permit women incarcerated in Federal
5 prisons and the children born to such women during incar-
6 ceration to reside together while the inmate serves a term
7 of imprisonment in a separate housing wing of the prison.

8 (c) PURPOSES.—The purposes of this section are
9 to—

10 (1) prevent infant mortality among infants born
11 to incarcerated mothers and greatly reduce the trauma
12 and stress experienced by the unborn fetuses of
13 pregnant inmates;

14 (2) reduce the recidivism rates of federally in-
15 carcerated women and mothers, and enhance public
16 safety by improving the effectiveness of the Federal
17 prison system for women as a population with spe-
18 cial needs;

19 (3) establish female offender risk and needs as-
20 sessment as the cornerstones of a more effective and
21 efficient Federal prison system;

22 (4) implement a validated post-sentencing risk
23 and needs assessment system that relies on dynamic
24 risk factors to provide Federal prison officials with
25 a roadmap to address the pre- and post-natal needs

1 of Federal pregnant offenders, manage limited re-
2 sources, and enhance public safety;

3 (5) perform regular outcome evaluations of the
4 effectiveness of programs and interventions for fed-
5 erally incarcerated pregnant women and mothers to
6 assure that such programs and interventions are evi-
7 dence-based and to suggest changes, deletions, and
8 expansions based on the results of such evaluations;
9 and

10 (6) assist the Department of Justice to address
11 the underlying cost structure of the Federal prison
12 system and ensure that the Department can con-
13 tinue to run prison nurseries safely and securely
14 without compromising the scope or quality of the
15 Department's critical health, safety and law enforce-
16 ment missions.

17 (d) DUTIES OF THE DIRECTOR OF BUREAU OF PRIS-
18 ONS.—

19 (1) IN GENERAL.—The Director shall carry out
20 this section in consultation with—

21 (A) a licensed and board-certified gyne-
22 cologist or obstetrician;

23 (B) the Director of the Administrative Of-
24 fice of the United States Courts;

1 (C) the Director of the Office of Probation
2 and Pretrial Services;

3 (D) the Director of the National Institute
4 of Justice; and

5 (E) the Secretary of Health and Human
6 Services.

7 (2) DUTIES.—The Director shall, in accordance
8 with paragraph (3)—

9 (A) develop an offender risk and needs as-
10 sessment system particular to the health and
11 sensitivities of Federally incarcerated pregnant
12 women and mothers in accordance with this
13 subsection;

14 (B) develop recommendations regarding re-
15 cidivism reduction programs and productive ac-
16 tivities in accordance with subsection (c);

17 (C) conduct ongoing research and data
18 analysis on—

19 (i) the best practices relating to the
20 use of offender risk and needs assessment
21 tools particular to the health and sensitivi-
22 ties of federally incarcerated pregnant
23 women and mothers;

24 (ii) the best available risk and needs
25 assessment tools particular to the health

1 and sensitivities of Federally incarcerated
2 pregnant women and mothers and the level
3 to which they rely on dynamic risk factors
4 that could be addressed and changed over
5 time, and on measures of risk of recidi-
6 vism, individual needs, and responsiveness
7 to recidivism reduction programs;

8 (iii) the most effective and efficient
9 uses of such tools in conjunction with re-
10 cidivism reduction programs, productive
11 activities, incentives, and rewards; and

12 (iv) which recidivism reduction pro-
13 grams are the most effective—

14 (I) for Federally incarcerated
15 pregnant women and mothers classi-
16 fied at different recidivism risk levels;
17 and

18 (II) for addressing the specific
19 needs of Federally incarcerated preg-
20 nant women and mothers;

21 (D) on a biennial basis, review the system
22 developed under subparagraph (A) and the rec-
23 ommendations developed under subparagraph
24 (B), using the research conducted under sub-
25 paragraph (C), to determine whether any revi-

1 sions or updates should be made, and if so,
2 make such revisions or updates;

3 (E) hold periodic meetings with the indi-
4 viduals listed in paragraph (1) at intervals to be
5 determined by the Director;

6 (F) develop tools to communicate par-
7 enting program availability and eligibility cri-
8 teria to each employee of the Bureau of Prisons
9 and each pregnant inmate to ensure that each
10 pregnant inmate in the custody of a Bureau of
11 Prisons facility understands the resources avail-
12 able to such inmate; and

13 (G) report to Congress in accordance with
14 subsection (i).

15 (3) METHODS.—In carrying out the duties
16 under paragraph (2), the Director shall—

17 (A) consult relevant stakeholders; and

18 (B) make decisions using data that is
19 based on the best available statistical and em-
20 pirical evidence.

21 (e) ELIGIBILITY.—An inmate may apply to partici-
22 pate in the Program if the inmate—

23 (1) is pregnant at the beginning of or during
24 the term of imprisonment; and

1 (2) is in the custody or control of the Federal
2 Bureau of Prisons.

3 (f) PROGRAM TERMS.—

4 (1) TERM OF PARTICIPATION.—To correspond
5 with the purposes and goals of the Program to pro-
6 mote bonding during the critical stages of child de-
7 velopment, an eligible inmate selected for the Pro-
8 gram may participate in the Program, subject to
9 subsection (g), until the earliest of—

10 (A) the date that the inmate’s term of im-
11 prisonment terminates;

12 (B) the date the infant fails to meet any
13 medical criteria established by the Director or
14 the Director’s designee along with a collective
15 determination of the persons listed in sub-
16 section (d)(1); or

17 (C) 30 months.

18 (2) INMATE REQUIREMENTS.—For the duration
19 of an inmate’s participation in the Program, the in-
20 mate shall agree to—

21 (A) take substantive steps towards acting
22 in the role of a parent or guardian to any child
23 of that inmate;

24 (B) participate in any educational or coun-
25 seling opportunities established by the Director,

1 including topics such as child development, par-
2 enting skills, domestic violence, vocational train-
3 ing, or substance abuse, as appropriate;

4 (C) abide by any court decision regarding
5 the legal or physical custody of the child;

6 (D) transfer to the Federal Bureau of
7 Prisons any child support payments for the in-
8 fant of the participating inmate from any per-
9 son or governmental entity; and

10 (E) specify a person who has agreed to
11 take at least temporary custody of the child if
12 the inmate's participation in the Program ter-
13 minates before the inmate's release.

14 (g) CONTINUITY OF CARE.—The Director shall take
15 appropriate actions to prevent detachment or disruption
16 of either an inmate's or infant's health and bonding-based
17 well-being due to termination of the Program.

18 (h) REPORTING.—

19 (1) IN GENERAL.—Not later than 6 months
20 after the date of the enactment of this section and
21 once each year thereafter for 5 years, the Director
22 shall submit a report to the Congress with regards
23 to progress in implementing the Program.

24 (2) FINAL REPORT.—Not later than 6 months
25 after the termination of the Program, the Director

1 shall issue a final report to the Congress that con-
2 tains a detailed statement of the Director’s findings
3 and conclusions, including recommendations for leg-
4 islation, administrative actions, and regulations the
5 Director considers appropriate.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—To carry
7 out this section, there is authorized to be appropriated
8 \$10,000,000 for each of fiscal years 2020 through 2024.

9 **SEC. 14713. RESEARCH AND REPORT ON WOMEN IN FED-**
10 **ERAL INCARCERATION.**

11 Not later than 18 months after the date of enactment
12 of this Act, and thereafter, every other year, the National
13 Institutes of Justice, in consultation with the Bureau of
14 Justice Statistics and the Bureau of Prisons (including
15 the Women and Special Population Branch) shall prepare
16 a report on the status of women in federal incarceration.
17 Depending on the topic to be addressed, and the facility,
18 data shall be collected from Bureau of Prisons personnel
19 and a sample that is representative of the population of
20 incarcerated women. The report shall include:

21 (1) With regard to federal facilities wherein
22 women are incarcerated—

23 (A) responses by such women to questions
24 from the Adverse Childhood Experience
25 (ACES) questionnaire;

1 (B) demographic data of such women, in-
2 cluding sexual orientation and gender identity;

3 (C) responses by such women to questions
4 about the extent of exposure to sexual victim-
5 ization, sexual violence and domestic violence
6 (both inside and outside of incarceration);

7 (D) the number of such women were preg-
8 nant at the time that they entered incarcer-
9 ation;

10 (E) the number of such women who have
11 children age 18 or under, and if so, how many;
12 and

13 (F) the crimes for which such women are
14 incarcerated and the length of their sentence.

15 (2) With regard to all federal facilities where
16 persons are incarcerated—

17 (A) a list of best practices with respect to
18 women's incarceration and transition, including
19 staff led programs, services and management
20 practices (including making sanitary products
21 readily available and easily accessible, and ac-
22 cess to and provision of healthcare);

23 (B) the availability of trauma treatment at
24 each facility (including number of beds, and
25 number of trained staff);

1 (C) rates of serious mental illness broken
2 down by gender and security level and a list of
3 residential programs available by site; and

4 (D) the availability of vocational education
5 and a list of vocational programs provided by
6 each facility.

7 **SEC. 14714. REENTRY PLANNING AND SERVICES FOR IN-**
8 **CARCERATED WOMEN.**

9 The Attorney General, in coordination with the Chief
10 of U.S. Probation and Pretrial Services and the Director
11 of the Bureau of Prisons (including Women and Special
12 Population Branch), shall collaborate on a model of gen-
13 der responsive transition for incarcerated women, includ-
14 ing the development of a national standard on prevention
15 with respect to domestic and sexual violence. In developing
16 the model, the Chief and the Director shall consult with
17 such experts within the federal government (including the
18 Office on Violence Against Women of the Department of
19 Justice) and in the victim service provider community (in-
20 cluding sexual and domestic violence and homelessness,
21 job training and job placement service providers) as are
22 necessary to the completion of a comprehensive plan.
23 Issues addressed should include—

24 (1) the development by the Bureau of Prisons
25 of a contract for gender collaborative services; and

1 (2) identification by re-entry affairs coordina-
 2 tors and responsive planning for the needs of re-en-
 3 tering women with respect to—

4 (A) housing, including risk of homeless-
 5 ness;

6 (B) previous exposure to and risk for do-
 7 mestic and sexual violence; and

8 (C) the need for parenting classes, assist-
 9 ance securing childcare, or assistance in seeking
 10 or securing jobs that afford flexibility (as might
 11 be necessary in the re-entry, parenting or other
 12 contexts).

13 **PART 12—LAW ENFORCEMENT TOOLS TO**
 14 **ENHANCE PUBLIC SAFETY**

15 **SEC. 14721. NOTIFICATION TO LAW ENFORCEMENT AGEN-**
 16 **CIES OF PROHIBITED PURCHASE OR AT-**
 17 **TEMPTED PURCHASE OF A FIREARM.**

18 (a) IN GENERAL.—Title I of the NICS Improvement
 19 Amendments Act of 2007 (18 U.S.C. 922 note) is amend-
 20 ed by adding at the end the following:

21 **“SEC. 108. NOTIFICATION TO LAW ENFORCEMENT AGEN-**
 22 **CIES OF PROHIBITED PURCHASE OF A FIRE-**
 23 **ARM.**

24 “(a) IN GENERAL.—In the case of a background
 25 check conducted by the National Instant Criminal Back-

1 ground Check System pursuant to the request of a li-
2 censed importer, licensed manufacturer, or licensed dealer
3 of firearms (as such terms are defined in section 921 of
4 title 18, United States Code), which background check de-
5 termines that the receipt of a firearm by a person would
6 violate subsection (g)(8), (g)(9), or (g)(10) of section 922
7 of title 18, United States Code, and such determination
8 is made after 3 business days have elapsed since the li-
9 censee contacted the System and a firearm has been trans-
10 ferred to that person, the System shall notify the law en-
11 forcement agencies described in subsection (b).

12 “(b) LAW ENFORCEMENT AGENCIES DESCRIBED.—
13 The law enforcement agencies described in this subsection
14 are the law enforcement agencies that have jurisdiction
15 over the location from which the licensee contacted the
16 system and the law enforcement agencies that have juris-
17 diction over the location of the residence of the person for
18 which the background check was conducted, as follows:

19 “(1) The field office of the Federal Bureau of
20 Investigation.

21 “(2) The local law enforcement agency.

22 “(3) The State law enforcement agency.

23 “(4) The Tribal law enforcement agency.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 of the NICS Improvement Amendments Act of 2007 (18

1 10 U.S.C. 922 note) is amended by inserting after the
 2 item relating to section 107 the following:

“Sec. 108. Notification to law enforcement agencies of prohibited purchase of
 a firearm.”.

3 **SEC. 14722. REPORTING OF BACKGROUND CHECK DENIALS**
 4 **TO STATE, LOCAL, AND TRIBAL AUTHORI-**
 5 **TIES.**

6 (a) IN GENERAL.—Chapter 44 of title 18, United
 7 States Code, is amended by inserting after section 925A
 8 the following:

9 **“§ 925B. Reporting of background check denials to**
 10 **State, local, and tribal authorities**

11 “(a) IN GENERAL.—If the national instant criminal
 12 background check system established under section 103
 13 of the Brady Handgun Violence Prevention Act (18 U.S.C.
 14 922 note) provides a notice pursuant to section 922(t) of
 15 this title that the receipt of a firearm by a person would
 16 violate subsection (g)(8), (g)(9), or (g)(10) of section 922
 17 of this title or State law, the Attorney General shall, in
 18 accordance with subsection (b) of this section—

19 “(1) report to the law enforcement authorities
 20 of the State where the person sought to acquire the
 21 firearm and, if different, the law enforcement au-
 22 thorities of the State of residence of the person—

23 “(A) that the notice was provided;

1 “(B) of the specific provision of law that
2 would have been violated;

3 “(C) of the date and time the notice was
4 provided;

5 “(D) of the location where the firearm was
6 sought to be acquired; and

7 “(E) of the identity of the person; and

8 “(2) report the incident to local or tribal law
9 enforcement authorities and, where practicable,
10 State, tribal, or local prosecutors, in the jurisdiction
11 where the firearm was sought and in the jurisdiction
12 where the person resides.

13 “(b) REQUIREMENTS FOR REPORT.—A report is
14 made in accordance with this subsection if the report is
15 made within 24 hours after the provision of the notice de-
16 scribed in subsection (a), except that the making of the
17 report may be delayed for so long as is necessary to avoid
18 compromising an ongoing investigation.

19 “(c) RULE OF CONSTRUCTION.—Nothing in sub-
20 section (a) shall be construed to require a report with re-
21 spect to a person to be made to the same State authorities
22 that originally issued the notice with respect to the per-
23 son.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for such chapter is amended by inserting after the item
 3 relating to section 925A the following:

“925B. Reporting of background check denials to State, local, and tribal au-
 thorities.”.

4 **SEC. 14723. SPECIAL ASSISTANT U.S. ATTORNEYS AND**
 5 **CROSS-DEPUTIZED ATTORNEYS.**

6 (a) IN GENERAL.—Chapter 44 of title 18, United
 7 States Code, as amended by this Act, is further amended
 8 by inserting after section 925B the following:

9 **“§ 925C. Special assistant U.S. attorneys and cross-**
 10 **deputized attorneys**

11 “(a) IN GENERAL.—In order to improve the enforce-
 12 ment of paragraphs (8), (9), and (10) of section 922(g),
 13 the Attorney General may—

14 “(1) appoint, in accordance with section 543 of
 15 title 28, qualified State, tribal, territorial and local
 16 prosecutors and qualified attorneys working for the
 17 United States government to serve as special assist-
 18 ant United States attorneys for the purpose of pros-
 19 ecuting violations of such paragraphs;

20 “(2) deputize State, tribal, territorial and local
 21 law enforcement officers for the purpose of enhanc-
 22 ing the capacity of the agents of the Bureau of Alco-
 23 hol, Tobacco, Firearms, and Explosives in respond-

1 ing to and investigating violations of such para-
2 graphs; and

3 “(3) establish, in order to receive and expedite
4 requests for assistance from State, tribal, territorial
5 and local law enforcement agencies responding to in-
6 timate partner violence cases where such agencies
7 have probable cause to believe that the offenders
8 may be in violation of such paragraphs, points of
9 contact within—

10 “(A) each Field Division of the Bureau of
11 Alcohol, Tobacco, Firearms, and Explosives;
12 and

13 “(B) each District Office of the United
14 States Attorneys.

15 “(b) IMPROVE INTIMATE PARTNER AND PUBLIC
16 SAFETY.—The Attorney General shall—

17 “(1) identify no less than 75 jurisdictions
18 among States, territories and tribes where there are
19 high rates of firearms violence and threats of fire-
20 arms violence against intimate partners and other
21 persons protected under paragraphs (8), (9), and
22 (10) of section 922(g) and where local authorities
23 lack the resources to address such violence; and

24 “(2) make such appointments as described in
25 subsection (a) in jurisdictions where enhanced en-

1 enforcement of such paragraphs is necessary to reduce
2 firearms homicide and injury rates.

3 “(c) **QUALIFIED DEFINED.**—For purposes of this
4 section, the term ‘qualified’ means, with respect to an at-
5 torney, that the attorney is a licensed attorney in good
6 standing with any relevant licensing authority.”.

7 (b) **CLERICAL AMENDMENT.**—The table of sections
8 for such chapter is amended by inserting after the item
9 relating to section 925B the following:

“925C. Special assistant U.S. attorneys and cross-deputized attorneys.”.

10 **PART 13—CLOSING THE LAW ENFORCEMENT**

11 **CONSENT LOOPHOLE**

12 **SEC. 14731. SHORT TITLE.**

13 This part may be cited as the “Closing the Law En-
14 forcement Consent Loophole Act of 2019”.

15 **SEC. 14732. PROHIBITION ON ENGAGING IN SEXUAL ACTS**

16 **WHILE ACTING UNDER COLOR OF LAW.**

17 (a) **IN GENERAL.**—Section 2243 of title 18, United
18 States Code, is amended—

19 (1) in the section heading, by adding at the end
20 the following: “**or by any person acting**
21 **under color of law**”;

22 (2) by redesignating subsections (c) and (d) as
23 subsections (d) and (e), respectively;

24 (3) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) OF AN INDIVIDUAL BY ANY PERSON ACTING
2 UNDER COLOR OF LAW.—

3 “(1) IN GENERAL.—Whoever, acting under
4 color of law, knowingly engages in a sexual act with
5 an individual, including an individual who is under
6 arrest, in detention, or otherwise in the actual cus-
7 tody of any Federal law enforcement officer, shall be
8 fined under this title, imprisoned not more than 15
9 years, or both.

10 “(2) DEFINITION.—In this subsection, the term
11 ‘sexual act’ has the meaning given the term in sec-
12 tion 2246.”; and

13 (4) in subsection (d), as so redesignated, by
14 adding at the end the following:

15 “(3) In a prosecution under subsection (c), it is not
16 a defense that the other individual consented to the sexual
17 act.”.

18 (b) DEFINITION.—Section 2246 of title 18, United
19 States Code, is amended—

20 (1) in paragraph (5), by striking “and” at the
21 end;

22 (2) in paragraph (6), by striking the period at
23 the end and inserting “; and”; and

24 (3) by inserting after paragraph (6) the fol-
25 lowing:

1 “(7) the term ‘Federal law enforcement officer’
2 has the meaning given the term in section 115.”.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 for chapter 109A of title 18, United States Code, is
5 amended by amending the item related to section 2243
6 to read as follows:

“2243. Sexual abuse of a minor or ward or by any person acting under color
of law.”.

7 **SEC. 14733. INCENTIVES FOR STATES.**

8 (a) AUTHORITY TO MAKE GRANTS.—The Attorney
9 General is authorized to make grants to States that have
10 in effect a law that—

11 (1) makes it a criminal offense for any person
12 acting under color of law of the State to engage in
13 a sexual act with an individual, including an indi-
14 vidual who is under arrest, in detention, or otherwise
15 in the actual custody of any law enforcement officer;
16 and

17 (2) prohibits a person charged with an offense
18 described in paragraph (1) from asserting the con-
19 sent of the other individual as a defense.

20 (b) REPORTING REQUIREMENT.—A State that re-
21 ceives a grant under this section shall submit to the Attor-
22 ney General, on an annual basis, information on—

23 (1) the number of reports made to law enforce-
24 ment agencies in that State regarding persons en-

1 gaging in a sexual act while acting under color of
2 law during the previous year; and

3 (2) the disposition of each case in which sexual
4 misconduct by a person acting under color of law
5 was reported during the previous year.

6 (c) APPLICATION.—A State seeking a grant under
7 this section shall submit an application to the Attorney
8 General at such time, in such manner, and containing
9 such information as the Attorney General may reasonably
10 require, including information about the law described in
11 subsection (a).

12 (d) GRANT AMOUNT.—The amount of a grant to a
13 State under this section shall be in an amount that is not
14 greater than 10 percent of the average of the total amount
15 of funding of the 3 most recent awards that the State re-
16 ceived under the following grant programs:

17 (1) Part T of title I of the Omnibus Crime Con-
18 trol and Safe Streets Act of 1968 (34 U.S.C. 10441
19 et seq.) (commonly referred to as the “STOP Vio-
20 lence Against Women Formula Grant Program”).

21 (2) Section 41601 of the Violence Against
22 Women Act of 1994 (34 U.S.C. 12511) (commonly
23 referred to as the “Sexual Assault Services Pro-
24 gram”).

25 (e) GRANT TERM.—

1 (1) IN GENERAL.—The Attorney General shall
2 provide an increase in the amount provided to a
3 State under the grant programs described in sub-
4 section (d) for a 2-year period.

5 (2) RENEWAL.—A State that receives a grant
6 under this section may submit an application for a
7 renewal of such grant at such time, in such manner,
8 and containing such information as the Attorney
9 General may reasonably require.

10 (3) LIMIT.—A State may not receive a grant
11 under this section for more than 4 years.

12 (f) USES OF FUNDS.—A State that receives a grant
13 under this section shall use—

14 (1) 25 percent of such funds for any of the per-
15 missible uses of funds under the grant program de-
16 scribed in paragraph (1) of subsection (d); and

17 (2) 75 percent of such funds for any of the per-
18 missible uses of funds under the grant program de-
19 scribed in paragraph (2) of subsection (d).

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this chapter
22 \$5,000,000 for each of fiscal years 2020 through 2024.

23 (h) DEFINITION.—For purposes of this section, the
24 term “State” means each of the several States and the
25 District of Columbia, Indian Tribes, and the Common-

1 wealth of Puerto Rico, Guam, American Samoa, the Vir-
2 gin Islands, and the Northern Mariana Islands.

3 **SEC. 14734. REPORTS TO CONGRESS.**

4 (a) REPORT BY ATTORNEY GENERAL.—Not later
5 than 1 year after the date of enactment of this Act, and
6 each year thereafter, the Attorney General shall submit
7 to Congress a report containing—

8 (1) the information required to be reported to
9 the Attorney General under section 14703(b); and

10 (2) information on—

11 (A) the number of reports made, during
12 the previous year, to Federal law enforcement
13 agencies regarding persons engaging in a sexual
14 act while acting under color of law; and

15 (B) the disposition of each case in which
16 sexual misconduct by a person acting under
17 color of law was reported.

18 (b) REPORT BY GAO.—Not later than 1 year after
19 the date of enactment of this Act, and each year there-
20 after, the Comptroller General of the United States shall
21 submit to Congress a report on any violations of section
22 2243(c) of title 18, United States Code, as amended by
23 section 14702, committed during the 1-year period cov-
24 ered by the report.

1 **SEC. 14735. DEFINITION.**

2 In this title, the term “sexual act” has the meaning
3 given the term in section 2246 of title 18, United States
4 Code.

5 **PART 14—OTHER MATTERS**

6 **SEC. 14741. NATIONAL STALKER AND DOMESTIC VIOLENCE**
7 **REDUCTION.**

8 Section 40603 of the Violent Crime Control and Law
9 Enforcement Act of 1994 (34 U.S.C. 12402) is amended
10 by striking “2014 through 2018” and inserting “2020
11 through 2024”.

12 **SEC. 14742. FEDERAL VICTIM ASSISTANTS REAUTHORIZA-**
13 **TION.**

14 Section 40114 of the Violence Against Women Act
15 of 1994 (Public Law 103–322) is amended to read as fol-
16 lows:

17 **“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM’S**
18 **COUNSELORS.**

19 “There are authorized to be appropriated for the
20 United States Attorneys for the purpose of appointing vic-
21 tim/witness counselors for the prosecution of sex crimes
22 and domestic violence crimes where applicable (such as the
23 District of Columbia), \$1,000,000 for each of fiscal years
24 2020 through 2024.”.

1 **SEC. 14743. CHILD ABUSE TRAINING PROGRAMS FOR JUDI-**
2 **CIAL PERSONNEL AND PRACTITIONERS RE-**
3 **AUTHORIZATION.**

4 Section 224(a) of the Crime Control Act of 1990 (34
5 U.S.C. 20334(a)) is amended by striking “2014 through
6 2018” and inserting “2020 through 2024”.

7 **SEC. 14744. SEX OFFENDER MANAGEMENT.**

8 Section 40152(c) of the Violent Crime Control and
9 Law Enforcement Act of 1994 (34 U.S.C. 12311(c)) is
10 amended by striking “2014 through 2018” and inserting
11 “2020 through 2024”.

12 **SEC. 14745. COURT-APPOINTED SPECIAL ADVOCATE PRO-**
13 **GRAM.**

14 Section 219(a) of the Crime Control Act of 1990 (34
15 U.S.C. 20324(a)) is amended by striking “2014 through
16 2018” and inserting “2020 through 2024”.

17 **SEC. 14746. RAPE KIT BACKLOG.**

18 Section 2 of the DNA Analysis Backlog Elimination
19 Act of 2000 (34 U.S.C. 40701) is amended—

20 (1) in subsection (f)—

21 (A) in paragraph (1) by striking “and” at
22 the end;

23 (B) by redesignating paragraph (2) as
24 paragraph (3); and

25 (C) by inserting after paragraph (1) the
26 following:

1 “(2) information on best practices for state and
2 local governments to reduce the backlog of DNA evi-
3 dence”; and

4 (2) in subsection (j), by striking “2015 through
5 2019” and inserting “2020 through 2024”.

6 **SEC. 14747. SEXUAL ASSAULT FORENSIC EXAM PROGRAM**
7 **GRANTS.**

8 Section 304(d) of the DNA Sexual Assault Justice
9 Act of 2004 (34 U.S.C. 40723(d)) is amended by striking
10 “2015 through 2019” and inserting “2020 through
11 2024”.

12 **SEC. 14748. REVIEW ON LINK BETWEEN SUBSTANCE USE**
13 **AND VICTIMS OF DOMESTIC VIOLENCE DAT-**
14 **ING VIOLENCE, SEXUAL ASSAULT, OR STALK-**
15 **ING.**

16 Not later than 24 months after the date of enactment
17 of this Act, the Secretary of the Department of Health
18 and Human Services shall complete a review and submit
19 a report to Congress on whether being a victim of domestic
20 violence, dating violence, sexual assault, or stalking in-
21 creases the likelihood of having a substance use disorder.

1 **SEC. 14749. INTERAGENCY WORKING GROUP TO STUDY**
2 **FEDERAL EFFORTS TO COLLECT DATA ON**
3 **SEXUAL VIOLENCE.**

4 (a) ESTABLISHMENT.—Not later than 180 days after
5 the date of the enactment of this Act, the Attorney Gen-
6 eral shall establish an interagency working group (in this
7 section referred to as the “Working Group”) to study Fed-
8 eral efforts to collect data on sexual violence and to make
9 recommendations on the harmonization of such efforts.

10 (b) COMPOSITION.—The Working Group shall be
11 comprised of at least one representative from the following
12 agencies, who shall be selected by the head of that agency:

13 (1) The Centers for Disease Control and Pre-
14 vention.

15 (2) The Department of Education.

16 (3) The Department of Health and Human
17 Services.

18 (4) The Department of Justice.

19 (c) DUTIES.—The Working Group shall consider the
20 following:

21 (1) What activity constitutes different acts of
22 sexual violence.

23 (2) Whether reports that use the same terms
24 for acts of sexual violence are collecting the same
25 data on these acts.

1 (3) Whether the context which led to an act of
2 sexual violence should impact how that act is ac-
3 counted for in reports.

4 (4) Whether the data collected is presented in
5 a way that allows the general public to understand
6 what acts of sexual violence are included in each
7 measurement.

8 (5) Steps that agencies that compile reports re-
9 lating to sexual violence can take to avoid double
10 counting incidents of sexual violence.

11 (d) REPORT REQUIRED.—Not later than 2 years
12 after the date of the enactment of this Act, the Working
13 Group shall publish and submit to Congress a report on
14 the following:

15 (1) The activities of the Working Group.

16 (2) Recommendations to harmonize Federal ef-
17 forts to collect data on sexual violence.

18 (3) Actions Federal agencies can take to imple-
19 ment the recommendations described in paragraph
20 (2).

21 (4) Recommendations for congressional action
22 to implement the recommendations described in
23 paragraph (2).

1 (e) TERMINATION.—The Working Group shall termi-
2 nate 30 days after the date on which the report is sub-
3 mitted pursuant to subsection (d).

4 (f) DEFINITIONS.—In this section:

5 (1) HARMONIZE.—The term “harmonize” in-
6 cludes efforts to coordinate sexual violence data col-
7 lection to produce complementary information, as
8 appropriate, without compromising programmatic
9 needs.

10 (2) SEXUAL VIOLENCE.—The term “sexual vio-
11 lence” includes an unwanted sexual act (including
12 both contact and non-contact) about which the Fed-
13 eral Government collects information.

14 **SEC. 14750. NATIONAL DOMESTIC VIOLENCE HOTLINE.**

15 Not later than 3 months after the date of enactment
16 of this Act, a national domestic violence hotline for which
17 a grant is provided under section 313 of the Family Vio-
18 lence Prevention and Services Act shall include the vol-
19 untary feature of texting via telephone to ensure all meth-
20 ods of communication are available for victims and those
21 seeking assistance.

1 **SEC. 14751. RULE OF CONSTRUCTION REGARDING COMPLI-**
2 **ANCE WITH IMMIGRATION LAWS.**

3 Nothing in this Act, or in any amendments made by
4 this Act, shall affect the obligation to fully comply with
5 the immigration laws.

6 **PART 15—CYBERCRIME ENFORCEMENT**

7 **SEC. 14761. LOCAL LAW ENFORCEMENT GRANTS FOR EN-**
8 **FORCEMENT OF CYBERCRIMES.**

9 (a) IN GENERAL.—Subject to the availability of ap-
10 propriations, the Attorney General shall award grants
11 under this section to States and units of local government
12 for the prevention, enforcement, and prosecution of
13 cybercrimes against individuals.

14 (b) APPLICATION.—

15 (1) IN GENERAL.—To request a grant under
16 this section, the chief executive officer of a State or
17 unit of local government shall submit an application
18 to the Attorney General within 90 days after the
19 date on which funds to carry out this section are ap-
20 propriated for a fiscal year, in such form as the At-
21 torney General may require. Such application shall
22 include the following:

23 (A) A certification that Federal funds
24 made available under this section will not be
25 used to supplant State or local funds, but will
26 be used to increase the amounts of such funds

1 that would, in the absence of Federal funds, be
2 made available for law enforcement activities.

3 (B) An assurance that, not fewer than 30
4 days before the application (or any amendment
5 to the application) was submitted to the Attor-
6 ney General, the application (or amendment)
7 was submitted for review to the governing body
8 of the State or unit of local government (or to
9 an organization designated by that governing
10 body).

11 (C) An assurance that, before the applica-
12 tion (or any amendment to the application) was
13 submitted to the Attorney General—

14 (i) the application (or amendment)
15 was made public; and

16 (ii) an opportunity to comment on the
17 application (or amendment) was provided
18 to citizens and to neighborhood or commu-
19 nity-based organizations, to the extent ap-
20 plicable law or established procedure
21 makes such an opportunity available.

22 (D) An assurance that, for each fiscal year
23 covered by an application, the applicant shall
24 maintain and report such data, records, and in-

1 formation (programmatic and financial) as the
2 Attorney General may reasonably require.

3 (E) A certification, made in a form accept-
4 able to the Attorney General and executed by
5 the chief executive officer of the applicant (or
6 by another officer of the applicant, if qualified
7 under regulations promulgated by the Attorney
8 General), that—

9 (i) the programs to be funded by the
10 grant meet all the requirements of this sec-
11 tion;

12 (ii) all the information contained in
13 the application is correct;

14 (iii) there has been appropriate co-
15 ordination with affected agencies; and

16 (iv) the applicant will comply with all
17 provisions of this section and all other ap-
18 plicable Federal laws.

19 (F) A certification that the State or in the
20 case of a unit of local government, the State in
21 which the unit of local government is located,
22 has in effect criminal laws which prohibit
23 cybercrimes against individuals.

24 (G) A certification that any equipment de-
25 scribed in subsection (c)(7) purchased using

1 grant funds awarded under this section will be
2 used primarily for investigations and forensic
3 analysis of evidence in matters involving
4 cybercrimes against individuals.

5 (c) USE OF FUNDS.—Grants awarded under this sec-
6 tion may only be used for programs that provide—

7 (1) training for State or local law enforcement
8 personnel relating to cybercrimes against individuals,
9 including—

10 (A) training such personnel to identify and
11 protect victims of cybercrimes against individ-
12 uals;

13 (B) training such personnel to utilize Fed-
14 eral, State, local, and other resources to assist
15 victims of cybercrimes against individuals;

16 (C) training such personnel to identify and
17 investigate cybercrimes against individuals;

18 (D) training such personnel to enforce and
19 utilize the laws that prohibit cybercrimes
20 against individuals;

21 (E) training such personnel to utilize tech-
22 nology to assist in the investigation of
23 cybercrimes against individuals and enforce-
24 ment of laws that prohibit such crimes; and

1 (F) the payment of overtime incurred as a
2 result of such training;

3 (2) training for State or local prosecutors,
4 judges, and judicial personnel, relating to
5 cybercrimes against individuals, including—

6 (A) training such personnel to identify, in-
7 vestigate, prosecute, or adjudicate cybercrimes
8 against individuals;

9 (B) training such personnel to utilize laws
10 that prohibit cybercrimes against individuals;

11 (C) training such personnel to utilize Fed-
12 eral, State, local, and other resources to assist
13 victims of cybercrimes against individuals; and

14 (D) training such personnel to utilize tech-
15 nology to assist in the prosecution or adjudica-
16 tion of acts of cybercrimes against individuals,
17 including the use of technology to protect vic-
18 tims of such crimes;

19 (3) training for State or local emergency dis-
20 patch personnel relating to cybercrimes against indi-
21 viduals, including—

22 (A) training such personnel to identify and
23 protect victims of cybercrimes against individ-
24 uals;

1 (B) training such personnel to utilize Fed-
2 eral, State, local, and other resources to assist
3 victims of cybercrimes against individuals;

4 (C) training such personnel to utilize tech-
5 nology to assist in the identification of and re-
6 sponse to cybercrimes against individuals; and

7 (D) the payment of overtime incurred as a
8 result of such training;

9 (4) assistance to State or local law enforcement
10 agencies in enforcing laws that prohibit cybercrimes
11 against individuals, including expenses incurred in
12 performing enforcement operations, such as overtime
13 payments;

14 (5) assistance to State or local law enforcement
15 agencies in educating the public in order to prevent,
16 deter, and identify violations of laws that prohibit
17 cybercrimes against individuals;

18 (6) assistance to State or local law enforcement
19 agencies to establish task forces that operate solely
20 to conduct investigations, forensic analyses of evi-
21 dence, and prosecutions in matters involving
22 cybercrimes against individuals;

23 (7) assistance to State or local law enforcement
24 and prosecutors in acquiring computers, computer
25 equipment, and other equipment necessary to con-

1 duct investigations and forensic analysis of evidence
2 in matters involving cybercrimes against individuals,
3 including expenses incurred in the training, mainte-
4 nance, or acquisition of technical updates necessary
5 for the use of such equipment for the duration of a
6 reasonable period of use of such equipment;

7 (8) assistance in the facilitation and promotion
8 of sharing, with State and local law enforcement of-
9 ficers and prosecutors, of the expertise and informa-
10 tion of Federal law enforcement agencies about the
11 investigation, analysis, and prosecution of matters
12 involving laws that prohibit cybercrimes against indi-
13 viduals, including the use of multijurisdictional task
14 forces; or

15 (9) assistance to State and local law enforce-
16 ment and prosecutors in processing interstate extra-
17 dition requests for violations of laws involving
18 cybercrimes against individuals, including expenses
19 incurred in the extradition of an offender from one
20 State to another.

21 (d) REPORT TO THE SECRETARY.—On the date that
22 is 1 year after the date on which a State or unit of local
23 government receives a grant under this section, and annu-
24 ally thereafter, the chief executive of such State or unit

1 of local government shall submit to the Attorney General
2 a report which contains—

3 (1) a summary of the activities carried out dur-
4 ing the previous year with any grant received by
5 such State or unit of local government;

6 (2) an evaluation of the results of such activi-
7 ties; and

8 (3) such other information as the Attorney
9 General may reasonably require.

10 (e) REPORT TO CONGRESS.—Not later than Novem-
11 ber 1 of each even-numbered fiscal year, the Attorney
12 General shall submit to the Committee on the Judiciary
13 of the House of Representatives and the Committee on
14 the Judiciary of the Senate a report that contains a com-
15 pilation of the information contained in the report sub-
16 mitted under subsection (d).

17 (f) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There are authorized to be
19 appropriated to carry out this section \$20,000,000
20 for each of fiscal years 2020 through 2024.

21 (2) LIMITATION.—Of the amount made avail-
22 able under paragraph (1) in any fiscal year, not
23 more than 5 percent may be used for evaluation,
24 monitoring, technical assistance, salaries, and ad-
25 ministrative expenses.

1 (g) DEFINITIONS.—In this section:

2 (1) The term “cybercrimes against individuals”
3 means the criminal offenses applicable in the rel-
4 evant State or unit of local government that involve
5 the use of a computer to cause personal harm to an
6 individual, such as the use of a computer to harass,
7 threaten, stalk, extort, coerce, cause fear, intimidate,
8 without consent distribute intimate images of, or vio-
9 late the privacy of, an individual, except that—

10 (A) use of a computer need not be an ele-
11 ment of such an offense; and

12 (B) such term does not include the use of
13 a computer to cause harm to a commercial enti-
14 ty, government agency, or any non-natural per-
15 sons.

16 (2) The term “computer” includes a computer
17 network and an interactive electronic device.

18 **SEC. 14762. NATIONAL RESOURCE CENTER GRANT.**

19 (a) IN GENERAL.—Subject to the availability of ap-
20 propriations, the Attorney General shall award a grant
21 under this section to an eligible entity for the purpose of
22 the establishment and maintenance of a National Re-
23 source Center on Cybercrimes Against Individuals to pro-
24 vide resource information, training, and technical assist-
25 ance to improve the capacity of individuals, organizations,

1 governmental entities, and communities to prevent, en-
2 force, and prosecute cybercrimes against individuals.

3 (b) APPLICATION.—To request a grant under this
4 section, an eligible entity shall submit an application to
5 the Attorney General not later than 90 days after the date
6 on which funds to carry out this section are appropriated
7 for fiscal year 2020 in such form as the Attorney General
8 may require. Such application shall include the following:

9 (1) An assurance that, for each fiscal year cov-
10 ered by an application, the applicant shall maintain
11 and report such data, records, and information (pro-
12 grammatic and financial) as the Attorney General
13 may reasonably require.

14 (2) A certification, made in a form acceptable
15 to the Attorney General, that—

16 (A) the programs funded by the grant
17 meet all the requirements of this section;

18 (B) all the information contained in the
19 application is correct; and

20 (C) the applicant will comply with all pro-
21 visions of this section and all other applicable
22 Federal laws.

23 (c) USE OF FUNDS.—The eligible entity awarded a
24 grant under this section shall use such amounts for the

1 establishment and maintenance of a National Resource
2 Center on Cybercrimes Against Individuals, which shall—

3 (1) offer a comprehensive array of technical as-
4 sistance and training resources to Federal, State,
5 and local governmental agencies, community-based
6 organizations, and other professionals and interested
7 parties, related to cybercrimes against individuals,
8 including programs and research related to victims;

9 (2) maintain a resource library which shall col-
10 lect, prepare, analyze, and disseminate information
11 and statistics related to—

12 (A) the incidence of cybercrimes against
13 individuals;

14 (B) the enforcement, and prosecution of
15 laws relating to cybercrimes against individuals;
16 and

17 (C) the provision of supportive services and
18 resources for victims of cybercrimes against in-
19 dividuals; and

20 (3) conduct research related to—

21 (A) the causes of cybercrimes against indi-
22 viduals;

23 (B) the effect of cybercrimes against indi-
24 viduals on victims of such crimes; and

1 (C) model solutions to prevent or deter
2 cybercrimes against individuals or to enforce
3 the laws relating to cybercrimes against individ-
4 uals.

5 (d) DURATION OF GRANT.—

6 (1) IN GENERAL.—The grant awarded under
7 this section shall be awarded for a period of 5 years.

8 (2) RENEWAL.—A grant under this section may
9 be renewed for additional 5-year periods if the At-
10 torney General determines that the funds made
11 available to the recipient were used in a manner de-
12 scribed in subsection (c), and if the recipient resub-
13 mits an application described in subsection (b) in
14 such form, and at such time as the Attorney General
15 may reasonably require.

16 (e) SUBGRANTS.—The eligible entity awarded a grant
17 under this section may make subgrants to other nonprofit
18 private organizations with relevant subject matter exper-
19 tise in order to establish and maintain the National Re-
20 source Center on Cybercrimes Against Individuals in ac-
21 cordance with subsection (c).

22 (f) REPORT TO THE SECRETARY.—On the date that
23 is 1 year after the date on which an eligible entity receives
24 a grant under this section, and annually thereafter for the

1 duration of the grant period, the entity shall submit to
2 the Attorney General a report which contains—

3 (1) a summary of the activities carried out
4 under the grant program during the previous year;

5 (2) an evaluation of the results of such activi-
6 ties; and

7 (3) such other information as the Attorney
8 General may reasonably require.

9 (g) REPORT TO CONGRESS.—Not later than Novem-
10 ber 1 of each even-numbered fiscal year, the Attorney
11 General shall submit to the Committee on the Judiciary
12 of the House of Representatives and the Committee on
13 the Judiciary of the Senate a report that contains a com-
14 pilation of the information contained in the report sub-
15 mitted under subsection (d).

16 (h) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$4,000,000 for each of fiscal years 2020 through 2024.

19 (i) DEFINITIONS.—In this section:

20 (1) CYBERCRIMES AGAINST INDIVIDUALS.—The
21 term “cybercrimes against individuals” has the
22 meaning given such term in section 1501(g).

23 (2) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means a nonprofit private organization that fo-
25 cuses on cybercrimes against individuals and that—

(A) provides documentation to the Attorney General demonstrating experience working directly on issues of cybercrimes against individuals; and

(B) includes on the entity's advisory board representatives who have a documented history of working directly on issues of cybercrimes against individuals and who are geographically and culturally diverse.

**SEC. 14763. NATIONAL STRATEGY, CLASSIFICATION, AND
REPORTING ON CYBERCRIME.**

(a) DEFINITIONS.—In this section:

(1) COMPUTER.—The term “computer” includes a computer network and any interactive electronic device.

(2) CYBERCRIME AGAINST INDIVIDUALS.—The term “cybercrime against individuals” means a Federal, State, or local criminal offense that involves the use of a computer to cause personal harm to an individual, such as the use of a computer to harass, threaten, stalk, extort, coerce, cause fear, intimidate, without consent distribute intimate images of, or violate the privacy of, an individual, except that—

(A) use of a computer need not be an element of the offense; and

1 (B) the term does not include the use of a
2 computer to cause harm to a commercial entity,
3 government agency, or non-natural person.

4 (b) NATIONAL STRATEGY.—The Attorney General
5 shall develop a national strategy to—

6 (1) reduce the incidence of cybercrimes against
7 individuals;

8 (2) coordinate investigations of cybercrimes
9 against individuals by Federal law enforcement
10 agencies; and

11 (3) increase the number of Federal prosecutions
12 of cybercrimes against individuals.

13 (c) CLASSIFICATION OF CYBERCRIMES AGAINST IN-
14 DIVIDUALS FOR PURPOSES OF CRIME REPORTS.—In ac-
15 cordance with the authority of the Attorney General under
16 section 534 of title 28, United States Code, the Director
17 of the Federal Bureau of Investigation shall—

18 (1) design and create within the Uniform Crime
19 Reports a category for offenses that constitute
20 cybercrimes against individuals;

21 (2) to the extent feasible, within the category
22 established under paragraph (1), establish subcat-
23 egories for each type of cybercrime against individ-
24 uals that is an offense under Federal or State law;

1 (3) classify the category established under para-
2 graph (1) as a Part I crime in the Uniform Crime
3 Reports; and

4 (4) classify each type of cybercrime against in-
5 dividuals that is an offense under Federal or State
6 law as a Group A offense for the purpose of the Na-
7 tional Incident-Based Reporting System.

8 (d) ANNUAL SUMMARY.—The Attorney General shall
9 publish an annual summary of the information reported
10 in the Uniform Crime Reports and the National Incident-
11 Based Reporting System relating to cybercrimes against
12 individuals.

13 **TITLE II—HEALTH EQUITY**
14 **Subtitle A—Expanded Access to**
15 **Care**

16 **SEC. 20101. STUDY ON THE UNINSURED.**

17 (a) IN GENERAL.—The Secretary of Health and
18 Human Services (in this section referred to as the “Sec-
19 retary”) shall—

20 (1) conduct a study, in accordance with the
21 standards under section 3101 of the Public Health
22 Service Act (42 U.S.C. 300kk), on the demographic
23 characteristics of the population of individuals who
24 do not have health insurance coverage;

1 (2) include in such study an analysis of the
2 usage by such population of emergency room and ur-
3 gent care facilities; and

4 (3) predict, based on such study, the demo-
5 graphic characteristics of the population of individ-
6 uals who would remain without health insurance cov-
7 erage after the end of open enrollment or any special
8 enrollment period.

9 (b) REPORTING REQUIREMENTS.—

10 (1) IN GENERAL.—Not later than 12 months
11 after the date of the enactment of this Act, the Sec-
12 retary shall submit to the Congress the results of
13 the study under subsection (a) and the prediction
14 made under subsection (a)(3).

15 (2) REPORTING OF DEMOGRAPHIC CHARACTER-
16 ISTICS.—The Secretary shall report the demographic
17 characteristics under paragraphs (1), (2), and (3) of
18 subsection (a) on the basis of racial and ethnic
19 group, and shall stratify the reporting on each racial
20 and ethnic group by other demographic characteris-
21 tics that can impact access to health insurance cov-
22 erage, such as sexual orientation, gender identity,
23 primary language, disability status, sex, socio-
24 economic status, age group, and citizenship and im-

1 migration status, in a manner consistent with title
2 I of this Act.

3 **SEC. 20102. VOLUNTEER DENTAL PROJECTS AND ACTION**
4 **FOR DENTAL HEALTH PROGRAM.**

5 Part B of title III of the Public Health Service Act
6 is revised by amending section 317M (42 U.S.C. 247b–
7 14) as follows:

8 (1) by redesignating subsections (e) and (f) as
9 (g) and (h), respectively;

10 (2) by inserting after subsection (d), the fol-
11 lowing:

12 “(e) GRANTS TO SUPPORT VOLUNTEER DENTAL
13 PROJECTS.—

14 “(1) IN GENERAL.—The Secretary, acting
15 through the Director of the Centers for Disease
16 Control and Prevention, may award grants to or
17 enter into contracts with eligible entities to obtain
18 portable or mobile dental equipment, and pay for ap-
19 propriate operational costs, for the provision of free
20 dental services to underserved populations that are
21 delivered in a manner consistent with State licensing
22 laws.

23 “(2) ELIGIBLE ENTITY.—In this subsection, the
24 term ‘eligible entity’ includes a State or local dental
25 association, a State oral health program, a dental

1 education, dental hygiene education, or postdoctoral
2 dental education program accredited by the Commis-
3 sion on Dental Accreditation, and a community-
4 based organization that partners with an academic
5 institution, that—

6 “(A) is exempt from tax under section
7 501(c) of the Internal Revenue Code of 1986;
8 and

9 “(B) offers a free dental services program
10 for underserved populations.

11 “(f) ACTION FOR DENTAL HEALTH PROGRAM.—

12 “(1) IN GENERAL.—The Secretary, acting
13 through the Director of the Centers for Disease
14 Control and Prevention, may award grants to or
15 enter into contracts with eligible entities to collabo-
16 rate with State, county, or local public officials and
17 other stakeholders to develop and implement initia-
18 tives to accomplish any of the following goals:

19 “(A) To improve oral health education and
20 dental disease prevention, including community-
21 wide prevention programs, use of dental
22 sealants and fluoride varnish, and increasing
23 oral health literacy.

24 “(B) To make the health care delivery sys-
25 tem providing dental services more accessible

1 and efficient through the development and ex-
2 pansion of outreach programs that will facili-
3 tate the establishment of dental homes for chil-
4 dren and adults, including the aged, blind, and
5 disabled populations.

6 “(C) To reduce geographic, language, cul-
7 tural, and similar barriers in the provision of
8 dental services.

9 “(D) To help reduce the use of emergency
10 departments by those who seek dental services
11 more appropriately delivered in a dental pri-
12 mary care setting.

13 “(E) To facilitate the provision of dental
14 care to nursing home residents who are dis-
15 proportionately affected by lack of care.

16 “(2) ELIGIBLE ENTITY.—In this subsection, the
17 term ‘eligible entity’ includes a State or local dental
18 association, a State oral health program, or a dental
19 education, dental hygiene, or postdoctoral dental
20 education program accredited by the Commission on
21 Dental Accreditation, and a community-based orga-
22 nization that partners with an academic institution,
23 that—

1 “(A) is exempt from tax under section
2 501(c) of the Internal Revenue Code of 1986;
3 and

4 “(B) partners with public and private
5 stakeholders to facilitate the provision of dental
6 services for underserved populations.”; and

7 (3) in subsection (h), as redesignated by para-
8 graph (1), by striking “fiscal years 2001 through
9 2005” and inserting “fiscal years 2016 through
10 2020”.

11 **SEC. 20103. CRITICAL ACCESS HOSPITAL IMPROVEMENTS.**

12 (a) **ELIMINATION OF ISOLATION TEST FOR COST-**
13 **BASED AMBULANCE REIMBURSEMENT.—**

14 (1) **IN GENERAL.**—Section 1834(l)(8) of the
15 Social Security Act (42 U.S.C. 1395m(l)(8)) is
16 amended—

17 (A) in subparagraph (B)—

18 (i) by striking “owned and”; and

19 (ii) by inserting “(including when
20 such services are provided by the entity
21 under an arrangement with the hospital)”
22 after “hospital”; and

23 (B) by striking the comma at the end of
24 subparagraph (B) and all that follows and in-
25 serting a period.

1 (2) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to services furnished
3 on or after January 1, 2018.

4 (b) PROVISION OF A MORE FLEXIBLE ALTERNATIVE
5 TO THE CAH DESIGNATION 25 INPATIENT BED LIMIT
6 REQUIREMENT.—

7 (1) IN GENERAL.—Section 1820(c)(2) of the
8 Social Security Act (42 U.S.C. 1395i–4(c)(2)) is
9 amended—

10 (A) in subparagraph (B)(iii), by striking
11 “provides not more than” and inserting “sub-
12 ject to subparagraph (F), provides not more
13 than”; and

14 (B) by adding at the end the following new
15 subparagraph:

16 “(F) ALTERNATIVE TO 25 INPATIENT BED
17 LIMIT REQUIREMENT.—

18 “(i) IN GENERAL.—A State may elect
19 to treat a facility, with respect to the des-
20 ignation of the facility for a cost-reporting
21 period, as satisfying the requirement of
22 subparagraph (B)(iii) relating to a max-
23 imum number of acute care inpatient beds
24 if the facility elects, in accordance with a
25 method specified by the Secretary and be-

1 fore the beginning of the cost reporting pe-
2 riod, to meet the requirement under clause
3 (ii).

4 “(ii) ALTERNATE REQUIREMENT.—
5 The requirement under this clause, with
6 respect to a facility and a cost-reporting
7 period, is that the total number of inpa-
8 tient bed days described in subparagraph
9 (B)(iii) during such period will not exceed
10 7,300. For purposes of this subparagraph,
11 an individual who is an inpatient in a bed
12 in the facility for a single day shall be
13 counted as one inpatient bed day.

14 “(iii) WITHDRAWAL OF ELECTION.—
15 The option described in clause (i) shall not
16 apply to a facility for a cost-reporting pe-
17 riod if the facility (for any two consecutive
18 cost-reporting periods during the previous
19 5 cost-reporting periods) was treated under
20 such option and had a total number of in-
21 patient bed days for each of such two cost-
22 reporting periods that exceeded the num-
23 ber specified in such clause.”.

24 (2) EFFECTIVE DATE.—The amendments made
25 by paragraph (1) shall apply to cost-reporting peri-

1 ods beginning on or after the date of the enactment
2 of this Act.

3 **SEC. 20104. COMMUNITY HEALTH CENTER COLLABORATIVE**
4 **ACCESS EXPANSION.**

5 Section 330 of the Public Health Service Act (42
6 U.S.C. 254b) is amended by adding at the end the fol-
7 lowing:

8 “(t) MISCELLANEOUS PROVISIONS.—

9 “(1) RULE OF CONSTRUCTION WITH RESPECT
10 TO RURAL HEALTH CLINICS.—Nothing in this sec-
11 tion shall be construed to prevent a community
12 health center from contracting with a federally cer-
13 tified rural health clinic (as defined by section
14 1861(aa)(2) of the Social Security Act) for the deliv-
15 ery of primary health care and other mental, dental,
16 and physical health services that are available at the
17 rural health clinic to individuals who would other-
18 wise be eligible for free or reduced cost care if that
19 individual were able to obtain that care at the com-
20 munity health center. Such services may be limited
21 in scope to those primary health care and other
22 mental, dental, and physical health services available
23 in that rural health clinic.

24 “(2) ENABLING SERVICES.—To the extent pos-
25 sible, enabling services such as transportation and

1 translation assistance shall be provided by rural
 2 health clinics described in paragraph (1).

3 “(3) ASSURANCES.—In order for a rural health
 4 clinic to receive funds under this section through a
 5 contract with a community health center for the de-
 6 livery of primary health care and other services de-
 7 scribed in paragraph (1), such rural health clinic
 8 shall establish policies to ensure—

9 “(A) nondiscrimination based upon the
 10 ability of a patient to pay;

11 “(B) the establishment of a sliding fee
 12 scale for low-income patients; and

13 “(C) any such services should be subject to
 14 full reimbursement according to the Prospective
 15 Payment System scale.”.

16 **Subtitle B—Mental Health Needs**

17 **SEC. 20201. PRIORITY MENTAL HEALTH NEEDS OF RE-** 18 **GIONAL AND NATIONAL SIGNIFICANCE.**

19 (a) REAUTHORIZATION.—Section 520A of the Public
 20 Health Service Act (42 U.S.C. 290bb–32) is amended—

21 (1) by redesignating subsection (f) as sub-
 22 section (h); and

23 (2) by amending subsection (h), as redesign-
 24 nated, to read as follows:

25 “(h) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to carry out this section \$394,550,000
3 for each of fiscal years 2022 through 2028.

4 “(2) ALLOCATIONS.—Of the amounts author-
5 ized by paragraph (1) to be appropriated for each of
6 fiscal years 2022 through 2028—

7 “(A) \$194,500,000 shall be for carrying
8 out subsection (f) (relating to the Resiliency in
9 Communities After Stress and Trauma Pro-
10 gram); and

11 “(B) \$189,500,000 shall be for carrying
12 out subsection (g) (relating to Project
13 AWARE).”.

14 (b) RESILIENCY IN COMMUNITIES AFTER STRESS
15 AND TRAUMA PROGRAM.—Section 520A of the Public
16 Health Service Act (42 U.S.C. 290bb–32), as amended by
17 subsection (a), is further amended by inserting after sub-
18 section (e) the following subsection:

19 “(f) RESILIENCY IN COMMUNITIES AFTER STRESS
20 AND TRAUMA PROGRAM.—

21 “(1) IN GENERAL.—The Secretary shall main-
22 tain the Resiliency in Communities After Stress and
23 Trauma Program of the Substance Abuse and Men-
24 tal Health Services Administration, to be known at
25 the ReCAST Program.

1 “(2) GRANTS.—In carrying out the ReCAST
2 Program, the Secretary shall award grants to State
3 and local health agencies to assist high-risk youth
4 and families and promote resilience and equity in
5 communities that have recently faced civil unrest
6 through—

7 “(A) implementation of evidence-based vio-
8 lence prevention and community youth engage-
9 ment programs; and

10 “(B) linkages to trauma-informed behav-
11 ioral health services.

12 “(3) DEFINITION.—In this subsection, the term
13 ‘civil unrest’—

14 “(A) means demonstrations of mass pro-
15 test and mobilization, civil disobedience, and
16 disruption through violence, often connected
17 with law enforcement issues; and

18 “(B) includes such demonstrations in com-
19 munities that have been affected by a high inci-
20 dence of gun violence not caused by law en-
21 forcement.”.

22 (c) PROJECT AWARE.—Section 520A of the Public
23 Health Service Act (42 U.S.C. 290bb–32), as amended by
24 subsection (b), is further amended by inserting after sub-
25 section (f) the following subsection:

1 “(g) PROJECT AWARE.—

2 “(1) IN GENERAL.—The Secretary shall main-
3 tain the Project Advancing Wellness and Resiliency
4 in Education program of the Substance Abuse and
5 Mental Health Services Administration, to be known
6 as Project AWARE.

7 “(2) GRANTS.—In carrying out Project
8 AWARE, the Secretary shall make grants to State
9 educational agencies to build or expand the capacity
10 of such agencies, in partnership with State mental
11 health agencies overseeing school-aged youth and
12 local education agencies—

13 “(A) to increase awareness of mental
14 health issues among school-aged youth;

15 “(B) to provide training for school per-
16 sonnel and other adults who interact with
17 school-aged youth to detect and respond to
18 mental health issues; and

19 “(C) to connect school-aged youth, who
20 may have behavioral health issues (including se-
21 rious emotional disturbance or serious mental
22 illness), and their families to needed services.

23 “(3) DEFINITION.—In this subsection, the term
24 ‘State educational agency’ means—

1 “(A) a State educational agency as defined
2 in section 8101 of the Elementary and Sec-
3 ondary Education Act of 1965; or

4 “(B) an education agency or authority of
5 an Indian tribe or tribal organization (as such
6 terms are defined in section 4 of the Indian
7 Self-Determination and Education Assistance
8 Act).”.

9 **SEC. 20202. ANNUAL REPORT ON ADVERSE CHILDHOOD EX-**
10 **PERIENCES OF CERTAIN CHILDREN IN COM-**
11 **MUNITIES FACING CIVIL UNREST.**

12 (a) IN GENERAL.—Not later than the end of fiscal
13 year 2022, and annually thereafter, the Secretary of
14 Health and Human Services shall submit a report to the
15 Congress on the adverse childhood experiences of children
16 who are exposed to traumatic experiences in communities
17 that have recently faced civil unrest.

18 (b) DEFINITION.—In this subsection, the term “civil
19 unrest”—

20 (1) means demonstrations of mass protest and
21 mobilization, civil disobedience, and disruption
22 through violence, often connected with law enforce-
23 ment issues; and

1 (2) includes such demonstrations in commu-
2 nities that have been affected by a high incidence of
3 gun violence not caused by law enforcement.

4 **Subtitle C—Pursuing Equity in**
5 **Mental Health Act**

6 **SEC. 20401. SHORT TITLE.**

7 This subtitle may be cited as the “Pursuing Equity
8 in Mental Health Act of 2020”.

9 **PART 1—MENTAL HEALTH OF STUDENTS**

10 **SEC. 20411. AMENDMENTS TO THE PUBLIC HEALTH SERV-**
11 **ICE ACT.**

12 (a) TECHNICAL AMENDMENTS.—The second part G
13 (relating to services provided through religious organiza-
14 tions) of title V of the Public Health Service Act (42
15 U.S.C. 290kk et seq.) is amended—

16 (1) by redesignating such part as part J; and

17 (2) by redesignating sections 581 through 584
18 as sections 596 through 596C, respectively.

19 (b) SCHOOL-BASED MENTAL HEALTH AND CHIL-
20 DREN.—Section 581 of the Public Health Service Act (42
21 U.S.C. 290hh) (relating to children and violence) is
22 amended to read as follows:

1 **“SEC. 581. SCHOOL-BASED MENTAL HEALTH; CHILDREN**
2 **AND ADOLESCENTS.**

3 “(a) IN GENERAL.—The Secretary, in collaboration
4 with the Secretary of Education, shall, directly or through
5 grants, contracts, or cooperative agreements awarded to
6 eligible entities described in subsection (c), assist local
7 communities and schools (including schools funded by the
8 Bureau of Indian Education) in applying a public health
9 approach to mental health services both in schools and in
10 the community. Such approach shall provide comprehen-
11 sive developmentally appropriate services and supports
12 that are linguistically and culturally appropriate and trau-
13 ma-informed, and incorporate developmentally appropriate
14 strategies of positive behavioral interventions and sup-
15 ports. A comprehensive school-based mental health pro-
16 gram funded under this section shall assist children in
17 dealing with traumatic experiences, grief, bereavement,
18 risk of suicide, and violence.

19 “(b) ACTIVITIES.—Under the program under sub-
20 section (a), the Secretary may—

21 “(1) provide financial support to enable local
22 communities to implement a comprehensive cul-
23 turally and linguistically appropriate, trauma-in-
24 formed, and developmentally appropriate, school-
25 based mental health program that—

1 “(A) builds awareness of individual trauma
2 and the intergenerational, continuum of impacts
3 of trauma on populations;

4 “(B) trains appropriate staff to identify,
5 and screen for, signs of trauma exposure, men-
6 tal health disorders, or risk of suicide; and

7 “(C) incorporates positive behavioral inter-
8 ventions, family engagement, student treatment,
9 and multigenerational supports to foster the
10 health and development of children, prevent
11 mental health disorders, and ameliorate the im-
12 pact of trauma;

13 “(2) provide technical assistance to local com-
14 munities with respect to the development of pro-
15 grams described in paragraph (1);

16 “(3) provide assistance to local communities in
17 the development of policies to address child and ado-
18 lescent trauma and mental health issues and violence
19 when and if it occurs;

20 “(4) facilitate community partnerships among
21 families, students, law enforcement agencies, edu-
22 cation agencies, mental health and substance use
23 disorder service systems, family-based mental health
24 service systems, child welfare agencies, health care
25 providers (including primary care physicians, mental

1 health professionals, and other professionals who
2 specialize in children’s mental health such as child
3 and adolescent psychiatrists), institutions of higher
4 education, faith-based programs, trauma networks,
5 and other community-based systems; and

6 “(5) establish mechanisms for children and ado-
7 lescents to report incidents of violence or plans by
8 other children, adolescents, or adults to commit vio-
9 lence.

10 “(c) REQUIREMENTS.—

11 “(1) IN GENERAL.—To be eligible for a grant,
12 contract, or cooperative agreement under subsection
13 (a), an entity shall—

14 “(A) be a partnership that includes—

15 “(i) a State educational agency, as de-
16 fined in section 8101 of the Elementary
17 and Secondary Education Act of 1965, in
18 coordination with one or more local edu-
19 cational agencies, as defined in section
20 8101 of the Elementary and Secondary
21 Education Act of 1965, or a consortium of
22 any entities described in subparagraph
23 (B), (C), (D), or (E) of section 8101(30)
24 of such Act; and

1 “(ii) in accordance with paragraph
2 (2)(A)(i), appropriate public or private en-
3 tities that employ interventions that are
4 evidence-based, as defined in section 8101
5 of the Elementary and Secondary Edu-
6 cation Act of 1965; and

7 “(B) submit an application, that is en-
8 dorsed by all members of the partnership,
9 that—

10 “(i) specifies which member will serve
11 as the lead partner; and

12 “(ii) contains the assurances described
13 in paragraph (2).

14 “(2) REQUIRED ASSURANCES.—An application
15 under paragraph (1) shall contain assurances as fol-
16 lows:

17 “(A) The eligible entity will ensure that, in
18 carrying out activities under this section, the el-
19 igible entity will enter into a memorandum of
20 understanding—

21 “(i) with at least 1 community-based
22 mental health provider, including a public
23 or private mental health entity, health care
24 entity, family-based mental health entity,
25 trauma network, or other community-based

1 entity, as determined by the Secretary
2 (and which may include additional entities
3 such as a human services agency, law en-
4 forcement or juvenile justice entity, child
5 welfare agency, agency, an institution of
6 higher education, or another entity, as de-
7 termined by the Secretary); and

8 “(ii) that clearly states—

9 “(I) the responsibilities of each
10 partner with respect to the activities
11 to be carried out, including how fam-
12 ily engagement will be incorporated in
13 the activities;

14 “(II) how school-employed and
15 school-based or community-based
16 mental health professionals will be uti-
17 lized for carrying out such responsibil-
18 ities;

19 “(III) how each such partner will
20 be accountable for carrying out such
21 responsibilities; and

22 “(IV) the amount of non-Federal
23 funding or in-kind contributions that
24 each such partner will contribute in
25 order to sustain the program.

1 “(B) The comprehensive school-based men-
2 tal health program carried out under this sec-
3 tion supports the flexible use of funds to ad-
4 dress—

5 “(i) universal prevention, through the
6 promotion of the social, emotional, mental,
7 and behavioral health of all students in an
8 environment that is conducive to learning;

9 “(ii) selective prevention, through the
10 reduction in the likelihood of at risk stu-
11 dents developing social, emotional, mental,
12 behavioral health problems, suicide, or sub-
13 stance use disorders;

14 “(iii) the screening for, and early
15 identification of, social, emotional, mental,
16 behavioral problems, suicide risk, or sub-
17 stance use disorders and the provision of
18 early intervention services;

19 “(iv) the treatment or referral for
20 treatment of students with existing social,
21 emotional, mental, behavioral health prob-
22 lems, or substance use disorders;

23 “(v) the development and implementa-
24 tion of evidence-based programs to assist
25 children who are experiencing or have been

1 exposed to trauma and violence, including
2 program curricula, school supports, and
3 after-school programs; and

4 “(vi) the development and implemen-
5 tation of evidence-based programs to assist
6 children who are grieving, which may in-
7 clude training for school personnel on the
8 impact of trauma and bereavement on chil-
9 dren, and services to provide support to
10 grieving children.

11 “(C) The comprehensive school-based men-
12 tal health program carried out under this sec-
13 tion will provide for in-service training of all
14 school personnel, including ancillary staff and
15 volunteers, in—

16 “(i) the techniques and supports need-
17 ed to promote early identification of chil-
18 dren with trauma histories, children who
19 are grieving, and children with a mental
20 health disorder or at risk of developing a
21 mental health disorder, or who are at risk
22 of suicide;

23 “(ii) the use of referral mechanisms
24 that effectively link such children to appro-
25 priate prevention, treatment, and interven-

1 tion services in the school and in the com-
2 munity and to follow-up when services are
3 not available;

4 “(iii) strategies that promote a school-
5 wide positive environment, including strat-
6 egies to prevent bullying, which includes
7 cyber-bullying;

8 “(iv) strategies for promoting the so-
9 cial, emotional, mental, and behavioral
10 health of all students; and

11 “(v) strategies to increase the knowl-
12 edge and skills of school and community
13 leaders about the impact of trauma and vi-
14 olence and on the application of a public
15 health approach to comprehensive school-
16 based mental health programs.

17 “(D) The comprehensive school-based men-
18 tal health program carried out under this sec-
19 tion will include comprehensive training for par-
20 ents or guardians, siblings, and other family
21 members of children with mental health dis-
22 orders, and for concerned members of the com-
23 munity in—

24 “(i) the techniques and supports need-
25 ed to promote early identification of chil-

1 dren with trauma histories, children who
2 are grieving, children with a mental health
3 disorder or at risk of developing a mental
4 health disorder, and children who are at
5 risk of suicide;

6 “(ii) the use of referral mechanisms
7 that effectively link such children to appro-
8 priate prevention, treatment, and interven-
9 tion services in the school and in the com-
10 munity and follow-up when such services
11 are not available; and

12 “(iii) strategies that promote a school-
13 wide positive environment, including strat-
14 egies to prevent bullying, including cyber-
15 bullying.

16 “(E) The comprehensive school-based men-
17 tal health program carried out under this sec-
18 tion will demonstrate the measures to be taken
19 to sustain the program (which may include
20 seeking funding for the program under a State
21 Medicaid plan under title XIX of the Social Se-
22 curity Act or a waiver of such a plan, or under
23 a State plan under subpart 1 of part B or part
24 E of title IV of the Social Security Act).

1 “(F) The eligible entity is supported by the
2 State agency with primary responsibility for be-
3 havioral health to ensure that the comprehen-
4 sive school-based mental health program carried
5 out under this section will be sustainable after
6 funding under this section terminates.

7 “(G) The comprehensive school-based men-
8 tal health program carried out under this sec-
9 tion will be coordinated with early intervening
10 activities carried out under the Individuals with
11 Disabilities Education Act or activities funded
12 under part A of title IV of the Elementary and
13 Secondary Education Act of 1965.

14 “(H) The comprehensive school-based
15 mental health program carried out under this
16 section will be trauma-informed, evidence-based,
17 and developmentally, culturally, and linguis-
18 tically appropriate.

19 “(I) The comprehensive school-based men-
20 tal health program carried out under this sec-
21 tion will include a broad needs assessment of
22 youth who drop out of school due to policies of
23 ‘zero tolerance’ with respect to drugs, alcohol,
24 or weapons and an inability to obtain appro-
25 priate services.

1 “(J) The mental health services provided
2 through the comprehensive school-based mental
3 health program carried out under this section
4 will be provided by qualified mental and behav-
5 ioral health professionals who are certified,
6 credentialed, or licensed in compliance with ap-
7 plicable Federal and State law and regulations
8 by the State involved and who are practicing
9 within their area of expertise.

10 “(K) Students will be permitted to self-
11 refer to the mental health program for mental
12 health care and self-consent for mental health
13 crisis care to the extent permitted by State or
14 other applicable law.

15 “(3) COORDINATOR.—Any entity that is a
16 member of a partnership described in paragraph
17 (1)(A) may serve as the coordinator of funding and
18 activities under the grant if all members of the part-
19 nership agree.

20 “(4) COMPLIANCE WITH HIPAA.—A grantee
21 under this section shall be deemed to be a covered
22 entity for purposes of compliance with the regula-
23 tions promulgated under section 264(c) of the
24 Health Insurance Portability and Accountability Act

1 of 1996 with respect to any patient records devel-
2 oped through activities under the grant.

3 “(5) COMPLIANCE WITH FERPA.—Section 444
4 of the General Education Provisions Act (commonly
5 known as the ‘Family Educational Rights and Pri-
6 vacy Act of 1974’) shall apply to any entity that is
7 a member of the partnership in the same manner
8 that such section applies to an educational agency or
9 institution (as that term is defined in such section).

10 “(d) PRIORITY FOR SCHOOLS WITH HIGH POVERTY
11 LEVELS.—In awarding grants, contracts, and cooperative
12 agreements under this section, the Secretary shall give
13 highest priority to eligible entities that are partnerships
14 including one or more public elementary or secondary
15 schools in which 50.1 percent or more of the students are
16 eligible for a free or reduced price lunch under the Richard
17 B. Russell National School Lunch Act.

18 “(e) GEOGRAPHICAL DISTRIBUTION.—The Secretary
19 shall ensure that grants, contracts, or cooperative agree-
20 ments under subsection (a) will be distributed equitably
21 among the regions of the country and among urban and
22 rural areas.

23 “(f) DURATION OF AWARDS.—With respect to a
24 grant, contract, or cooperative agreement under sub-
25 section (a), the period during which payments under such

1 an award will be made to the recipient shall be 5 years,
2 with options for renewal.

3 “(g) EVALUATION AND MEASURES OF OUTCOMES.—

4 “(1) DEVELOPMENT OF PROCESS.—The Assist-
5 ant Secretary shall develop a fiscally appropriate
6 process for evaluating activities carried out under
7 this section. Such process shall include—

8 “(A) the development of guidelines for the
9 submission of program data by grant, contract,
10 or cooperative agreement recipients;

11 “(B) the development of measures of out-
12 comes (in accordance with paragraph (2)) to be
13 applied by such recipients in evaluating pro-
14 grams carried out under this section; and

15 “(C) the submission of annual reports by
16 such recipients concerning the effectiveness of
17 programs carried out under this section.

18 “(2) MEASURES OF OUTCOMES.—

19 “(A) IN GENERAL.—The Assistant Sec-
20 retary shall develop measures of outcomes to be
21 applied by recipients of assistance under this
22 section, and the Assistant Secretary, in evalu-
23 ating the effectiveness of programs carried out
24 under this section. Such measures shall include
25 student and family measures as provided for in

1 subparagraph (B) and local educational meas-
2 ures as provided for under subparagraph (C).

3 “(B) STUDENT AND FAMILY MEASURES OF
4 OUTCOMES.—The measures for outcomes devel-
5 oped under paragraph (1)(B) relating to stu-
6 dents and families shall, with respect to activi-
7 ties carried out under a program under this
8 section, at a minimum include provisions to
9 evaluate whether the program is effective in—

10 “(i) increasing social and emotional
11 competency;

12 “(ii) improving academic outcomes,
13 including as measured by proficiency on
14 the annual assessments under section
15 1111(b)(2) of the Elementary and Sec-
16 ondary Education Act of 1965;

17 “(iii) reducing disruptive and aggres-
18 sive behaviors;

19 “(iv) improving child functioning;

20 “(v) reducing substance use disorders;

21 “(vi) reducing rates of suicide;

22 “(vii) reducing suspensions, truancy,
23 expulsions, and violence;

24 “(viii) increasing high school gradua-
25 tion rates, calculated using the four-year

1 adjusted cohort graduation rate or the ex-
2 tended-year adjusted cohort graduation
3 rate (as such terms are defined in section
4 8101 of the Elementary and Secondary
5 Education Act of 1965);

6 “(ix) improving attendance rates and
7 rates of chronic absenteeism;

8 “(x) improving access to care for men-
9 tal health disorders, including access to
10 mental health services that are trauma-in-
11 formed, and developmentally, linguistically,
12 and culturally appropriate;

13 “(xi) improving health outcomes; and

14 “(xii) decreasing disparities among
15 vulnerable and protected populations in
16 outcomes described in clauses (i) through
17 (viii).

18 “(C) LOCAL EDUCATIONAL OUTCOMES.—

19 The outcome measures developed under para-
20 graph (1)(B) relating to local educational sys-
21 tems shall, with respect to activities carried out
22 under a program under this section, at a min-
23 imum include provisions to evaluate—

1 “(i) the effectiveness of comprehensive
2 school mental health programs established
3 under this section;

4 “(ii) the effectiveness of formal part-
5 nership linkages among child and family
6 serving institutions, community support
7 systems, and the educational system;

8 “(iii) the progress made in sustaining
9 the program once funding under the grant
10 has expired;

11 “(iv) the effectiveness of training and
12 professional development programs for all
13 school personnel that incorporate indica-
14 tors that measure cultural and linguistic
15 competencies under the program in a man-
16 ner that incorporates appropriate cultural
17 and linguistic training;

18 “(v) the improvement in perception of
19 a safe and supportive learning environment
20 among school staff, students, and parents;

21 “(vi) the improvement in case-finding
22 of students in need of more intensive serv-
23 ices and referral of identified students to
24 prevention, early intervention, and clinical
25 services;

1 “(vii) the improvement in the imme-
2 diate availability of clinical assessment and
3 treatment services within the context of
4 the local community to students posing a
5 danger to themselves or others;

6 “(viii) the increased successful matric-
7 ulation to postsecondary school;

8 “(ix) reduced suicide rates;

9 “(x) reduced referrals to juvenile jus-
10 tice; and

11 “(xi) increased educational equity.

12 “(3) SUBMISSION OF ANNUAL DATA.—An eligi-
13 ble entity described in subsection (c) that receives a
14 grant, contract, or cooperative agreement under this
15 section shall annually submit to the Assistant Sec-
16 retary a report that includes data to evaluate the
17 success of the program carried out by the entity
18 based on whether such program is achieving the pur-
19 poses of the program. Such reports shall utilize the
20 measures of outcomes under paragraph (2) in a rea-
21 sonable manner to demonstrate the progress of the
22 program in achieving such purposes.

23 “(4) EVALUATION BY ASSISTANT SECRETARY.—
24 Based on the data submitted under paragraph (3),
25 the Assistant Secretary shall annually submit to

1 Congress a report concerning the results and effec-
2 tiveness of the programs carried out with assistance
3 received under this section.

4 “(5) LIMITATION.—An eligible entity shall use
5 not more than 20 percent of amounts received under
6 a grant under this section to carry out evaluation
7 activities under this subsection.

8 “(h) INFORMATION AND EDUCATION.—The Sec-
9 retary shall establish comprehensive information and edu-
10 cation programs to disseminate the findings of the knowl-
11 edge development and application under this section to the
12 general public and to health care professionals.

13 “(i) AMOUNT OF GRANTS AND AUTHORIZATION OF
14 APPROPRIATIONS.—

15 “(1) AMOUNT OF GRANTS.—A grant under this
16 section shall be in an amount that is not more than
17 \$2,000,000 for each of the first 5 fiscal years fol-
18 lowing the date of enactment of the Pursuing Equity
19 in Mental Health Act of 2020. The Secretary shall
20 determine the amount of each such grant based on
21 the population of children up to age 21 of the area
22 to be served under the grant.

23 “(2) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to carry out
25 this section, \$250,000,000 for each of the first 5 fis-

1 cal years following the date of enactment of the Pur-
2 suing Equity in Mental Health Act of 2020.”.

3 (c) CONFORMING AMENDMENT.—Part G of title V of
4 the Public Health Service Act (42 U.S.C. 290hh et seq.),
5 as amended by subsection (b), is further amended by strik-
6 ing the part designation and heading and inserting the
7 following:

8 **“PART G—SCHOOL-BASED MENTAL HEALTH”.**

9 **PART 2—HEALTH EQUITY AND ACCOUNTABILITY**

10 **SEC. 20415. INTEGRATED HEALTH CARE DEMONSTRATION**
11 **PROGRAM.**

12 Part D of title V of the Public Health Service Act
13 (42 U.S.C. 290dd et seq.) is amended by adding at the
14 end the following:

15 **“SEC. 550. INTERPROFESSIONAL HEALTH CARE TEAMS FOR**
16 **PROVISION OF BEHAVIORAL HEALTH CARE**
17 **IN PRIMARY CARE SETTINGS.**

18 “(a) GRANTS.—The Secretary, acting through the
19 Assistant Secretary for Mental Health and Substance
20 Abuse, shall award grants to eligible entities for the pur-
21 pose of establishing interprofessional health care teams
22 that provide behavioral health care.

23 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
24 a grant under this section, an entity shall be a Federally
25 qualified health center (as defined in section 1861(aa) of

1 the Social Security Act), rural health clinic, or behavioral
2 health program, serving a high proportion of individuals
3 from racial and ethnic minority groups (as defined in sec-
4 tion 1707(g)).

5 “(c) SCIENTIFICALLY BASED.—Integrated health
6 care funded through this section shall be scientifically
7 based, taking into consideration the results of the most
8 recent peer-reviewed research available.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
10 carry out this section, there is authorized to be appro-
11 priated \$20,000,000 for each of the first 5 fiscal years
12 following the date of enactment of the Pursuing Equity
13 in Mental Health Act of 2020.”.

14 **SEC. 20416. ADDRESSING RACIAL AND ETHNIC MINORITY**
15 **MENTAL HEALTH DISPARITIES RESEARCH**
16 **GAPS.**

17 Not later than 6 months after the date of the enact-
18 ment of this Act, the Director of the National Institute
19 on Minority Health and Health Disparities shall enter into
20 an arrangement with the National Academy of Sciences
21 (or, if the National Academy of Sciences declines to enter
22 into such an arrangement, an arrangement with the Insti-
23 tute of Medicine, the Patient Centered Outcomes Research
24 Institute, the Agency for Healthcare Quality, or another
25 appropriate entity)—

1 (1) to conduct a study with respect to mental
2 health disparities in racial and ethnic minority
3 groups (as defined in section 1707(g) of the Public
4 Health Service Act (42 U.S.C. 300u–6(g))); and

5 (2) to submit to the Congress a report on the
6 results of such study, including—

7 (A) a compilation of information on the dy-
8 namics of mental disorders in such racial and
9 ethnic minority groups; and

10 (B) a compilation of information on the
11 impact of exposure to community violence, ad-
12 verse childhood experiences, and other psycho-
13 logical traumas on mental disorders in such ra-
14 cial and minority groups.

15 **SEC. 20417. HEALTH PROFESSIONS COMPETENCIES TO AD-**
16 **DRESS RACIAL AND ETHNIC MINORITY MEN-**
17 **TAL HEALTH DISPARITIES.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services, acting through the Assistant Secretary
20 for Mental Health and Substance Use, shall award grants
21 to qualified national organizations for the purposes of—

22 (1) developing, and disseminating to health pro-
23 fessional educational programs curricula or core
24 competencies addressing mental health disparities
25 among racial and ethnic minority groups for use in

1 the training of students in the professions of social
2 work, psychology, psychiatry, marriage and family
3 therapy, mental health counseling, and substance
4 abuse counseling; and

5 (2) certifying community health workers and
6 peer wellness specialists with respect to such cur-
7 ricula and core competencies and integrating and ex-
8 panding the use of such workers and specialists into
9 health care to address mental health disparities
10 among racial and ethnic minority groups.

11 (b) CURRICULA; CORE COMPETENCIES.—Organiza-
12 tions receiving funds under subsection (a) may use the
13 funds to engage in the following activities related to the
14 development and dissemination of curricula or core com-
15 petencies described in subsection (a)(1):

16 (1) Formation of committees or working groups
17 comprised of experts from accredited health profes-
18 sions schools to identify core competencies relating
19 to mental health disparities among racial and ethnic
20 minority groups.

21 (2) Planning of workshops in national fora to
22 allow for public input into the educational needs as-
23 sociated with mental health disparities among racial
24 and ethnic minority groups.

1 (3) Dissemination and promotion of the use of
2 curricula or core competencies in undergraduate and
3 graduate health professions training programs na-
4 tionwide.

5 (4) Establishing external stakeholder advisory
6 boards to provide meaningful input into policy and
7 program development and best practices to reduce
8 mental health disparities among racial and ethnic
9 minority groups.

10 (c) DEFINITIONS.—In this section:

11 (1) QUALIFIED NATIONAL ORGANIZATION.—The
12 term “qualified national organization” means a na-
13 tional organization that focuses on the education of
14 students in programs of social work, psychology,
15 psychiatry, and marriage and family therapy.

16 (2) RACIAL AND ETHNIC MINORITY GROUP.—
17 The term “racial and ethnic minority group” has the
18 meaning given to such term in section 1707(g) of
19 the Public Health Service Act (42 U.S.C. 300u–
20 6(g)).

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 such sums as may be necessary for each of the first 5
24 fiscal years following the date of enactment of this Act.

1 **SEC. 20418. RACIAL AND ETHNIC MINORITY BEHAVIORAL**
2 **AND MENTAL HEALTH OUTREACH AND EDU-**
3 **CATION STRATEGY.**

4 Part D of title V of the Public Health Service Act
5 (42 U.S.C. 290dd et seq.) is amended by adding at the
6 end the following new section:

7 **“SEC. 553. BEHAVIORAL AND MENTAL HEALTH OUTREACH**
8 **AND EDUCATION STRATEGY.**

9 “(a) IN GENERAL.—The Secretary, acting through
10 the Assistant Secretary, shall, in coordination with advo-
11 cacy and behavioral and mental health organizations serv-
12 ing racial and ethnic minority groups, develop and imple-
13 ment an outreach and education strategy to promote be-
14 havioral and mental health and reduce stigma associated
15 with mental health conditions and substance abuse among
16 racial and ethnic minority groups. Such strategy shall—

17 “(1) be designed to—

18 “(A) meet the diverse cultural and lan-
19 guage needs of the various racial and ethnic mi-
20 nority groups; and

21 “(B) be developmentally and age-appro-
22 priate;

23 “(2) increase awareness of symptoms of mental
24 illnesses common among such groups, taking into
25 account differences within subgroups, such as gen-

1 der, gender identity, age, or sexual orientation, of
2 such groups;

3 “(3) provide information on evidence-based, cul-
4 turally and linguistically appropriate and adapted
5 interventions and treatments;

6 “(4) ensure full participation of, and engage,
7 both consumers and community members in the de-
8 velopment and implementation of materials; and

9 “(5) seek to broaden the perspective among
10 both individuals in these groups and stakeholders
11 serving these groups to use a comprehensive public
12 health approach to promoting behavioral health that
13 addresses a holistic view of health by focusing on the
14 intersection between behavioral and physical health.

15 “(b) REPORTS.—Beginning not later than 1 year
16 after the date of the enactment of this section and annu-
17 ally thereafter, the Secretary, acting through the Assistant
18 Secretary, shall submit to Congress, and make publicly
19 available, a report on the extent to which the strategy de-
20 veloped and implemented under subsection (a) increased
21 behavioral and mental health outcomes associated with
22 mental health conditions and substance abuse among ra-
23 cial and ethnic minority groups.

1 “(c) DEFINITION.—In this section, the term ‘racial
2 and ethnic minority group’ has the meaning given to that
3 term in section 1707(g).

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$10,000,000 for the first fiscal year following the date of
7 enactment of the Pursuing Equity in Mental Health Act
8 of 2020.”.

9 **SEC. 20419. ADDITIONAL FUNDS FOR NATIONAL INSTI-**
10 **TUTES OF HEALTH.**

11 (a) IN GENERAL.—In addition to amounts otherwise
12 authorized to be appropriated to the National Institutes
13 of Health, there is authorized to be appropriated to such
14 Institutes \$100,000,000 for each of the first 5 fiscal years
15 following the date of enactment of this Act to build rela-
16 tions with communities and conduct or support clinical re-
17 search, including clinical research on racial or ethnic dis-
18 parities in physical and mental health.

19 (b) DEFINITION.—In this section, the term “clinical
20 research” has the meaning given to such term in section
21 409 of the Public Health Service Act (42 U.S.C. 284d).

1 **SEC. 20420. ADDITIONAL FUNDS FOR NATIONAL INSTITUTE**
2 **ON MINORITY HEALTH AND HEALTH DISPARI-**
3 **TIES.**

4 In addition to amounts otherwise authorized to be ap-
5 propriated to the National Institute on Minority Health
6 and Health Disparities, there is authorized to be appro-
7 priated to such Institute \$650,000,000 for each of the
8 first 5 fiscal years following the date of enactment of this
9 Act.

10 **PART 3—OTHER PROVISIONS**

11 **SEC. 20421. REAUTHORIZATION OF MINORITY FELLOWSHIP**
12 **PROGRAM.**

13 Section 597(c) of the Public Health Service Act (42
14 U.S.C. 297ll(c)) is amended by striking “\$12,669,000 for
15 each of fiscal years 2018 through 2022” and inserting
16 “\$25,000,000 for each of the first 5 fiscal years following
17 the date of enactment of the Pursuing Equity in Mental
18 Health Act of 2020”.

19 **SEC. 20422. COMMISSION ON THE EFFECTS OF**
20 **SMARTPHONE AND SOCIAL MEDIA USE ON**
21 **ADOLESCENTS.**

22 (a) IN GENERAL.—Not later than 6 months after the
23 date of enactment of this Act, the Secretary of Health and
24 Human Services shall establish a commission, to be known
25 as the Commission on the Effects of Smartphone and So-
26 cial Media Usage on Adolescents, to examine—

1 (1) the extent of smartphone and social media
2 use in schools; and

3 (2) the effects of such use on—

4 (A) the emotional and physical health of
5 students; and

6 (B) the academic performance of students.

7 (b) MEMBERSHIP.—

8 (1) NUMBER.—The Commission shall consist of
9 15 members appointed by the Secretary.

10 (2) COMPOSITION.—The members of the Com-
11 mission—

12 (A) shall not include any government offi-
13 cials or employees; and

14 (B) shall include representatives of aca-
15 demia, technology companies, and advocacy
16 groups.

17 (c) GUIDELINES.—The Secretary shall authorize the
18 Commission to establish guidelines for its operation.

19 (d) REPORT.—Not later than 1 year after its estab-
20 lishment, the Commission shall submit to the Congress,
21 and make publicly available, a report on the findings and
22 conclusions of the Commission.

23 (e) DEFINITIONS.—In this section:

24 (1) The term “Commission” means the Com-
25 mission on the Effects of Smartphone and Social

1 Media Usage on Adolescents established under sub-
2 section (a).

3 (2) The term “Secretary” means the Secretary
4 of Health and Human Services.

5 (f) SUNSET.—Not later than 6 months after the
6 Commission submits the report required by subsection (c),
7 the Secretary shall terminate the Commission.

8 **SEC. 20423. NO FEDERAL FUNDS FOR CONVERSION THER-**
9 **APY.**

10 (a) IN GENERAL.—No Federal funds may be used
11 for conversion therapy.

12 (b) DISCOURAGING STATES FROM FUNDING CON-
13 VERSION THERAPY.—Beginning on the date that is 180
14 days after the date of enactment of this Act, any State
15 that funds conversion therapy shall be ineligible to be
16 awarded a grant or other financial assistance under any
17 program of the Substance Abuse and Mental Health Serv-
18 ices Administration, including any program under title V
19 of the Public Health Service Act (42 U.S.C. 290aa et
20 seq.).

21 (c) DEFINITIONS.—For purposes of this section:

22 (1) CONVERSION THERAPY.—The term “conver-
23 sion therapy”—

24 (A) means any practice or treatment by
25 any person that seeks to change another indi-

vidual’s sexual orientation or gender identity,
including efforts to change behaviors or gender
expressions, or to eliminate or reduce sexual or
romantic attractions or feelings toward individ-
uals of the same gender, if such person receives
monetary compensation in exchange for any
such practice or treatment; and

(B) does not include any practice or treat-
ment, which does not seek to change sexual ori-
entation or gender identity, that—

(i) provides assistance to an individual
undergoing a gender transition; or

(ii) provides acceptance, support, and
understanding of a client or facilitation of
a client’s coping, social support, and iden-
tity exploration and development, including
sexual orientation-neutral interventions to
prevent or address unlawful conduct or un-
safe sexual practices.

(2) GENDER IDENTITY.—The term “gender
identity” means the gender-related identity, appear-
ance, mannerisms, or other gender-related character-
istics of an individual, regardless of the individual’s
designated sex at birth.

1 (3) PERSON.—The term “person” means any
2 individual, partnership, corporation, cooperative, as-
3 sociation, or any other entity.

4 (4) SEXUAL ORIENTATION.—The term “sexual
5 orientation” means homosexuality, heterosexuality,
6 or bisexuality.

7 (5) STATE.—The term “State” has the mean-
8 ing given to such term in section 2 of the Public
9 Health Service Act (42 U.S.C. 201).

10 **Subtitle D—PrEP Assistance**
11 **Program**

12 **SEC. 20501. SHORT TITLE.**

13 This subtitle may be cited as the “PrEP Assistance
14 Program Act”.

15 **SEC. 20502. PRE-EXPOSURE PROPHYLAXIS PROGRAM**
16 **GRANT.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Secretary of Health and
19 Human Services (in this subtitle referred to as the “Sec-
20 retary”) shall establish a program that provides grants to
21 States, Territories of the United States, and Indian tribes
22 for the establishment and support of pre-exposure prophyl-
23 axis (in this subtitle referred to as “PrEP”) programs.

24 (b) APPLICATIONS.—To be eligible to receive a grant
25 under subsection (a), a State, Territory of the United

1 States, or Indian tribe shall submit an application to the
2 Secretary at such time, in such manner, and containing
3 such information as the Secretary may require, including
4 a description of how any funds awarded will be used.

5 (c) AMOUNT.—Any grant provided to a State, Terri-
6 tory of the United States, or Indian tribe under this sec-
7 tion may not exceed \$5,000,000.

8 (d) USE OF FUNDS.—Any State, Territory of the
9 United States, or Indian tribe that is awarded funds under
10 subsection (a) shall use such funds for eligible PrEP ex-
11 penses.

12 (e) ELIGIBLE PREP EXPENSES.—

13 (1) IN GENERAL.—The Secretary shall publish
14 a list of expenses that qualify as eligible PrEP ex-
15 penses.

16 (2) INCLUSIONS.—Such list shall include—

17 (A) clinic and laboratory fees;

18 (B) PrEP medication;

19 (C) sexually transmitted disease testing in
20 accordance with guidelines issued by the Cen-
21 ters for Disease Control and Prevention;

22 (D) treatment adherence counseling;

23 (E) outreach activities directed toward
24 high-risk populations that increase awareness
25 about the existence of PrEP and provide edu-

1 cation about access to and health care coverage
2 of PrEP; and

3 (F) outreach activities directed toward
4 physicians that provide education about PrEP.

5 (f) MATCHING.—Any State, Territory of the United
6 States, or Indian tribe that receives a grant under sub-
7 section (a) must contribute, to the programs established
8 or supported by the grant, an amount equal to not less
9 than 20 percent of the amount of the grant.

10 (g) REPORT TO CONGRESS.—The Secretary shall, in
11 each of the first five years beginning one year after the
12 date of the enactment of this Act, submit to Congress,
13 and make public on the Internet website of the Depart-
14 ment of Health and Human Services, a report on the im-
15 pact of any grants provided to States, Territories of the
16 United States, and Indian tribes for the establishment and
17 support of pre-exposure prophylaxis programs under this
18 subtitle.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this subtitle
21 \$50,000,000 for each of the first five fiscal years begin-
22 ning after the date of the enactment of this Act.

1 **Subtitle E—Environmental Justice**
2 **and Environmental Justice Ad-**
3 **vocates**

4 **SEC. 20601. FINDINGS.**

5 Congress finds that—

6 (1) environmental injustice exists whenever gov-
7 ernmental action or inaction causes environmental
8 risks or harms to fall unfairly and disproportionately
9 upon a particular group or community;

10 (2) racial minority, low-income, rural, indige-
11 nous, and other often-marginalized communities are
12 especially likely to face environmental injustice;

13 (3) limited resources and lack of political power
14 ensure that marginalized communities host pollu-
15 tion-producing or potentially toxic facilities, includ-
16 ing power plants, pipelines, industrial sites, garbage
17 transfer stations, incinerators, landfills, and sewage
18 treatment plants, at disproportionate rates;

19 (4) marginalized communities suffer from sys-
20 temic governmental failures to adequately invest in
21 the kind of infrastructure and services that reduce
22 the risk of environmental accidents or disasters, and
23 that facilitate swift, effective responses to such oc-
24 currences;

1 (5) the presence of pollution-producing sites can
2 compromise public health, safety, property values,
3 and quality of life even if no accident or disaster oc-
4 curs;

5 (6) air and water quality are often especially
6 poor in marginalized communities, and governmental
7 permitting and investment decisions directly con-
8 tribute to this inequity;

9 (7) scientific evidence increasingly links poor
10 environmental quality with disabilities and chronic
11 illnesses, including cancer, asthma, neurobehavioral
12 disorders, learning disabilities, and abnormal hor-
13 mone functioning;

14 (8) environmental justice exists when public
15 policies successfully prevent or correct unfair dis-
16 parities in environmental quality, and resultant dis-
17 parities in public health and quality of life;

18 (9) environmental justice is possible only if vul-
19 nerable groups and marginalized communities can
20 express their needs and concerns, and only then if
21 policymakers listen;

22 (10) the environmental justice movement seeks
23 to address the unjust social, economic, and political
24 marginalization of minority, low-income, rural, and
25 indigenous communities;

1 (11) environmental justice advocates seek
2 healthy home, work, and recreational environments
3 for all human beings, and healthy habitats for non-
4 human life;

5 (12) community health depends in part upon
6 factors like adequate transit options, walkable neigh-
7 borhoods, and other public goods that marginalized
8 communities are often denied;

9 (13) environmental justice requires responsible
10 and balanced use of land and resources, in a way
11 that does not unfairly burden marginalized commu-
12 nities;

13 (14) environmental justice can only be achieved
14 and sustained in the context of a greener economy;

15 (15) “greening” the economy requires concrete
16 governmental actions, including investments in clean
17 technologies; in sustainable, low-carbon transpor-
18 tation and energy production systems; and in work-
19 force training initiatives that prepare citizens for
20 well-paying jobs in new or evolving industries;

21 (16) environmental justice requires fair proc-
22 esses and a good-faith approach to public policy, in-
23 cluding regulatory decision making;

24 (17) in the 1990s, in response to the environ-
25 mental justice movement, Federal agencies were di-

1 rected to incorporate environmental justice goals
2 into their programs and activities;

3 (18) vulnerable populations and marginalized
4 communities continue urgently to need fairer envi-
5 ronmental policies, and more inclusive and equitable
6 processes; and

7 (19) all Americans would be better served by a
8 policymaking process that did not unfairly prioritize
9 the comfort and health of some groups or commu-
10 nities at the expense of others.

11 **SEC. 20602. SENSE OF CONGRESS.**

12 Congress—

13 (1) reaffirms the vital importance of clean air,
14 clean water, resource conservation, and other policy
15 goals that spurred lawmakers to enact existing envi-
16 ronmental and public health protections;

17 (2) affirms that the need for adequate environ-
18 mental and public health protections is inextricably
19 linked with the need for a more sustainable economy
20 and greener, more livable communities;

21 (3) affirms that environmental and public
22 health policies should adequately and equally protect
23 all Americans, and that equal protection is possible
24 only in a context of environmental justice;

1 (4) commends environmental justice advocates
2 for their continuing struggle to achieve fairer,
3 healthier, more sustainable policies and outcomes;

4 (5) acknowledges the prevalence of environ-
5 mental injustices that directly affect the health and
6 well-being of individuals and communities across the
7 country, especially racial minority, rural, indigenous,
8 and low-income communities; and

9 (6) affirms its commitment to ameliorating ex-
10 isting environmental injustices, and to preventing fu-
11 ture injustices, by supporting greater objectivity,
12 transparency, and outreach in policymaking at all
13 levels of government; by supporting improved two-
14 way communication between policymakers and those
15 affected by their decisions; and by supporting proc-
16 esses that ensure policymakers give due consider-
17 ation not just to the effects of their decisions, but
18 to how those effects are distributed and by whom
19 they are borne.

20 **Subtitle F—Endometrial Cancer**
21 **Research and Education**

22 **SEC. 20701. SHORT TITLE.**

23 This subtitle may be cited as the “Endometrial Can-
24 cer Research and Education Act of 2020”.

1 **SEC. 20702. FINDINGS.**

2 Congress finds the following:

3 (1) Endometrial cancer is cancer of the lining
4 of the uterus (or endometrium) and is the most com-
5 mon form of uterine cancer.

6 (2) Endometrial cancer is the fourth most com-
7 mon cancer diagnosed in women, after breast, lung,
8 and colon cancer.

9 (3) Endometrial cancer mainly affects post-
10 menopausal women, with most women diagnosed be-
11 tween age 55 and 64.

12 (4) Women with polycystic ovary syndrome
13 (PCOS) and uterine leiomyoma have an increased
14 risk of developing endometrial cancer.

15 (5) Unlike most other types of cancer, the inci-
16 dence of endometrial cancer, particularly aggressive
17 subtypes of such cancer, has been increasing in the
18 United States among all women, particularly among
19 African-American and Asian women, with a 2.5 an-
20 nual percent change for both groups.

21 (6) In comparison to non-Hispanic White
22 women, African-American women have significantly
23 higher incidence rates of aggressive endometrial can-
24 cers.

1 (7) Such incidence rates for Hispanic and Asian
2 women are equal to or lower than such incidence
3 rates for non-Hispanic White women.

4 (8) Although non-Hispanic White women are
5 more likely to be diagnosed with endometrial cancer
6 in comparison to African-American women, the rate
7 of mortality is higher for African-American women.

8 (9) Currently, the cause of such disparity is un-
9 known. Researchers have studied the disparity in re-
10 lation to the time between diagnosis and treatment
11 of endometrial cancer, including socioeconomic fac-
12 tors.

13 **SEC. 20703. EXPANDING RESEARCH AND EDUCATION WITH**
14 **RESPECT TO ENDOMETRIAL CANCER.**

15 (a) NATIONAL INSTITUTES OF HEALTH.—Part B of
16 title IV of the Public Health Service Act (42 U.S.C. 284
17 et seq.) is amended by adding at the end the following
18 new section:

19 **“SEC. 409K. ENDOMETRIAL CANCER.**

20 “(a) IN GENERAL.—The Director of NIH shall—

21 “(1) expand, intensify, and coordinate programs
22 to conduct and support research with respect to
23 endometrial cancer; and

24 “(2) communicate to medical professionals and
25 researchers, including through the endometrial can-

1 cer public education program established under sec-
2 tion 399V–7, the disparity in the diagnosis of
3 endometrial cancer between African-American
4 women and non-Hispanic White women and any new
5 research relating to endometrial cancer.

6 “(b) COORDINATION WITH OTHER INSTITUTES.—
7 The Director of NIH shall coordinate activities carried out
8 by the Director pursuant to subsection (a) with similar
9 activities carried out by—

10 “(1) the Director of the Eunice Kennedy Shriv-
11 er National Institute of Child Health and Human
12 Development;

13 “(2) the Director of the National Institute on
14 Minority Health and Health Disparities; and

15 “(3) the Director of the Office of Research on
16 Women’s Health.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—For
18 purposes of carrying out this section, there is authorized
19 to be appropriated \$500,000 for each of fiscal years 2021
20 through 2023.”.

21 (b) CENTERS FOR DISEASE CONTROL AND PREVEN-
22 TION.—Part P of title III of the Public Health Service
23 Act (42 U.S.C. 280g et seq.) is amended by adding at
24 the end the following new section:

1 **“SEC. 399V-7. ENDOMETRIAL CANCER PUBLIC EDUCATION**
2 **PROGRAM.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Director of the Centers for Disease Control and Pre-
5 vention, shall develop and disseminate to the public infor-
6 mational materials on endometrial cancer, including the
7 incidence rate of such cancer, the risk factors for devel-
8 oping such cancer, the increased risk for ethnic minority
9 women to develop such cancer, and the range of available
10 treatments for such cancer. Any informational material
11 developed pursuant to the previous sentence may be trans-
12 mitted to a nonprofit organization; institution of higher
13 education; Federal, State, or local agency; or media entity
14 for purposes of disseminating such material to the public.

15 “(b) CONSULTATION.—In developing and dissemi-
16 nating informational materials under subsection (a), the
17 Director of the Centers for Disease Control and Preven-
18 tion shall consult with the Administrator of the Health
19 Resources and Services Administration.

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—For
21 purposes of carrying out this section, there is authorized
22 to be appropriated such sums as may be necessary for
23 each of fiscal years 2021 through 2023.”.

**Subtitle G—Donald Payne Sr.
Colorectal Cancer Detection**

SEC. 20801. SHORT TITLE.

This subtitle may be cited as the “Donald Payne Sr. Colorectal Cancer Detection Act of 2020”.

**SEC. 20802. MEDICARE COVERAGE FOR FDA-APPROVED
QUALIFYING COLORECTAL CANCER SCREEN-
ING BLOOD-BASED TESTS.**

(a) IN GENERAL.—Section 1861(pp) of the Social Security Act (42 U.S.C. 1395x(pp)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

“(D) Qualifying colorectal cancer screening blood-based test.”; and

(2) by adding at the end the following new paragraph:

“(3) The term ‘qualifying colorectal cancer screening blood-based test’ means, with respect to a year, a screening blood-based test for the early detection of colorectal cancer furnished in the year that was marketed or used, as applicable, in accordance with the relevant provisions of section 353 of the Public Health Service Act or the

1 Federal Food, Drug, and Cosmetic Act more than 6
2 months before the beginning of the year.”.

3 (b) FREQUENCY LIMITS FOR COLORECTAL CANCER
4 SCREENING TESTS AND PAYMENT AMOUNT FOR QUALI-
5 FYING COLORECTAL CANCER SCREENING BLOOD-BASED
6 TESTS.—Section 1834(d) of the Social Security Act (42
7 U.S.C. 1395m(d)) is amended—

8 (1) by amending clause (ii) of paragraph (1)(B)
9 to read as follows:

10 “(ii) if the test is performed within—

11 “(I) the 11 months after a pre-
12 vious screening fecal-occult blood test
13 or a previous qualifying colorectal
14 cancer screening blood-based test;

15 “(II) the 35 months after a pre-
16 vious screening flexible sigmoidoscopy
17 or a previous screening colonoscopy
18 with adenoma findings;

19 “(III) the 59 months after a pre-
20 vious screening colonoscopy with small
21 polyp findings; or

22 “(IV) the 119 months after a
23 previous screening colonoscopy with-
24 out adenoma findings or small polyp
25 findings.”;

1 (2) in paragraph (2)(E)(ii), by inserting “or
2 within the 35 months after a previous screening
3 fecal-occult blood test or previous qualifying
4 colorectal cancer screening blood-based test” after
5 “sigmoidoscopy”;

6 (3) by amending subparagraph (E) of para-
7 graph (3) to read as follows:

8 “(E) FREQUENCY LIMIT.—No payment
9 may be made under this part for a colorectal
10 cancer screening test consisting of a screening
11 colonoscopy—

12 “(i) if the procedure is performed
13 within the 11 months after a previous
14 screening fecal-occult blood test or previous
15 qualifying colorectal cancer screening
16 blood-based test;

17 “(ii) for individuals at high risk for
18 colorectal cancer if the procedure is per-
19 formed within the 23 months after a pre-
20 vious screening colonoscopy; or

21 “(iii) for individuals not at high risk
22 for colorectal cancer if the procedure is
23 performed within the 119 months after a
24 previous screening colonoscopy or within

1 the 47 months after a previous screening
2 flexible sigmoidoscopy.”; and

3 (4) by adding at the end the following new
4 paragraph:

5 “(4) QUALIFYING COLORECTAL CANCER
6 SCREENING BLOOD-BASED TESTS.—

7 “(A) PAYMENT AMOUNT.—The payment
8 amount for colorectal cancer screening tests
9 consisting of qualifying colorectal cancer screen-
10 ing blood-based tests shall be established by the
11 Secretary.

12 “(B) FREQUENCY LIMIT.—Paragraph
13 (1)(B) shall apply to colorectal cancer screening
14 tests consisting of qualifying colorectal cancer
15 screening blood-based tests in the same manner
16 as such paragraph applies to colorectal cancer
17 screening tests consisting of fecal-occult blood
18 tests.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to colorectal cancer screening tests
21 furnished in a year beginning more than 6 months after
22 the date of the enactment of this Act.

1 **Subtitle H—Environmental Justice**
2 **Act**

3 **SEC. 20901. SHORT TITLE.**

4 This subtitle may be cited as the “Environmental
5 Justice Act of 2020”.

6 **SEC. 20902. PURPOSES.**

7 The purposes of this subtitle are—

8 (1) to require Federal agencies to address and
9 eliminate the disproportionate environmental and
10 human health impacts on populations of color, com-
11 munities of color, indigenous communities, and low-
12 income communities;

13 (2) to ensure that all Federal agencies develop
14 and enforce rules, regulations, guidance, standards,
15 policies, plans, and practices that promote environ-
16 mental justice;

17 (3) to increase cooperation and require coordi-
18 nation among Federal agencies in achieving environ-
19 mental justice;

20 (4) to provide to communities of color, indige-
21 nous communities, and low-income communities
22 meaningful access to public information and oppor-
23 tunities for participation in decision making affect-
24 ing human health and the environment;

1 (5) to mitigate the inequitable distribution of
2 the burdens and benefits of Federal programs hav-
3 ing significant impacts on human health and the en-
4 vironment;

5 (6) to require consideration of cumulative im-
6 pacts in permitting decisions;

7 (7) to clarify congressional intent to afford
8 rights of action pursuant to certain statutes and
9 common law claims; and

10 (8) to allow a private right of action under title
11 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d
12 et seq.) to challenge discriminatory practices.

13 **SEC. 20903. DEFINITIONS.**

14 In this subtitle:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the Environ-
17 mental Protection Agency.

18 (2) COMMUNITY OF COLOR.—The term “com-
19 munity of color” means any geographically distinct
20 area the population of color of which is higher than
21 the average population of color of the State in which
22 the community is located.

23 (3) COMMUNITY-BASED SCIENCE.—The term
24 “community-based science” means voluntary public
25 participation in the scientific process and the incor-

1 poration of data and information generated outside
2 of traditional institutional boundaries to address
3 real-world problems in ways that may include formu-
4 lating research questions, conducting scientific ex-
5 periments, collecting and analyzing data, inter-
6 preting results, making new discoveries, developing
7 technologies and applications, and solving complex
8 problems, with an emphasis on the democratization
9 of science and the engagement of diverse people and
10 communities.

11 (4) ENVIRONMENTAL JUSTICE.—The term “en-
12 vironmental justice” means the fair treatment and
13 meaningful involvement of all individuals, regardless
14 of race, color, national origin, educational level, or
15 income, with respect to the development, implemen-
16 tation, and enforcement of environmental laws, regu-
17 lations, and policies to ensure that—

18 (A) populations of color, communities of
19 color, indigenous communities, and low-income
20 communities have access to public information
21 and opportunities for meaningful public partici-
22 pation relating to human health and environ-
23 mental planning, regulations, and enforcement;

24 (B) no population of color or community of
25 color, indigenous community, or low-income

community shall be exposed to a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards; and

(C) the 17 Principles of Environmental Justice written and adopted at the First National People of Color Environmental Leadership Summit held on October 24 through 27, 1991, in Washington, DC, are upheld.

(5) FEDERAL AGENCY.—The term “Federal agency” means—

(A) each Federal agency represented on the Working Group; and

(B) any other Federal agency that carries out a Federal program or activity that substantially affects human health or the environment, as determined by the President.

(6) FENCELINE COMMUNITY.—The term “fenceline community” means a population living in close proximity to a source of pollution.

(7) INDIGENOUS COMMUNITY.—The term “indigenous community” means—

(A) a federally recognized Indian Tribe;

(B) a State-recognized Indian Tribe;

1 (C) an Alaska Native or Native Hawaiian
2 community or organization; and

3 (D) any other community of indigenous
4 people, including communities in other coun-
5 tries.

6 (8) INFRASTRUCTURE.—The term “infrastruc-
7 ture” means any system for safe drinking water,
8 sewer collection, solid waste disposal, electricity gen-
9 eration, communication, or transportation access (in-
10 cluding highways, airports, marine terminals, rail
11 systems, and residential roads) that is used to effec-
12 tively and safely support—

13 (A) housing;

14 (B) an educational facility;

15 (C) a medical provider;

16 (D) a park or recreational facility; or

17 (E) a local businesses.

18 (9) LOW INCOME.—The term “low income”
19 means an annual household income equal to, or less
20 than, the greater of—

21 (A) an amount equal to 80 percent of the
22 median income of the area in which the house-
23 hold is located, as reported by the Department
24 of Housing and Urban Development; and

1 (B) 200 percent of the Federal poverty
2 line.

3 (10) LOW-INCOME COMMUNITY.—The term
4 “low-income community” means any census block
5 group in which 30 percent or more of the population
6 are individuals with low income.

7 (11) MEANINGFUL.—The term “meaningful”,
8 with respect to involvement by the public in a deter-
9 mination by a Federal agency, means that—

10 (A) potentially affected residents of a com-
11 munity have an appropriate opportunity to par-
12 ticipate in decisions regarding a proposed activ-
13 ity that will affect the environment or public
14 health of the community;

15 (B) the public contribution can influence
16 the determination by the Federal agency;

17 (C) the concerns of all participants in-
18 volved are taken into consideration in the deci-
19 sion-making process; and

20 (D) the Federal agency—

21 (i) provides to potentially affected
22 members of the public accurate informa-
23 tion; and

24 (ii) facilitates the involvement of po-
25 tentially affected members of the public.

1 (12) POPULATION OF COLOR.—The term “pop-
2 ulation of color” means a population of individuals
3 who identify as—

4 (A) Black;

5 (B) African American;

6 (C) Asian;

7 (D) Pacific Islander;

8 (E) another nonWhite race;

9 (F) Hispanic;

10 (G) Latino; or

11 (H) linguistically isolated.

12 (13) PUBLISH.—The term “publish” means to
13 make publicly available in a form that is—

14 (A) generally accessible, including on the
15 internet and in public libraries; and

16 (B) accessible for—

17 (i) individuals who are limited in
18 English proficiency, in accordance with Ex-
19 ecutive Order 13166 (65 Fed. Reg. 50121
20 (August 16, 2000)); and

21 (ii) individuals with disabilities.

22 (14) WORKING GROUP.—The term “Working
23 Group” means the interagency Federal Working
24 Group on Environmental Justice convened under
25 section 1–102 of Executive Order 12898 (42 U.S.C.

1 4321 note), as amended by Executive Order 12948
2 (60 Fed. Reg. 6381 (January 30, 1995)) and modi-
3 fied by section 20904.

4 **SEC. 20904. INTERAGENCY FEDERAL WORKING GROUP ON**
5 **ENVIRONMENTAL JUSTICE.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Administrator shall con-
8 vene, as appropriate to carry out this section, the Working
9 Group.

10 (b) REQUIREMENTS.—

11 (1) COMPOSITION.—The Working Group shall
12 be comprised of the following (or a designee):

13 (A) The Secretary of Agriculture.

14 (B) The Secretary of Commerce.

15 (C) The Secretary of Defense.

16 (D) The Secretary of Energy.

17 (E) The Secretary of Health and Human
18 Services.

19 (F) The Secretary of Homeland Security.

20 (G) The Secretary of Housing and Urban
21 Development.

22 (H) The Secretary of the Interior.

23 (I) The Secretary of Labor.

24 (J) The Secretary of Transportation.

25 (K) The Attorney General.

1 (L) The Administrator.

2 (M) The Director of the Office of Environ-
3 mental Justice.

4 (N) The Chairman of the Consumer Prod-
5 uct Safety Commission.

6 (O) The Chairperson of the Chemical Safe-
7 ty Board.

8 (P) The Director of the Office of Manage-
9 ment and Budget.

10 (Q) The Director of the Office of Science
11 and Technology Policy.

12 (R) The Chair of the Council on Environ-
13 mental Quality.

14 (S) The Assistant to the President for Do-
15 mestic Policy.

16 (T) The Director of the National Economic
17 Council.

18 (U) The Chairman of the Council of Eco-
19 nomic Advisers.

20 (V) Such other Federal officials as the
21 President may designate.

22 (2) FUNCTIONS.—The Working Group shall—

23 (A) report to the President through the
24 Chair of the Council on Environmental Quality

1 and the Assistant to the President for Domestic
2 Policy;

3 (B) provide guidance to Federal agencies
4 regarding criteria for identifying disproportion-
5 ately high and adverse human health or envi-
6 ronmental effects—

7 (i) on populations of color, commu-
8 nities of color, indigenous communities,
9 and low-income communities; and

10 (ii) on the basis of race, color, na-
11 tional origin, or income;

12 (C) coordinate with, provide guidance to,
13 and serve as a clearinghouse for, each Federal
14 agency with respect to the implementation and
15 updating of an environmental justice strategy
16 required under this Act, in order to ensure that
17 the administration, interpretation, and enforce-
18 ment of programs, activities, and policies are
19 carried out in a consistent manner;

20 (D) assist in coordinating research by, and
21 stimulating cooperation among, the Environ-
22 mental Protection Agency, the Department of
23 Health and Human Services, the Department of
24 Housing and Urban Development, and other

1 Federal agencies conducting research or other
2 activities in accordance with this Act;

3 (E) identify, based in part on public rec-
4 ommendations contained in Federal agency
5 progress reports, important areas for Federal
6 agencies to take into consideration and address,
7 as appropriate, in environmental justice strate-
8 gies and other efforts;

9 (F) assist in coordinating data collection
10 and maintaining and updating appropriate
11 databases, as required by this Act;

12 (G) examine existing data and studies re-
13 lating to environmental justice;

14 (H) hold public meetings and otherwise so-
15 licit public participation under paragraph (3);
16 and

17 (I) develop interagency model projects re-
18 lating to environmental justice that demonstrate
19 cooperation among Federal agencies.

20 (3) PUBLIC PARTICIPATION.—The Working
21 Group shall—

22 (A) hold public meetings or otherwise so-
23 licit public participation and community-based
24 science for the purpose of fact-finding with re-
25 spect to the implementation of this Act; and

1 (B) prepare for public review and publish
2 a summary of any comments and recommenda-
3 tions provided.

4 (c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—

5 Any person may commence a civil action—

6 (1) to seek relief from, or to compel, an agency
7 action under this section (including regulations pro-
8 mulgated pursuant to this section); or

9 (2) otherwise to ensure compliance with this
10 section (including regulations promulgated pursuant
11 to this section).

12 **SEC. 20905. FEDERAL AGENCY ACTIONS TO ADDRESS ENVI-**
13 **RONMENTAL JUSTICE.**

14 (a) FEDERAL AGENCY RESPONSIBILITIES.—

15 (1) ENVIRONMENTAL JUSTICE MISSION.—To
16 the maximum extent practicable and permitted by
17 applicable law, each Federal agency shall make
18 achieving environmental justice part of the mission
19 of the Federal agency by identifying, addressing,
20 and mitigating disproportionately high and adverse
21 human health or environmental effects of the pro-
22 grams, policies, and activities of the Federal agency
23 on populations of color, communities of color, indige-
24 nous communities, and low-income communities in
25 the United States (including the territories and pos-

1 sessions of the United States and the District of Co-
2 lumbia).

3 (2) NONDISCRIMINATION.—Each Federal agen-
4 cy shall conduct any program, policy, or activity that
5 substantially affects human health or the environ-
6 ment in a manner that ensures that the program,
7 policy, or activity does not have the effect of exclud-
8 ing any individual or group from participation in,
9 denying any individual or group the benefits of, or
10 subjecting any individual or group to discrimination
11 under, the program, policy, or activity because of
12 race, color, or national origin.

13 (3) STRATEGIES.—

14 (A) AGENCYWIDE STRATEGIES.—Each
15 Federal agency shall implement and update, not
16 less frequently than annually, an agencywide
17 environmental justice strategy that identifies
18 disproportionally high and adverse human
19 health or environmental effects of the pro-
20 grams, policies, spending, and other activities of
21 the Federal agency with respect to populations
22 of color, communities of color, indigenous com-
23 munities, and low-income communities, includ-
24 ing, as appropriate for the mission of the Fed-
25 eral agency, with respect to the following areas:

1 (i) Implementation of the National
2 Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.).

4 (ii) Implementation of title VI of the
5 Civil Rights Act of 1964 (42 U.S.C. 2000d
6 et seq.) (including regulations promulgated
7 pursuant to that title).

8 (iii) Implementation of the Robert T.
9 Stafford Disaster Relief and Emergency
10 Assistance Act (42 U.S.C. 5121 et seq.).

11 (iv) Impacts from the lack of infra-
12 structure, or from deteriorated infrastruc-
13 ture.

14 (v) Impacts from land use.

15 (vi) Impacts from climate change.

16 (vii) Impacts from commercial trans-
17 portation.

18 (B) REVISIONS.—

19 (i) IN GENERAL.—Each strategy de-
20 veloped and updated pursuant to subpara-
21 graph (A) shall identify programs, policies,
22 planning and public participation proc-
23 esses, rulemaking, agency spending, and
24 enforcement activities relating to human

1 health or the environment that may be re-
2 vised, at a minimum—

3 (I) to promote enforcement of all
4 health, environmental, and civil rights
5 laws and regulations in areas con-
6 taining populations of color, commu-
7 nities of color, indigenous commu-
8 nities, and low-income communities;

9 (II) to ensure greater public par-
10 ticipation;

11 (III) to provide increased access
12 to infrastructure;

13 (IV) to improve research and
14 data collection relating to the health
15 and environment of populations of
16 color, communities of color, indige-
17 nous communities, and low-income
18 communities, including through the
19 increased use of community-based
20 science; and

21 (V) to identify differential pat-
22 terns of use of natural resources
23 among populations of color, commu-
24 nities of color, indigenous commu-
25 nities, and low-income communities.

1 (ii) TIMETABLES.—Each strategy im-
2 plemented and updated pursuant to sub-
3 paragraph (A) shall include a timetable for
4 undertaking revisions identified pursuant
5 to clause (i).

6 (C) PROGRESS REPORTS.—Not later than
7 1 year after the date of enactment of this Act,
8 and not less frequently than once every 5 years
9 thereafter, each Federal agency shall submit to
10 Congress and the Working Group, and shall
11 publish, a progress report that includes, with
12 respect to the period covered by the report—

13 (i) a description of the current envi-
14 ronmental justice strategy of the Federal
15 agency;

16 (ii) an evaluation of the progress
17 made by the Federal agency at national
18 and regional levels regarding implementa-
19 tion of the environmental justice strategy,
20 including—

21 (I) metrics used by the Federal
22 agency to measure performance; and

23 (II) the progress made by the
24 Federal agency toward—

1 (aa) the achievement of the
2 metrics described in subclause
3 (I); and

4 (bb) mitigating identified in-
5 stances of environmental injus-
6 tice;

7 (iii) a description of the participation
8 by the Federal agency in interagency col-
9 laboration;

10 (iv) responses to recommendations
11 submitted by members of the public to the
12 Federal agency relating to the environ-
13 mental justice strategy of the Federal
14 agency and the implementation by the
15 Federal agency of this subtitle; and

16 (v) any updates or revisions to the en-
17 vironmental justice strategy of the Federal
18 agency, including those resulting from pub-
19 lic comments.

20 (4) PUBLIC PARTICIPATION.—Each Federal
21 agency shall—

22 (A) ensure that meaningful opportunities
23 exist for the public to submit comments and
24 recommendations relating to the environmental
25 justice strategy, progress reports, and ongoing

1 efforts of the Federal agency to incorporate en-
2 vironmental justice principles into the pro-
3 grams, policies, and activities of the Federal
4 agency;

5 (B) hold public meetings or otherwise so-
6 licit public participation and community-based
7 science from populations of color, communities
8 of color, indigenous communities, and low-in-
9 come communities for fact-finding, receiving
10 public comments, and conducting inquiries con-
11 cerning environmental justice; and

12 (C) prepare for public review and publish
13 a summary of the comments and recommenda-
14 tions provided.

15 (5) ACCESS TO INFORMATION.—Each Federal
16 agency shall—

17 (A) publish public documents, notices, and
18 hearings relating to the programs, policies, and
19 activities of the Federal agency that affect
20 human health or the environment; and

21 (B) translate and publish any public docu-
22 ments, notices, and hearings relating to an ac-
23 tion of the Federal agency as appropriate for
24 the affected population, specifically in any case
25 in which a limited English-speaking population

1 may be disproportionately affected by that ac-
2 tion.

3 (6) CODIFICATION OF GUIDANCE.—

4 (A) COUNCIL ON ENVIRONMENTAL QUAL-
5 ITY.—Notwithstanding any other provision of
6 law, sections II and III of the guidance issued
7 by the Council on Environmental Quality enti-
8 tled “Environmental Justice Guidance Under
9 the National Environmental Policy Act” and
10 dated December 10, 1997, are enacted into law.

11 (B) ENVIRONMENTAL PROTECTION AGEN-
12 CY.—Notwithstanding any other provision of
13 law, the guidance issued by the Environmental
14 Protection Agency entitled “EPA Policy on
15 Consultation and Coordination with Indian
16 Tribes: Guidance for Discussing Tribal Treaty
17 Rights” and dated February 2016 is enacted
18 into law.

19 (b) HUMAN HEALTH AND ENVIRONMENTAL RE-
20 SEARCH, DATA COLLECTION, AND ANALYSIS.—

21 (1) RESEARCH.—Each Federal agency, to the
22 maximum extent practicable and permitted by appli-
23 cable law, shall—

24 (A) in conducting environmental or human
25 health research, include diverse segments of the

1 population in epidemiological and clinical stud-
2 ies, including segments at high risk from envi-
3 ronmental hazards, such as—

4 (i) populations of color, communities
5 of color, indigenous communities, popu-
6 lations with low income, and low-income
7 communities;

8 (ii) fenceline communities; and

9 (iii) workers who may be exposed to
10 substantial environmental hazards;

11 (B) in conducting environmental or human
12 health analyses, identify multiple and cumu-
13 lative exposures; and

14 (C) actively encourage and solicit commu-
15 nity-based science, and provide to populations
16 of color, communities of color, indigenous com-
17 munities, populations with low income, and low-
18 income communities the opportunity to com-
19 ment regarding the development and design of
20 research strategies carried out pursuant to this
21 subtitle.

22 (2) DISPROPORTIONATE IMPACT.—To the max-
23 imum extent practicable and permitted by applicable
24 law (including section 552a of title 5, United States

1 Code (commonly known as the “Privacy Act”)), each
2 Federal agency shall—

3 (A) collect, maintain, and analyze informa-
4 tion assessing and comparing environmental
5 and human health risks borne by populations
6 identified by race, national origin, or income;
7 and

8 (B) use that information to determine
9 whether the programs, policies, and activities of
10 the Federal agency have disproportionately high
11 and adverse human health or environmental ef-
12 fects on populations of color, communities of
13 color, indigenous communities, and low-income
14 communities.

15 (3) INFORMATION RELATING TO NON-FEDERAL
16 FACILITIES.—In connection with the implementation
17 of Federal agency strategies under subsection (a)(3),
18 each Federal agency, to the maximum extent prac-
19 ticable and permitted by applicable law, shall collect,
20 maintain, and analyze information relating to the
21 race, national origin, and income level, and other
22 readily accessible and appropriate information, for
23 fenceline communities in proximity to any facility or
24 site expected to have a substantial environmental,
25 human health, or economic effect on the surrounding

1 populations, if the facility or site becomes the sub-
2 ject of a substantial Federal environmental adminis-
3 trative or judicial action.

4 (4) IMPACT FROM FEDERAL FACILITIES.—Each
5 Federal agency, to the maximum extent practicable
6 and permitted by applicable law, shall collect, main-
7 tain, and analyze information relating to the race,
8 national origin, and income level, and other readily
9 accessible and appropriate information, for fenceline
10 communities in proximity to any facility of the Fed-
11 eral agency that is—

12 (A) subject to the reporting requirements
13 under the Emergency Planning and Community
14 Right-to-Know Act of 1986 (42 U.S.C. 11001
15 et seq.), as required by Executive Order 12898
16 (42 U.S.C. 4321 note); and

17 (B) expected to have a substantial environ-
18 mental, human health, or economic effect on
19 surrounding populations.

20 (c) CONSUMPTION OF FISH AND WILDLIFE.—

21 (1) IN GENERAL.—Each Federal agency shall
22 develop, publish (unless prohibited by law), and re-
23 vise, as practicable and appropriate, guidance on ac-
24 tions of the Federal agency that will impact fish and

1 wildlife consumed by populations that principally
2 rely on fish or wildlife for subsistence.

3 (2) REQUIREMENT.—The guidance described in
4 paragraph (1) shall—

5 (A) reflect the latest scientific information
6 available concerning methods for evaluating the
7 human health risks associated with the con-
8 sumption of pollutant-bearing fish or wildlife;
9 and

10 (B) publish the risks of such consumption
11 patterns.

12 (d) MAPPING AND SCREENING TOOL.—The Adminis-
13 trator shall continue to make available to the public an
14 environmental justice mapping and screening tool (such
15 as EJScreen or an equivalent tool) that includes, at a min-
16 imum, the following features:

17 (1) Nationally consistent data.

18 (2) Environmental data.

19 (3) Demographic data, including data relating
20 to race, ethnicity, and income.

21 (4) Capacity to produce maps and reports by
22 geographical area.

23 (e) JUDICIAL REVIEW AND RIGHTS OF ACTION.—

24 Any person may commence a civil action—

1 (1) to seek relief from, or to compel, an agency
2 action under this section (including regulations pro-
3 mulgated pursuant to this section); or

4 (2) otherwise to ensure compliance with this
5 section (including regulations promulgated pursuant
6 to this section).

7 (f) INFORMATION SHARING.—In carrying out this
8 section, each Federal agency, to the maximum extent
9 practicable and permitted by applicable law, shall share
10 information and eliminate unnecessary duplication of ef-
11 forts through the use of existing data systems and cooper-
12 ative agreements among Federal agencies and with State,
13 local, and Tribal governments.

14 **SEC. 20906. NATIONAL ENVIRONMENTAL JUSTICE ADVI-**
15 **SORY COUNCIL.**

16 (a) ESTABLISHMENT.—The establishment by the Ad-
17 ministrator on September 30, 1993, by charter pursuant
18 to the Federal Advisory Committee Act (5 U.S.C. App.)
19 of the National Environmental Justice Advisory Council
20 (referred to in this section as the “Advisory Council”) is
21 enacted into law.

22 (b) DUTIES.—The Advisory Council may carry out
23 such duties as were carried out by the Advisory Council
24 on the day before the date of enactment of this Act, sub-
25 ject to modification by the Administrator, by regulation.

1 (c) MEMBERSHIP.—The membership of the Advisory
2 Council shall—

3 (1) be determined and appointed in accordance
4 with, as applicable—

5 (A) the charter described in subsection (a)
6 (or any subsequent amendment or revision of
7 that charter); or

8 (B) other appropriate bylaws or documents
9 of the Advisory Council, as determined by the
10 Administrator; and

11 (2) continue in effect as in existence on the day
12 before the date of enactment of this Act until modi-
13 fied in accordance with paragraph (1).

14 (d) DESIGNATED FEDERAL OFFICER.—The Director
15 of the Office of Environmental Justice of the Environ-
16 mental Protection Agency is designated as the Federal of-
17 ficer required under section 10(e) of the Federal Advisory
18 Committee Act (5 U.S.C. App.) for the Advisory Council.

19 (e) MEETINGS.—

20 (1) IN GENERAL.—The Advisory Council shall
21 meet not less frequently than 3 times each calendar
22 year.

23 (2) OPEN TO PUBLIC.—Each meeting of the
24 Advisory Council shall be held open to the public.

1 (3) DESIGNATED FEDERAL OFFICER.—The des-
2 ignated Federal officer described in subsection (d)
3 (or a designee) shall—

4 (A) be present at each meeting of the Ad-
5 visory Council;

6 (B) ensure that each meeting is conducted
7 in accordance with an agenda approved in ad-
8 vance by the designated Federal officer;

9 (C) provide an opportunity for interested
10 persons—

11 (i) to file comments before or after
12 each meeting of the Advisory Council; or

13 (ii) to make statements at such a
14 meeting, to the extent that time permits;

15 (D) ensure that a representative of the
16 Working Group and a high-level representative
17 from each regional office of the Environmental
18 Protection Agency are invited to, and encour-
19 aged to attend, each meeting of the Advisory
20 Council; and

21 (E) provide technical assistance to States
22 seeking to establish State-level environmental
23 justice advisory councils or implement other en-
24 vironmental justice policies or programs.

25 (f) RESPONSES FROM ADMINISTRATOR.—

1 (1) PUBLIC COMMENT INQUIRIES.—The Admin-
2 istrator shall provide a written response to each in-
3 quiry submitted to the Administrator by a member
4 of the public before or after each meeting of the Ad-
5 visory Council by not later than 120 days after the
6 date of submission.

7 (2) RECOMMENDATIONS FROM ADVISORY COUN-
8 CIL.—The Administrator shall provide a written re-
9 sponse to each recommendation submitted to the Ad-
10 ministrator by the Advisory Council by not later
11 than 120 days after the date of submission.

12 (g) TRAVEL EXPENSES.—A member of the Advisory
13 Council may be allowed travel expenses, including per
14 diem in lieu of subsistence, at such rate as the Adminis-
15 trator determines to be appropriate while away from the
16 home or regular place of business of the member in the
17 performance of the duties of the Advisory Council.

18 (h) DURATION.—The Advisory Council shall remain
19 in existence unless otherwise provided by law.

20 **SEC. 20907. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

21 (a) IN GENERAL.—The Administrator shall continue
22 to carry out the Environmental Justice Small Grants Pro-
23 gram and the Environmental Justice Collaborative Prob-
24 lem-Solving Cooperative Agreement Program, as those

1 programs are in existence on the date of enactment of this
2 Act.

3 (b) CARE GRANTS.—The Administrator shall con-
4 tinue to carry out the Community Action for a Renewed
5 Environment grant programs I and II, as in existence on
6 January 1, 2012.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out the programs
9 described in subsections (a) and (b) \$10,000,000 for each
10 of fiscal years 2020 through 2029.

11 **SEC. 20908. CONSIDERATION OF CUMULATIVE IMPACTS**
12 **AND PERSISTENT VIOLATIONS IN CERTAIN**
13 **PERMITTING DECISIONS.**

14 (a) FEDERAL WATER POLLUTION CONTROL ACT.—
15 Section 402 of the Federal Water Pollution Control Act
16 (33 U.S.C. 1342) is amended—

17 (1) by striking the section designation and
18 heading and all that follows through “Except as” in
19 subsection (a)(1) and inserting the following:

20 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-**
21 **NATION SYSTEM.**

22 **“(a) PERMITS ISSUED BY ADMINISTRATOR.—**

23 **“(1) IN GENERAL.—Except as”;**

24 **(2) in subsection (a)—**

25 **(A) in paragraph (1)—**

1 (i) by striking “upon condition that
2 such discharge will meet either (A) all”
3 and inserting the following: “subject to the
4 conditions that—

5 “(A) the discharge will achieve compliance
6 with, as applicable—

7 “(i) all”;

8 (ii) by striking “403 of this Act, or
9 (B) prior” and inserting the following:
10 “403; or

11 “(ii) prior”; and

12 (iii) by striking “this Act.” and insert-
13 ing the following: “this Act; and

14 “(B) with respect to the issuance or re-
15 newal of the permit—

16 “(i) based on an analysis by the Ad-
17 ministrator of existing water quality and
18 the potential cumulative impacts (as de-
19 fined in section 501 of the Clean Air Act
20 (42 U.S.C. 7661)) of the discharge, consid-
21 ered in conjunction with the designated
22 and actual uses of the impacted navigable
23 water, there exists a reasonable certainty
24 of no harm to the health of the general

1 population, or to any potentially exposed or
2 susceptible subpopulation; or

3 “(ii) if the Administrator determines
4 that, due to those potential cumulative im-
5 pacts, there does not exist a reasonable
6 certainty of no harm to the health of the
7 general population, or to any potentially
8 exposed or susceptible subpopulation, the
9 permit or renewal includes such terms and
10 conditions as the Administrator determines
11 to be necessary to ensure a reasonable cer-
12 tainty of no harm.”; and

13 (B) in paragraph (2), by striking “assure
14 compliance with the requirements of paragraph
15 (1) of this subsection, including conditions on
16 data and information collection, reporting, and
17 such other requirements as he deems appro-
18 priate.” and inserting the following: “ensure
19 compliance with the requirements of paragraph
20 (1), including—

21 “(A) conditions relating to—

22 “(i) data and information collection;

23 “(ii) reporting; and

1 “(iii) such other requirements as the
2 Administrator determines to be appro-
3 priate; and

4 “(B) additional controls or pollution pre-
5 vention requirements.”; and

6 (3) in subsection (b)—

7 (A) in each of paragraphs (1)(D), (2)(B),
8 and (3) through (7), by striking the semicolon
9 at the end and inserting a period;

10 (B) in paragraph (8), by striking “; and”
11 at the end and inserting a period; and

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

13 “(10) To ensure that no permit will be issued
14 or renewed if, with respect to an application for the
15 permit, the State determines, based on an analysis
16 by the State of existing water quality and the poten-
17 tial cumulative impacts (as defined in section 501 of
18 the Clean Air Act (42 U.S.C. 7661)) of the dis-
19 charge, considered in conjunction with the des-
20 ignated and actual uses of the impacted navigable
21 water, that the terms and conditions of the permit
22 or renewal would not be sufficient to ensure a rea-
23 sonable certainty of no harm to the health of the
24 general population, or to any potentially exposed or
25 susceptible subpopulation.”.

1 (b) CLEAN AIR ACT.—

2 (1) DEFINITIONS.—Section 501 of the Clean
3 Air Act (42 U.S.C. 7661) is amended—

4 (A) in the matter preceding paragraph (1),
5 by striking “As used in this title—” and insert-
6 ing “In this title:”;

7 (B) by redesignating paragraphs (2), (3),
8 and (4) as paragraphs (3), (5), and (4), respec-
9 tively, and moving the paragraphs so as to ap-
10 pear in numerical order; and

11 (C) by inserting after paragraph (1) the
12 following:

13 “(2) CUMULATIVE IMPACTS.—The term ‘cumu-
14 lative impacts’ means any exposure, public health or
15 environmental risk, or other effect occurring in a
16 specific geographical area, including from an emis-
17 sion or release—

18 “(A) including—

19 “(i) environmental pollution re-
20 leased—

21 “(I)(aa) routinely;

22 “(bb) accidentally; or

23 “(cc) otherwise; and

24 “(II) from any source, whether
25 single or multiple; and

1 “(ii) as assessed based on the com-
2 bined past, present, and reasonably fore-
3 seeable emissions and discharges affecting
4 the geographical area; and

5 “(B) evaluated taking into account sen-
6 sitive populations and socioeconomic factors,
7 where applicable.”.

8 (2) PERMIT PROGRAMS.—Section 502(b) of the
9 Clean Air Act (42 U.S.C. 7661a(b)) is amended—
10 (A) in paragraph (5)—

11 (i) in subparagraphs (A) and (C), by
12 striking “assure” each place it appears and
13 inserting “ensure”; and

14 (ii) by striking subparagraph (F) and
15 inserting the following:

16 “(F) ensure that no permit will be issued or re-
17 newed, as applicable, if—

18 “(i) with respect to an application for a
19 permit or renewal of a permit for a major
20 source, the permitting authority determines
21 under paragraph (9)(A)(i)(II)(bb) that the
22 terms and conditions of the permit or renewal
23 would not be sufficient to ensure a reasonable
24 certainty of no harm to the health of the gen-
25 eral population, or to any potentially exposed or

1 susceptible subpopulation, of the applicable cen-
2 sus tracts or Tribal census tracts (as those
3 terms are defined by the Director of the Bureau
4 of the Census); or

5 “(ii) the Administrator objects to the
6 issuance of the permit in a timely manner
7 under this title.”; and

8 (B) in paragraph (9)—

9 (i) in the fourth sentence, by striking
10 “Such permit revision” and inserting the
11 following:

12 “(iii) TREATMENT AS RENEWAL.—A
13 permit revision under this paragraph”;

14 (ii) in the third sentence, by striking
15 “No such revision shall” and inserting the
16 following:

17 “(ii) EXCEPTION.—A revision under
18 this paragraph shall not”;

19 (iii) in the second sentence, by strik-
20 ing “Such revisions” and inserting the fol-
21 lowing:

22 “(B) REVISION REQUIREMENTS.—

23 “(i) DEADLINE.—A revision described
24 in subparagraph (A)(ii)”;

1 (iv) by striking the paragraph des-
2 ignation and all that follows through “shall
3 require” in the first sentence and inserting
4 the following:

5 “(9) MAJOR SOURCES.—

6 “(A) IN GENERAL.—With respect to any
7 permit or renewal of a permit, as applicable, for
8 a major source, a requirement that the permit-
9 ting authority shall—

10 “(i) in determining whether to issue
11 or renew the permit—

12 “(I) evaluate the potential cumu-
13 lative impacts of the proposed major
14 source, as described in the applicable
15 cumulative impacts analysis submitted
16 under section 503(b)(3);

17 “(II) if, due to those potential
18 cumulative impacts, the permitting
19 authority cannot determine that there
20 exists a reasonable certainty of no
21 harm to the health of the general pop-
22 ulation, or to any potentially exposed
23 or susceptible subpopulation, of any
24 census tracts or Tribal census tracts
25 (as those terms are defined by the Di-

1 rector of the Bureau of the Census)
2 located in, or immediately adjacent to,
3 the area in which the major source is,
4 or is proposed to be, located—

5 “(aa) include in the permit
6 or renewal such terms and condi-
7 tions (including additional con-
8 trols or pollution prevention re-
9 quirements) as the permitting
10 authority determines to be nec-
11 essary to ensure a reasonable cer-
12 tainty of no harm; or

13 “(bb) if the permitting au-
14 thority determines that terms
15 and conditions described in item
16 (aa) would not be sufficient to
17 ensure a reasonable certainty of
18 no harm, deny the issuance or re-
19 newal of the permit;

20 “(III) determine whether the ap-
21 plicant is a persistent violator, based
22 on such criteria relating to the history
23 of compliance by an applicant with
24 this Act as the Administrator shall es-
25 tablish by not later than 180 days

1 after the date of enactment of the En-
2 vironmental Justice Act of 2019;

3 “(IV) if the permitting authority
4 determines under subclause (III) that
5 the applicant is a persistent violator
6 and the permitting authority does not
7 deny the issuance or renewal of the
8 permit pursuant to subclause
9 (V)(bb)—

10 “(aa) require the applicant
11 to submit a redemption plan that
12 describes—

13 “(AA) if the applicant
14 is not compliance with this
15 Act, measures the applicant
16 will carry out to achieve that
17 compliance, together with an
18 approximate deadline for
19 that achievement;

20 “(BB) measures the
21 applicant will carry out, or
22 has carried out to ensure the
23 applicant will remain in
24 compliance with this Act,
25 and to mitigate the environ-

1 mental and health effects of
2 noncompliance; and

3 “(CC) the measures the
4 applicant has carried out in
5 preparing the redemption
6 plan to consult or negotiate
7 with the communities af-
8 fected by each persistent vio-
9 lation addressed in the plan;
10 and

11 “(bb) once such a redemp-
12 tion plan is submitted, determine
13 whether the plan is adequate to
14 ensuring that the applicant—

15 “(AA) will achieve com-
16 pliance with this Act expedi-
17 tiously;

18 “(BB) will remain in
19 compliance with this Act;

20 “(CC) will mitigate the
21 environmental and health ef-
22 fects of noncompliance; and

23 “(DD) has solicited and
24 responded to community

1 input regarding the redemp-
2 tion plan; and

3 “(V) deny the issuance or re-
4 newal of the permit if the permitting
5 authority determines that—

6 “(aa) the redemption plan
7 submitted under subclause
8 (IV)(aa) is inadequate; or

9 “(bb)(AA) the applicant has
10 submitted a redemption plan on
11 a prior occasion, but continues to
12 be a persistent violator; and

13 “(BB) no indication exists
14 of extremely exigent cir-
15 cumstances excusing the per-
16 sistent violations; and

17 “(ii) in the case of such a permit with
18 a term of 3 years or longer, require in ac-
19 cordance with subparagraph (B).”.

20 (3) PERMIT APPLICATIONS.—Section 503(b) of
21 the Clean Air Act (42 U.S.C. 7661b(b)) is amended
22 by adding at the end the following:

23 “(3) MAJOR SOURCE ANALYSES.—The regula-
24 tions required by section 502(b) shall include a re-
25 quirement that an applicant for a permit or renewal

1 of a permit for a major source shall submit, together
2 with the compliance plan required under this sub-
3 section, a cumulative impacts analysis for each cen-
4 sus tract or Tribal census tract (as those terms are
5 defined by the Director of the Bureau of the Cen-
6 sus) located in, or immediately adjacent to, the area
7 in which the major source is, or is proposed to be,
8 located that analyzes—

9 “(A) community demographics and loca-
10 tions of community exposure points, such as
11 schools, day care centers, nursing homes, hos-
12 pitals, health clinics, places of religious worship,
13 parks, playgrounds, and community centers;

14 “(B) air quality and the potential effect on
15 that air quality of emissions of air pollutants
16 (including pollutants listed under section 108 or
17 112) from the proposed major source, including
18 in combination with existing sources of pollut-
19 ants;

20 “(C) the potential effects on soil quality
21 and water quality of emissions of lead and other
22 air pollutants that could contaminate soil or
23 water from the proposed major source, includ-
24 ing in combination with existing sources of pol-
25 lutants; and

1 “(D) public health and any potential ef-
2 fects on public health of the proposed major
3 source.”.

4 **SEC. 20909. IMPLIED RIGHTS OF ACTION AND COMMON**
5 **LAW CLAIMS.**

6 Section 505 of the Federal Water Pollution Control
7 Act (33 U.S.C. 1365) is amended by adding at the end
8 the following:

9 “(i) EFFECT ON IMPLIED RIGHTS OF ACTION AND
10 COMMON LAW CLAIMS.—

11 “(1) DEFINITION OF COVERED ACT.—In this
12 subsection:

13 “(A) IN GENERAL.—The term ‘covered
14 Act’ means—

15 “(i) this Act;

16 “(ii) the Federal Insecticide, Fun-
17 gicide, and Rodenticide Act (7 U.S.C. 136
18 et seq.);

19 “(iii) the Surface Mining Control and
20 Reclamation Act of 1977 (30 U.S.C. 1201
21 et seq.);

22 “(iv) the Marine Protection, Research,
23 and Sanctuaries Act of 1972 (33 U.S.C.
24 1401 et seq.);

1 “(v) the Safe Drinking Water Act (42
2 U.S.C. 300f et seq.);

3 “(vi) the Solid Waste Disposal Act
4 (42 U.S.C. 6901 et seq.);

5 “(vii) the Clean Air Act (42 U.S.C.
6 7401 et seq.);

7 “(viii) the Comprehensive Environ-
8 mental Response, Compensation, and Li-
9 ability Act of 1980 (42 U.S.C. 9601 et
10 seq.); and

11 “(ix) any other Act administered by
12 the Administrator.

13 “(B) INCLUSIONS.—The term ‘covered
14 Act’ includes any provision of an Act described
15 in subparagraph (A) the date of enactment of
16 which is after the date of enactment of this
17 subsection, unless that provision is specifically
18 excluded from this subsection.

19 “(2) EFFECT.—Nothing in a covered Act pre-
20 cludes the right to bring an action—

21 “(A) under section 1979 of the Revised
22 Statutes (42 U.S.C. 1983); or

23 “(B) that is implied under—

24 “(i) a covered Act; or

25 “(ii) common law.

1 “(3) APPLICATION.—Nothing in this section
2 precludes the right to bring an action under any
3 provision of law that is not a covered Act.”.

4 **SEC. 20910. PRIVATE RIGHTS OF ACTION FOR DISCRIMINA-**
5 **TORY PRACTICES.**

6 (a) RIGHT OF ACTION.—Section 602 of the Civil
7 Rights Act of 1964 (42 U.S.C. 2000d–1) is amended—

8 (1) by inserting “(a)” before “Each Federal de-
9 partment and agency which is empowered”; and

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

11 “(b) Any person aggrieved by the failure of a covered
12 entity to comply with this title, including any regulation
13 promulgated pursuant to this title, may bring a civil action
14 in any Federal or State court of competent jurisdiction
15 to enforce such person’s rights under this title.”.

16 (b) EFFECTIVE DATE.—

17 (1) IN GENERAL.—This section, including the
18 amendments made by this section, takes effect on
19 the date of enactment of this Act.

20 (2) APPLICATION.—This section, including the
21 amendments made by this section, applies to all ac-
22 tions or proceedings pending on or after the date of
23 enactment of this Act.

1 **SEC. 20911. SEVERABILITY.**

2 If any provision of this subtitle, or the application
3 of such a provision to any person or circumstance, is de-
4 termined to be invalid, the remainder of this subtitle and
5 the application of the provision to other persons or cir-
6 cumstances shall not be affected.

7 **Subtitle I—Strengthening Health**
8 **Care and Lowering Prescription**
9 **Drug Costs**

10 **SEC. 21001. SHORT TITLE.**

11 This subtitle may be cited as the “Strengthening
12 Health Care and Lowering Prescription Drug Costs Act”.

13 **PART 1—LOWERING PRESCRIPTION DRUG COSTS**

14 **Subpart A—Bringing Low-Cost Options and Competi-**
15 **tion While Keeping Incentives for New Generics**

16 **SEC. 21011. CHANGE CONDITIONS OF FIRST GENERIC EX-**
17 **CLUSIVITY TO SPUR ACCESS AND COMPETI-**
18 **TION.**

19 Section 505(j)(5)(B)(iv) of the Federal Food, Drug,
20 and Cosmetic Act (21 U.S.C. 355(j)(5)(B)(iv)) is amend-
21 ed—

22 (1) in subclause (I), by striking “180 days
23 after” and all that follows through the period at the
24 end and inserting the following: “180 days after the
25 earlier of—

1 “(aa) the date of the first com-
2 mercial marketing of the drug (includ-
3 ing the commercial marketing of the
4 listed drug) by any first applicant; or
5 “(bb) the applicable date speci-
6 fied in subclause (III).”; and

7 (2) by adding at the end the following new sub-
8 clause:

9 “(III) APPLICABLE DATE.—The appli-
10 cable date specified in this subclause, with
11 respect to an application for a drug de-
12 scribed in subclause (I), is the date on
13 which each of the following conditions is
14 first met:

15 “(aa) The approval of such an
16 application could be made effective,
17 but for the eligibility of a first appli-
18 cant for 180-day exclusivity under
19 this clause.

20 “(bb) At least 30 months have
21 passed since the date of submission of
22 an application for the drug by at least
23 one first applicant.

24 “(cc) Approval of an application
25 for the drug submitted by at least one

1 first applicant is not precluded under
2 clause (iii).

3 “(dd) No application for the drug
4 submitted by any first applicant is ap-
5 proved at the time the conditions
6 under items (aa), (bb), and (cc) are
7 all met, regardless of whether such an
8 application is subsequently ap-
9 proved.”.

10 **Subpart B—Protecting Consumer Access to Generic**
11 **Drugs**

12 **SEC. 21015. UNLAWFUL AGREEMENTS.**

13 (a) AGREEMENTS PROHIBITED.—Subject to sub-
14 sections (b) and (c), it shall be unlawful for an NDA or
15 BLA holder and a subsequent filer (or for two subsequent
16 filers) to enter into, or carry out, an agreement resolving
17 or settling a covered patent infringement claim on a final
18 or interim basis if under such agreement—

19 (1) a subsequent filer directly or indirectly re-
20 ceives from such holder (or in the case of such an
21 agreement between two subsequent filers, the other
22 subsequent filer) anything of value, including a li-
23 cense; and

24 (2) the subsequent filer agrees to limit or fore-
25 go research on, or development, manufacturing,

1 marketing, or sales, for any period of time, of the
2 covered product that is the subject of the application
3 described in subparagraph (A) or (B) of subsection
4 (g)(8).

5 (b) EXCLUSION.—It shall not be unlawful under sub-
6 section (a) if a party to an agreement described in such
7 subsection demonstrates by clear and convincing evidence
8 that the value described in subsection (a)(1) is compensa-
9 tion solely for other goods or services that the subsequent
10 filer has promised to provide.

11 (c) LIMITATION.—Nothing in this section shall pro-
12 hibit an agreement resolving or settling a covered patent
13 infringement claim in which the consideration granted by
14 the NDA or BLA holder to the subsequent filer (or from
15 one subsequent filer to another) as part of the resolution
16 or settlement includes only one or more of the following:

17 (1) The right to market the covered product
18 that is the subject of the application described in
19 subparagraph (A) or (B) of subsection (g)(8) in the
20 United States before the expiration of—

21 (A) any patent that is the basis of the cov-
22 ered patent infringement claim; or

23 (B) any patent right or other statutory ex-
24 clusivity that would prevent the marketing of
25 such covered product.

1 (2) A payment for reasonable litigation ex-
2 penses not to exceed \$7.5 million in the aggregate.

3 (3) A covenant not to sue on any claim that
4 such covered product infringes a patent.

5 (d) ENFORCEMENT BY FEDERAL TRADE COMMIS-
6 SION.—

7 (1) GENERAL APPLICATION.—The requirements
8 of this section apply, according to their terms, to an
9 NDA or BLA holder or subsequent filer that is—

10 (A) a person, partnership, or corporation
11 over which the Commission has authority pur-
12 suant to section 5(a)(2) of the Federal Trade
13 Commission Act (15 U.S.C. 45(a)(2)); or

14 (B) a person, partnership, or corporation
15 over which the Commission would have author-
16 ity pursuant to such section but for the fact
17 that such person, partnership, or corporation is
18 not organized to carry on business for its own
19 profit or that of its members.

20 (2) UNFAIR OR DECEPTIVE ACTS OR PRACTICES
21 ENFORCEMENT AUTHORITY.—

22 (A) IN GENERAL.—A violation of this sec-
23 tion shall be treated as an unfair or deceptive
24 act or practice in violation of section 5(a)(1) of

1 the Federal Trade Commission Act (15 U.S.C.
2 45(a)(1)).

3 (B) POWERS OF COMMISSION.—Except as
4 provided in subparagraph (C) and paragraphs
5 (1)(B) and (3)—

6 (i) the Commission shall enforce this
7 section in the same manner, by the same
8 means, and with the same jurisdiction,
9 powers, and duties as though all applicable
10 terms and provisions of the Federal Trade
11 Commission Act (15 U.S.C. 41 et seq.)
12 were incorporated into and made a part of
13 this section; and

14 (ii) any NDA or BLA holder or subse-
15 quent filer that violates this section shall
16 be subject to the penalties and entitled to
17 the privileges and immunities provided in
18 the Federal Trade Commission Act.

19 (C) JUDICIAL REVIEW.—In the case of a
20 cease and desist order issued by the Commis-
21 sion under section 5 of the Federal Trade Com-
22 mission Act (15 U.S.C. 45) for violation of this
23 section, a party to such order may obtain judi-
24 cial review of such order as provided in such
25 section 5, except that—

1 (i) such review may only be obtained
2 in—

3 (I) the United States Court of
4 Appeals for the District of Columbia
5 Circuit;

6 (II) the United States Court of
7 Appeals for the circuit in which the
8 ultimate parent entity, as defined in
9 section 801.1(a)(3) of title 16, Code
10 of Federal Regulations, or any suc-
11 cessor thereto, of the NDA or BLA
12 holder (if any such holder is a party
13 to such order) is incorporated as of
14 the date that the application described
15 in subparagraph (A) or (B) of sub-
16 section (g)(8) or an approved applica-
17 tion that is deemed to be a license for
18 a biological product under section
19 351(k) of the Public Health Service
20 Act (42 U.S.C. 262(k)) pursuant to
21 section 7002(e)(4) of the Biologics
22 Price Competition and Innovation Act
23 of 2009 (Public Law 111–148; 124
24 Stat. 817) is submitted to the Com-
25 missioner of Food and Drugs; or

1 (III) the United States Court of
2 Appeals for the circuit in which the
3 ultimate parent entity, as so defined,
4 of any subsequent filer that is a party
5 to such order is incorporated as of the
6 date that the application described in
7 subparagraph (A) or (B) of subsection
8 (g)(8) is submitted to the Commis-
9 sioner of Food and Drugs; and

10 (ii) the petition for review shall be
11 filed in the court not later than 30 days
12 after such order is served on the party
13 seeking review.

14 (3) ADDITIONAL ENFORCEMENT AUTHORITY.—

15 (A) CIVIL PENALTY.—The Commission
16 may commence a civil action to recover a civil
17 penalty in a district court of the United States
18 against any NDA or BLA holder or subsequent
19 filer that violates this section.

20 (B) SPECIAL RULE FOR RECOVERY OF
21 PENALTY IF CEASE AND DESIST ORDER
22 ISSUED.—

23 (i) IN GENERAL.—If the Commission
24 has issued a cease and desist order in a
25 proceeding under section 5 of the Federal

1 Trade Commission Act (15 U.S.C. 45) for
2 violation of this section—

3 (I) the Commission may com-
4 mence a civil action under subpara-
5 graph (A) to recover a civil penalty
6 against any party to such order at
7 any time before the expiration of the
8 1-year period beginning on the date
9 on which such order becomes final
10 under section 5(g) of such Act (15
11 U.S.C. 45(g)); and

12 (II) in such civil action, the find-
13 ings of the Commission as to the ma-
14 terial facts in such proceeding shall be
15 conclusive, unless—

16 (aa) the terms of such order
17 expressly provide that the Com-
18 mission's findings shall not be
19 conclusive; or

20 (bb) such order became final
21 by reason of section 5(g)(1) of
22 such Act (15 U.S.C. 45(g)(1)), in
23 which case such findings shall be
24 conclusive if supported by evi-
25 dence.

1 (ii) RELATIONSHIP TO PENALTY FOR
2 VIOLATION OF AN ORDER.—The penalty
3 provided in clause (i) for violation of this
4 section is separate from and in addition to
5 any penalty that may be incurred for viola-
6 tion of an order of the Commission under
7 section 5(l) of the Federal Trade Commis-
8 sion Act (15 U.S.C. 45(l)).

9 (C) AMOUNT OF PENALTY.—

10 (i) IN GENERAL.—The amount of a
11 civil penalty imposed in a civil action under
12 subparagraph (A) on a party to an agree-
13 ment described in subsection (a) shall be
14 sufficient to deter violations of this section,
15 but in no event greater than—

16 (I) if such party is the NDA or
17 BLA holder (or, in the case of an
18 agreement between two subsequent fil-
19 ers, the subsequent filer who gave the
20 value described in subsection (a)(1)),
21 the greater of—

22 (aa) three times the value
23 received by such NDA or BLA
24 holder (or by such subsequent
25 filer) that is reasonably attrib-

1 utable to the violation of this sec-
2 tion; or

3 (bb) three times the value
4 given to the subsequent filer (or
5 to the other subsequent filer)
6 reasonably attributable to the
7 violation of this section; and

8 (II) if such party is the subse-
9 quent filer (or, in the case of an
10 agreement between two subsequent fil-
11 ers, the subsequent filer who received
12 the value described in subsection
13 (a)(1)), 3 times the value received by
14 such subsequent filer that is reason-
15 ably attributable to the violation of
16 this section.

17 (ii) FACTORS FOR CONSIDERATION.—

18 In determining such amount, the court
19 shall take into account—

20 (I) the nature, circumstances, ex-
21 tent, and gravity of the violation;

22 (II) with respect to the violator,
23 the degree of culpability, any history
24 of violations, the ability to pay, any
25 effect on the ability to continue doing

1 business, profits earned by the NDA
2 or BLA holder (or, in the case of an
3 agreement between two subsequent fil-
4 ers, the subsequent filer who gave the
5 value described in subsection (a)(1)),
6 compensation received by the subse-
7 quent filer (or, in the case of an
8 agreement between two subsequent fil-
9 ers, the subsequent filer who received
10 the value described in subsection
11 (a)(1)), and the amount of commerce
12 affected; and

13 (III) other matters that justice
14 requires.

15 (D) INJUNCTIONS AND OTHER EQUITABLE
16 RELIEF.—In a civil action under subparagraph
17 (A), the United States district courts are em-
18 powered to grant mandatory injunctions and
19 such other and further equitable relief as they
20 deem appropriate.

21 (4) REMEDIES IN ADDITION.—Remedies pro-
22 vided in this subsection are in addition to, and not
23 in lieu of, any other remedy provided by Federal
24 law.

1 (5) PRESERVATION OF AUTHORITY OF COMMIS-
2 SION.—Nothing in this section shall be construed to
3 affect any authority of the Commission under any
4 other provision of law.

5 (e) FEDERAL TRADE COMMISSION RULEMAKING.—
6 The Commission may, in its discretion, by rule promul-
7 gated under section 553 of title 5, United States Code,
8 exempt from this section certain agreements described in
9 subsection (a) if the Commission finds such agreements
10 to be in furtherance of market competition and for the
11 benefit of consumers.

12 (f) ANTITRUST LAWS.—Nothing in this section shall
13 modify, impair, limit, or supersede the applicability of the
14 antitrust laws as defined in subsection (a) of the first sec-
15 tion of the Clayton Act (15 U.S.C. 12(a)), and of section
16 5 of the Federal Trade Commission Act (15 U.S.C. 45)
17 to the extent that such section 5 applies to unfair methods
18 of competition. Nothing in this section shall modify, im-
19 pair, limit, or supersede the right of a subsequent filer
20 to assert claims or counterclaims against any person,
21 under the antitrust laws or other laws relating to unfair
22 competition.

23 (g) DEFINITIONS.—In this section:

24 (1) AGREEMENT RESOLVING OR SETTling A
25 COVERED PATENT INFRINGEMENT CLAIM.—The

1 term “agreement resolving or settling a covered pat-
2 ent infringement claim” means any agreement
3 that—

4 (A) resolves or settles a covered patent in-
5 fringement claim; or

6 (B) is contingent upon, provides for a con-
7 tingent condition for, or is otherwise related to
8 the resolution or settlement of a covered patent
9 infringement claim.

10 (2) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

12 (3) COVERED PATENT INFRINGEMENT CLAIM.—
13 The term “covered patent infringement claim”
14 means an allegation made by the NDA or BLA hold-
15 er to a subsequent filer (or, in the case of an agree-
16 ment between two subsequent filers, by one subse-
17 quent filer to another), whether or not included in
18 a complaint filed with a court of law, that—

19 (A) the submission of the application de-
20 scribed in subparagraph (A) or (B) of para-
21 graph (9), or the manufacture, use, offering for
22 sale, sale, or importation into the United States
23 of a covered product that is the subject of such
24 an application—

1 (i) in the case of an agreement be-
2 tween an NDA or BLA holder and a sub-
3 sequent filer, infringes any patent owned
4 by, or exclusively licensed to, the NDA or
5 BLA holder of the covered product; or

6 (ii) in the case of an agreement be-
7 tween two subsequent filers, infringes any
8 patent owned by the subsequent filer; or

9 (B) in the case of an agreement between
10 an NDA or BLA holder and a subsequent filer,
11 the covered product to be manufactured under
12 such application uses a covered product as
13 claimed in a published patent application.

14 (4) COVERED PRODUCT.—The term “covered
15 product” means a drug (as defined in section 201(g)
16 of the Federal Food, Drug, and Cosmetic Act (21
17 U.S.C. 321(g))), including a biological product (as
18 defined in section 351(i) of the Public Health Serv-
19 ice Act (42 U.S.C. 262(i)).

20 (5) NDA OR BLA HOLDER.—The term “NDA
21 or BLA holder” means—

22 (A) the holder of—

23 (i) an approved new drug application
24 filed under section 505(b)(1) of the Fed-
25 eral Food, Drug, and Cosmetic Act (21

1 U.S.C. 355(b)(1)) for a covered product;
2 or

3 (ii) a biologics license application filed
4 under section 351(a) of the Public Health
5 Service Act (42 U.S.C. 262(a)) with re-
6 spect to a biological product;

7 (B) a person owning or controlling enforce-
8 ment of the patent on—

9 (i) the list published under section
10 505(j)(7) of the Federal Food, Drug, and
11 Cosmetic Act (21 U.S.C. 355(j)(7)) in con-
12 nection with the application described in
13 subparagraph (A)(i); or

14 (ii) any list published under section
15 351 of the Public Health Service Act (42
16 U.S.C. 262) comprised of patents associ-
17 ated with biologics license applications filed
18 under section 351(a) of such Act (42
19 U.S.C. 262(a)); or

20 (C) the predecessors, subsidiaries, divi-
21 sions, groups, and affiliates controlled by, con-
22 trolling, or under common control with any en-
23 tity described in subparagraph (A) or (B) (such
24 control to be presumed by direct or indirect
25 share ownership of 50 percent or greater), as

1 well as the licensees, licensors, successors, and
2 assigns of each of the entities.

3 (6) PATENT.—The term “patent” means a pat-
4 ent issued by the United States Patent and Trade-
5 mark Office.

6 (7) STATUTORY EXCLUSIVITY.—The term
7 “statutory exclusivity” means those prohibitions on
8 the submission or approval of drug applications
9 under clauses (ii) through (iv) of section
10 505(c)(3)(E) (5- and 3-year exclusivity), clauses (ii)
11 through (iv) of section 505(j)(5)(F) (5-year and 3-
12 year exclusivity), section 505(j)(5)(B)(iv) (180-day
13 exclusivity), section 527 (orphan drug exclusivity),
14 section 505A (pediatric exclusivity), or section 505E
15 (qualified infectious disease product exclusivity) of
16 the Federal Food, Drug, and Cosmetic Act (21
17 U.S.C. 355(c)(3)(E), 355(j)(5)(B)(iv), 355(j)(5)(F),
18 360cc, 355a, 355f), or prohibitions on the submis-
19 sion or licensing of biologics license applications
20 under section 351(k)(6) (interchangeable biological
21 product exclusivity) or section 351(k)(7) (biological
22 product reference product exclusivity) of the Public
23 Health Service Act (42 U.S.C. 262(k)(6), (7)).

24 (8) SUBSEQUENT FILER.—The term “subse-
25 quent filer” means—

1 (A) in the case of a drug, a party that
2 owns or controls an abbreviated new drug appli-
3 cation submitted pursuant to section 505(j) of
4 the Federal Food, Drug, and Cosmetic Act (21
5 U.S.C. 355(j)) or a new drug application sub-
6 mitted pursuant to section 505(b)(2) of the
7 Federal Food, Drug, and Cosmetic Act
8 (21U.S.C. 355(b)(2)) and filed under section
9 505(b)(1) of such Act (21 U.S.C. 355(b)(1)) or
10 has the exclusive rights to distribute the cov-
11 ered product that is the subject of such applica-
12 tion; or

13 (B) in the case of a biological product, a
14 party that owns or controls an application filed
15 with the Food and Drug Administration under
16 section 351(k) of the Public Health Service Act
17 (42 U.S.C. 262(k)) or has the exclusive rights
18 to distribute the biological product that is the
19 subject of such application.

20 (h) EFFECTIVE DATE.—This section applies with re-
21 spect to agreements described in subsection (a) entered
22 into on or after the date of the enactment of this Act.

23 **SEC. 21016. NOTICE AND CERTIFICATION OF AGREEMENTS.**

24 (a) NOTICE OF ALL AGREEMENTS.—Section 1111(7)
25 of the Medicare Prescription Drug, Improvement, and

1 Modernization Act of 2003 (21 U.S.C. 355 note) is
2 amended by inserting “or the owner of a patent for which
3 a claim of infringement could reasonably be asserted
4 against any person for making, using, offering to sell, sell-
5 ing, or importing into the United States a biological prod-
6 uct that is the subject of a biosimilar biological product
7 application” before the period at the end.

8 (b) CERTIFICATION OF AGREEMENTS.—Section 1112
9 of such Act (21 U.S.C. 355 note) is amended by adding
10 at the end the following:

11 “(d) CERTIFICATION.—The Chief Executive Officer
12 or the company official responsible for negotiating any
13 agreement under subsection (a) or (b) that is required to
14 be filed under subsection (c) shall, within 30 days of such
15 filing, execute and file with the Assistant Attorney General
16 and the Commission a certification as follows: ‘I declare
17 that the following is true, correct, and complete to the best
18 of my knowledge: The materials filed with the Federal
19 Trade Commission and the Department of Justice under
20 section 1112 of the Medicare Prescription Drug, Improve-
21 ment, and Modernization Act of 2003, with respect to the
22 agreement referenced in this certification—

23 ““(1) represent the complete, final, and exclu-
24 sive agreement between the parties;

1 “(2) include any ancillary agreements that are
2 contingent upon, provide a contingent condition for,
3 were entered into within 30 days of, or are otherwise
4 related to, the referenced agreement; and

5 “(3) include written descriptions of any oral
6 agreements, representations, commitments, or prom-
7 ises between the parties that are responsive to sub-
8 section (a) or (b) of such section 1112 and have not
9 been reduced to writing.’”.

10 **SEC. 21017. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.**

11 Section 505(j)(5)(D)(i)(V) of the Federal Food,
12 Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V))
13 is amended by inserting “section 111 of the Strengthening
14 Health Care and Lowering Prescription Drug Costs Act
15 or” after “that the agreement has violated”.

16 **SEC. 21018. COMMISSION LITIGATION AUTHORITY.**

17 Section 16(a)(2) of the Federal Trade Commission
18 Act (15 U.S.C. 56(a)(2)) is amended—

19 (1) in subparagraph (D), by striking “or” after
20 the semicolon;

21 (2) in subparagraph (E), by inserting “or”
22 after the semicolon; and

23 (3) by inserting after subparagraph (E) the fol-
24 lowing:

1 “(F) under section 111(d)(3)(A) of the
2 Strengthening Health Care and Lowering Pre-
3 scription Drug Costs Act;”.

4 **SEC. 21019. STATUTE OF LIMITATIONS.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), the Commission shall commence any administrative
7 proceeding or civil action to enforce section 21121 of this
8 subtitle not later than 6 years after the date on which
9 the parties to the agreement file the Notice of Agreement
10 as provided by section 1112(c)(2) and (d) of the Medicare
11 Prescription Drug, Improvement, and Modernization Act
12 of 2003 (21 U.S.C. 355 note).

13 (b) CIVIL ACTION AFTER ISSUANCE OF CEASE AND
14 DESIST ORDER.—If the Commission has issued a cease
15 and desist order under section 5 of the Federal Trade
16 Commission Act (15 U.S.C. 45) for violation of section
17 21121 of this subtitle and the proceeding for the issuance
18 of such order was commenced within the period required
19 by subsection (a) of this section, such subsection does not
20 prohibit the commencement, after such period, of a civil
21 action under section 111(d)(3)(A) against a party to such
22 order or a civil action under subsection (l) of such section
23 5 for violation of such order.

1 **Subpart C—Creating and Restoring Equal Access to**
2 **Equivalent Samples**

3 **SEC. 21021. ACTIONS FOR DELAYS OF GENERIC DRUGS AND**
4 **BIOSIMILAR BIOLOGICAL PRODUCTS.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “commercially reasonable, market-
7 based terms” means—

8 (A) a nondiscriminatory price for the sale
9 of the covered product at or below, but not
10 greater than, the most recent wholesale acquisition
11 cost for the drug, as defined in section
12 1847A(c)(6)(B) of the Social Security Act (42
13 U.S.C. 1395w–3a(c)(6)(B));

14 (B) a schedule for delivery that results in
15 the transfer of the covered product to the eligible
16 product developer consistent with the timing
17 under subsection (b)(2)(A)(iv); and

18 (C) no additional conditions are imposed
19 on the sale of the covered product;

20 (2) the term “covered product”—

21 (A) means—

22 (i) any drug approved under sub-
23 section (c) or (j) of section 505 of the Fed-
24 eral Food, Drug, and Cosmetic Act (21
25 U.S.C. 355) or biological product licensed
26 under subsection (a) or (k) of section 351

1 of the Public Health Service Act (42
2 U.S.C. 262);

3 (ii) any combination of a drug or bio-
4 logical product described in clause (i); or

5 (iii) when reasonably necessary to
6 support approval of an application under
7 section 505 of the Federal Food, Drug,
8 and Cosmetic Act (21 U.S.C. 355), or sec-
9 tion 351 of the Public Health Service Act
10 (42 U.S.C. 262), as applicable, or other-
11 wise meet the requirements for approval
12 under either such section, any product, in-
13 cluding any device, that is marketed or in-
14 tended for use with such a drug or biologi-
15 cal product; and

16 (B) does not include any drug or biological
17 product that appears on the drug shortage list
18 in effect under section 506E of the Federal
19 Food, Drug, and Cosmetic Act (21 U.S.C.
20 356e), unless—

21 (i) the drug or biological product has
22 been on the drug shortage list in effect
23 under such section 506E continuously for
24 more than 6 months; or

1 (ii) the Secretary determines that in-
2 clusion of the drug or biological product as
3 a covered product is likely to contribute to
4 alleviating or preventing a shortage.

5 (3) the term “device” has the meaning given
6 the term in section 201 of the Federal Food, Drug,
7 and Cosmetic Act (21 U.S.C. 321);

8 (4) the term “eligible product developer” means
9 a person that seeks to develop a product for ap-
10 proval pursuant to an application for approval under
11 subsection (b)(2) or (j) of section 505 of the Federal
12 Food, Drug, and Cosmetic Act (21 U.S.C. 355) or
13 for licensing pursuant to an application under sec-
14 tion 351(k) of the Public Health Service Act (42
15 U.S.C. 262(k));

16 (5) the term “license holder” means the holder
17 of an application approved under subsection (c) or
18 (j) of section 505 of the Federal Food, Drug, and
19 Cosmetic Act (21 U.S.C. 355) or the holder of a li-
20 cense under subsection (a) or (k) of section 351 of
21 the Public Health Service Act (42 U.S.C. 262) for
22 a covered product;

23 (6) the term “REMS” means a risk evaluation
24 and mitigation strategy under section 505–1 of the

1 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
2 355–1);

3 (7) the term “REMS with ETASU” means a
4 REMS that contains elements to assure safe use
5 under section 505–1(f) of the Federal Food, Drug,
6 and Cosmetic Act (21 U.S.C. 355–1(f));

7 (8) the term “Secretary” means the Secretary
8 of Health and Human Services;

9 (9) the term “single, shared system of elements
10 to assure safe use” means a single, shared system
11 of elements to assure safe use under section 505–
12 1(f) of the Federal Food, Drug, and Cosmetic Act
13 (21 U.S.C. 355–1(f)); and

14 (10) the term “sufficient quantities” means an
15 amount of a covered product that the eligible prod-
16 uct developer determines allows it to—

17 (A) conduct testing to support an applica-
18 tion under—

19 (i) subsection (b)(2) or (j) of section
20 505 of the Federal Food, Drug, and Cos-
21 metic Act (21 U.S.C. 355); or

22 (ii) section 351(k) of the Public
23 Health Service Act (42 U.S.C. 262(k));
24 and

1 (B) fulfill any regulatory requirements re-
2 lating to approval of such an application.

3 (b) CIVIL ACTION FOR FAILURE TO PROVIDE SUFFI-
4 CIENT QUANTITIES OF A COVERED PRODUCT.—

5 (1) IN GENERAL.—An eligible product developer
6 may bring a civil action against the license holder
7 for a covered product seeking relief under this sub-
8 section in an appropriate district court of the United
9 States alleging that the license holder has declined
10 to provide sufficient quantities of the covered prod-
11 uct to the eligible product developer on commercially
12 reasonable, market-based terms.

13 (2) ELEMENTS.—

14 (A) IN GENERAL.—To prevail in a civil ac-
15 tion brought under paragraph (1), an eligible
16 product developer shall prove, by a preponder-
17 ance of the evidence—

18 (i) that—

19 (I) the covered product is not
20 subject to a REMS with ETASU; or

21 (II) if the covered product is sub-
22 ject to a REMS with ETASU—

23 (aa) the eligible product de-
24 veloper has obtained a covered
25 product authorization from the

1 Secretary in accordance with sub-
2 paragraph (B); and

3 (bb) the eligible product de-
4 veloper has provided a copy of
5 the covered product authorization
6 to the license holder;

7 (ii) that, as of the date on which the
8 civil action is filed, the product developer
9 has not obtained sufficient quantities of
10 the covered product on commercially rea-
11 sonable, market-based terms;

12 (iii) that the eligible product developer
13 has submitted a written request to pur-
14 chase sufficient quantities of the covered
15 product to the license holder and such re-
16 quest—

17 (I) was sent to a named cor-
18 porate officer of the license holder;

19 (II) was made by certified or reg-
20 istered mail with return receipt re-
21 quested;

22 (III) specified an individual as
23 the point of contact for the license
24 holder to direct communications re-
25 lated to the sale of the covered prod-

1 uct to the eligible product developer
2 and a means for electronic and writ-
3 ten communications with that indi-
4 vidual; and

5 (IV) specified an address to
6 which the covered product was to be
7 shipped upon reaching an agreement
8 to transfer the covered product; and

9 (iv) that the license holder has not de-
10 livered to the eligible product developer
11 sufficient quantities of the covered product
12 on commercially reasonable, market-based
13 terms—

14 (I) for a covered product that is
15 not subject to a REMS with ETASU,
16 by the date that is 31 days after the
17 date on which the license holder re-
18 ceived the request for the covered
19 product; and

20 (II) for a covered product that is
21 subject to a REMS with ETASU, by
22 31 days after the later of—

23 (aa) the date on which the
24 license holder received the re-
25 quest for the covered product; or

1 (bb) the date on which the
2 license holder received a copy of
3 the covered product authorization
4 issued by the Secretary in ac-
5 cordance with subparagraph (B).

6 (B) AUTHORIZATION FOR COVERED PROD-
7 UCT SUBJECT TO A REMS WITH ETASU.—

8 (i) REQUEST.—An eligible product de-
9 veloper may submit to the Secretary a
10 written request for the eligible product de-
11 veloper to be authorized to obtain suffi-
12 cient quantities of an individual covered
13 product subject to a REMS with ETASU.

14 (ii) AUTHORIZATION.—Not later than
15 120 days after the date on which a request
16 under clause (i) is received, the Secretary
17 shall, by written notice, authorize the eligi-
18 ble product developer to obtain sufficient
19 quantities of an individual covered product
20 subject to a REMS with ETASU for pur-
21 poses of—

22 (I) development and testing that
23 does not involve human clinical trials,
24 if the eligible product developer has

1 agreed to comply with any conditions
2 the Secretary determines necessary; or

3 (II) development and testing that
4 involves human clinical trials, if the
5 eligible product developer has—

6 (aa)(AA) submitted proto-
7 cols, informed consent docu-
8 ments, and informational mate-
9 rials for testing that include pro-
10 tections that provide safety pro-
11 tections comparable to those pro-
12 vided by the REMS for the cov-
13 ered product; or

14 (BB) otherwise satisfied the
15 Secretary that such protections
16 will be provided; and

17 (bb) met any other require-
18 ments the Secretary may estab-
19 lish.

20 (iii) NOTICE.—A covered product au-
21 thorization issued under this subparagraph
22 shall state that the provision of the covered
23 product by the license holder under the
24 terms of the authorization will not be a

1 violation of the REMS for the covered
2 product.

3 (3) AFFIRMATIVE DEFENSE.—In a civil action
4 brought under paragraph (1), it shall be an affirma-
5 tive defense, on which the defendant has the burden
6 of persuasion by a preponderance of the evidence—

7 (A) that, on the date on which the eligible
8 product developer requested to purchase suffi-
9 cient quantities of the covered product from the
10 license holder—

11 (i) neither the license holder nor any
12 of its agents, wholesalers, or distributors
13 was engaged in the manufacturing or com-
14 mercial marketing of the covered product;
15 and

16 (ii) neither the license holder nor any
17 of its agents, wholesalers, or distributors
18 otherwise had access to inventory of the
19 covered product to supply to the eligible
20 product developer on commercially reason-
21 able, market-based terms;

22 (B) that—

23 (i) the license holder sells the covered
24 product through agents, distributors, or
25 wholesalers;

1 (ii) the license holder has placed no
2 restrictions, explicit or implicit, on its
3 agents, distributors, or wholesalers to sell
4 covered products to eligible product devel-
5 opers; and

6 (iii) the covered product can be pur-
7 chased by the eligible product developer in
8 sufficient quantities on commercially rea-
9 sonable, market-based terms from the
10 agents, distributors, or wholesalers of the
11 license holder; or

12 (C) that the license holder made an offer
13 to the individual specified pursuant to para-
14 graph (2)(A)(iii)(III), by a means of commu-
15 nication (electronic, written, or both) specified
16 pursuant to such paragraph, to sell sufficient
17 quantities of the covered product to the eligible
18 product developer at commercially reasonable
19 market-based terms—

20 (i) for a covered product that is not
21 subject to a REMS with ETASU, by the
22 date that is 14 days after the date on
23 which the license holder received the re-
24 quest for the covered product, and the eli-
25 gible product developer did not accept such

1 offer by the date that is 7 days after the
2 date on which the eligible product devel-
3 oper received such offer from the license
4 holder; or

5 (ii) for a covered product that is sub-
6 ject to a REMS with ETASU, by the date
7 that is 20 days after the date on which the
8 license holder received the request for the
9 covered product, and the eligible product
10 developer did not accept such offer by the
11 date that is 10 days after the date on
12 which the eligible product developer re-
13 ceived such offer from the license holder.

14 (4) REMEDIES.—

15 (A) IN GENERAL.—If an eligible product
16 developer prevails in a civil action brought
17 under paragraph (1), the court shall—

18 (i) order the license holder to provide
19 to the eligible product developer without
20 delay sufficient quantities of the covered
21 product on commercially reasonable, mar-
22 ket-based terms;

23 (ii) award to the eligible product de-
24 veloper reasonable attorney's fees and costs
25 of the civil action; and

1 (iii) award to the eligible product de-
2 veloper a monetary amount sufficient to
3 deter the license holder from failing to pro-
4 vide eligible product developers with suffi-
5 cient quantities of a covered product on
6 commercially reasonable, market-based
7 terms, if the court finds, by a preponder-
8 ance of the evidence—

9 (I) that the license holder delayed
10 providing sufficient quantities of the
11 covered product to the eligible product
12 developer without a legitimate busi-
13 ness justification; or

14 (II) that the license holder failed
15 to comply with an order issued under
16 clause (i).

17 (B) MAXIMUM MONETARY AMOUNT.—A
18 monetary amount awarded under subparagraph
19 (A)(iii) shall not be greater than the revenue
20 that the license holder earned on the covered
21 product during the period—

22 (i) beginning on—

23 (I) for a covered product that is
24 not subject to a REMS with ETASU,
25 the date that is 31 days after the date

1 on which the license holder received
2 the request; or

3 (II) for a covered product that is
4 subject to a REMS with ETASU, the
5 date that is 31 days after the later
6 of—

7 (aa) the date on which the
8 license holder received the re-
9 quest; or

10 (bb) the date on which the
11 license holder received a copy of
12 the covered product authorization
13 issued by the Secretary in ac-
14 cordance with paragraph (2)(B);
15 and

16 (ii) ending on the date on which the
17 eligible product developer received suffi-
18 cient quantities of the covered product.

19 (C) AVOIDANCE OF DELAY.—The court
20 may issue an order under subparagraph (A)(i)
21 before conducting further proceedings that may
22 be necessary to determine whether the eligible
23 product developer is entitled to an award under
24 clause (ii) or (iii) of subparagraph (A), or the
25 amount of any such award.

1 (c) LIMITATION OF LIABILITY.—A license holder for
2 a covered product shall not be liable for any claim under
3 Federal, State, or local law arising out of the failure of
4 an eligible product developer to follow adequate safeguards
5 to assure safe use of the covered product during develop-
6 ment or testing activities described in this section, includ-
7 ing transportation, handling, use, or disposal of the cov-
8 ered product by the eligible product developer.

9 (d) NO VIOLATION OF REMS.—Section 505–1 of the
10 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–
11 1) is amended by adding at the end the following new sub-
12 section:

13 “(l) PROVISION OF SAMPLES NOT A VIOLATION OF
14 STRATEGY.—The provision of samples of a covered prod-
15 uct to an eligible product developer (as those terms are
16 defined in section 2113(a) of the Strengthening Health
17 Care and Lowering Prescription Drug Costs Act) shall not
18 be considered a violation of the requirements of any risk
19 evaluation and mitigation strategy that may be in place
20 under this section for such drug.”.

21 (e) RULE OF CONSTRUCTION.—

22 (1) DEFINITION.—In this subsection, the term
23 “antitrust laws”—

1 (A) has the meaning given the term in
2 subsection (a) of the first section of the Clayton
3 Act (15 U.S.C. 12); and

4 (B) includes section 5 of the Federal
5 Trade Commission Act (15 U.S.C. 45) to the
6 extent that such section applies to unfair meth-
7 ods of competition.

8 (2) ANTITRUST LAWS.—Nothing in this section
9 shall be construed to limit the operation of any pro-
10 vision of the antitrust laws.

11 **SEC. 21022. REMS APPROVAL PROCESS FOR SUBSEQUENT**
12 **FILERS.**

13 Section 505–1 of the Federal Food, Drug, and Cos-
14 metic Act (21 U.S.C. 355–1), as amended by section
15 21131, is further amended—

16 (1) in subsection (g)(4)(B)—

17 (A) in clause (i) by striking “or” after the
18 semicolon;

19 (B) in clause (ii) by striking the period at
20 the end and inserting “; or”; and

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

22 “(iii) accommodate different, com-
23 parable aspects of the elements to assure
24 safe use for a drug that is the subject of

1 an application under section 505(j), and
2 the applicable listed drug.”;

3 (2) in subsection (i)(1), by striking subpara-
4 graph (C) and inserting the following:

5 “(C)(i) Elements to assure safe use, if re-
6 quired under subsection (f) for the listed drug,
7 which, subject to clause (ii), for a drug that is
8 the subject of an application under section
9 505(j) may use—

10 “(I) a single, shared system with the
11 listed drug under subsection (f); or

12 “(II) a different, comparable aspect of
13 the elements to assure safe use under sub-
14 section (f).

15 “(ii) The Secretary may require a drug
16 that is the subject of an application under sec-
17 tion 505(j) and the listed drug to use a single,
18 shared system under subsection (f), if the Sec-
19 retary determines that no different, comparable
20 aspect of the elements to assure safe use could
21 satisfy the requirements of subsection (f).”;

22 (3) in subsection (i), by adding at the end the
23 following:

24 “(3) SHARED REMS.—If the Secretary ap-
25 proves, in accordance with paragraph (1)(C)(i)(II), a

1 different, comparable aspect of the elements to as-
2 sure safe use under subsection (f) for a drug that
3 is the subject of an abbreviated new drug application
4 under section 505(j), the Secretary may require that
5 such different comparable aspect of the elements to
6 assure safe use can be used with respect to any
7 other drug that is the subject of an application
8 under section 505(j) or 505(b) that references the
9 same listed drug.”; and

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

11 “(m) SEPARATE REMS.—When used in this section,
12 the terms ‘different, comparable aspect of the elements to
13 assure safe use’ or ‘different, comparable approved risk
14 evaluation and mitigation strategies’ means a risk evalua-
15 tion and mitigation strategy for a drug that is the subject
16 of an application under section 505(j) that uses different
17 methods or operational means than the strategy required
18 under subsection (a) for the applicable listed drug, or
19 other application under section 505(j) with the same such
20 listed drug, but achieves the same level of safety as such
21 strategy.”.

22 **SEC. 21023. RULE OF CONSTRUCTION.**

23 (a) IN GENERAL.—Nothing in this subpart, the
24 amendments made by this subpart, or in section 505–1

1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
2 355–1), shall be construed as—

3 (1) prohibiting a license holder from providing
4 an eligible product developer access to a covered
5 product in the absence of an authorization under
6 this subpart; or

7 (2) in any way negating the applicability of a
8 REMS with ETASU, as otherwise required under
9 such section 505–1, with respect to such covered
10 product.

11 (b) DEFINITIONS.—In this section, the terms “cov-
12 ered product”, “eligible product developer”, “license hold-
13 er”, and “REMS with ETASU” have the meanings given
14 such terms in section 2113(a).

15 **Subpart D—Study on Role of Federal Assistance in**
16 **Drug Development**

17 **SEC. 21025. STUDY ON ROLE OF FEDERAL ASSISTANCE IN**
18 **DRUG DEVELOPMENT.**

19 (a) IN GENERAL.—Not later than 2 years after the
20 date of the enactment of this Act, the Secretary of the
21 Health and Human Services shall enter into a contract
22 with the National Academy of Medicine to conduct a study
23 on, and submit to Congress a report on, the following:

1 (1) The percentage of drugs developed in the
2 United States using at least some amount of Federal
3 funding from any Federal source.

4 (2) The average cost incurred by a drug devel-
5 oper to develop a drug.

6 (3) The average amount of revenue and profits
7 made by drug developers from the sales of drugs.

8 (4) The percentage of such revenue and profits
9 that are reinvested into research and development of
10 new drugs.

11 (5) The appropriate percentage, if any, of such
12 revenue and profits the Secretary, in consultation
13 with the National Academy of Medicine, rec-
14 ommends should be returned to Federal entities for
15 Federal funding used in the development of the
16 drugs involved.

17 (b) ENFORCEMENT.—A drug developer shall, as a
18 condition of receipt of any Federal funding for the devel-
19 opment of drugs, comply with any request for the data
20 necessary to perform the study under subsection (a).

21 (c) CONFIDENTIALITY.—This section does not au-
22 thorize the disclosure of any trade secret, confidential
23 commercial or financial information, or other matter listed
24 in section 552(b) of title 5, United States Code.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “drug” has the meaning given
2 such term in section 201 of the Federal Food, Drug,
3 and Cosmetic Act (21 U.S.C. 321).

4 (2) The term “drug developer” means an entity
5 that submitted, and received approval of, an applica-
6 tion under section 505 of the Federal Food, Drug,
7 and Cosmetic Act (21 U.S.C. 355) or section 351 of
8 the Public Health Service Act (42 U.S.C. 262).

9 **Subpart E—Pharmacy School Outreach**

10 **SEC. 21031. PHARMACY SCHOOL OUTREACH.**

11 The Secretary of Health and Human Services and the
12 Secretary of Education shall make every effort necessary
13 to ensure appropriate outreach to institutions of higher
14 education to ensure that students and faculty at schools
15 of pharmacy are provided with materials regarding generic
16 drugs and biosimilar biological products, including mate-
17 rials on—

18 (1) how generic drugs and biosimilar biological
19 products are equivalent or similar to brand-name
20 drugs;

21 (2) the approval process at the Food and Drug
22 Administration for generic drugs and biosimilar bio-
23 logical products;

1 (3) how to make consumers aware of the avail-
 2 ability of generic drugs and biosimilar biological
 3 products;

4 (4) requirements for substituting generic drugs
 5 and biosimilar biological products in place of cor-
 6 responding drugs products; and

7 (5) the impacts of generic drugs and biosimilar
 8 biological products on consumer costs.

9 **Subpart F—Reports**

10 **SEC. 21035. EFFECTS OF INCREASES IN PRESCRIPTION**
 11 **DRUG PRICE.**

12 Not later than 1 year after the date of enactment
 13 of this Act, the Secretary of Health and Human Services
 14 shall submit a report to the Congress on the extent to
 15 which increases in prescription drug prices may have
 16 caused Medicare beneficiaries to forego recommended
 17 treatment, including failing to fill prescriptions.

18 **PART 2—HEALTH INSURANCE MARKET**
 19 **STABILIZATION**

20 **SEC. 21041. PRESERVING STATE OPTION TO IMPLEMENT**
 21 **HEALTH CARE MARKETPLACES.**

22 (a) IN GENERAL.—Section 1311 of the Patient Pro-
 23 tection and Affordable Care Act (42 U.S.C. 18031) is
 24 amended—

25 (1) in subsection (a)—

1 (A) in paragraph (4)(B), by striking
2 “under this subsection” and inserting “under
3 this paragraph or paragraph (1)”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(6) ADDITIONAL PLANNING AND ESTABLISH-
7 MENT GRANTS.—

8 “(A) IN GENERAL.—There shall be appro-
9 priated to the Secretary, out of any moneys in
10 the Treasury not otherwise appropriated, \$200
11 million to award grants to eligible States for
12 the uses described in paragraph (3).

13 “(B) DURATION AND RENEWABILITY.—A
14 grant awarded under subparagraph (A) shall be
15 for a period of 2 years and may not be renewed.

16 “(C) LIMITATION.—A grant may not be
17 awarded under subparagraph (A) after Decem-
18 ber 31, 2023.

19 “(D) ELIGIBLE STATE DEFINED.—For
20 purposes of this paragraph, the term ‘eligible
21 State’ means a State that, as of the date of the
22 enactment of this paragraph, is not operating
23 an Exchange (other than an Exchange de-
24 scribed in section 155.200(f) of title 45, Code
25 of Federal Regulations).”; and

1 (2) in subsection (d)(5)(A)—

2 (A) by striking “OPERATIONS.—In estab-
3 lishing an Exchange under this section” and in-
4 serting “OPERATIONS.—

5 “(i) IN GENERAL.—In establishing an
6 Exchange under this section (other than in
7 establishing an Exchange pursuant to a
8 grant awarded under subsection (a)(6))”;
9 and

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

11 “(ii) ADDITIONAL PLANNING AND ES-
12 TABLISHMENT GRANTS.—In establishing
13 an Exchange pursuant to a grant awarded
14 under subsection (a)(6), the State shall en-
15 sure that such Exchange is self-sustaining
16 beginning on January 1, 2025, including
17 allowing the Exchange to charge assess-
18 ments or user fees to participating health
19 insurance issuers, or to otherwise generate
20 funding, to support its operations.”.

21 (b) CLARIFICATION REGARDING FAILURE TO ESTAB-
22 LISH EXCHANGE OR IMPLEMENT REQUIREMENTS.—Sec-
23 tion 1321(c) of the Patient Protection and Affordable
24 Care Act (42 U.S.C. 18041(c)) is amended—

1 (1) in paragraph (1), by striking “If” and in-
2 serting “Subject to paragraph (3), if”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(3) CLARIFICATION.—This subsection shall
6 not apply in the case of a State that elects to apply
7 the requirements described in subsection (a) and
8 satisfies the requirement described in subsection (b)
9 on or after January 1, 2014.”.

10 **SEC. 21042. PROVIDING FOR ADDITIONAL REQUIREMENTS**

11 **WITH RESPECT TO THE NAVIGATOR PRO-**
12 **GRAM.**

13 (a) IN GENERAL.—Section 1311(i) of the Patient
14 Protection and Affordable Care Act (42 U.S.C. 18031(i))
15 is amended—

16 (1) in paragraph (2), by adding at the end the
17 following new subparagraph:

18 “(C) SELECTION OF RECIPIENTS.—In the
19 case of an Exchange established and operated
20 by the Secretary within a State pursuant to sec-
21 tion 1321(c), in awarding grants under para-
22 graph (1), the Exchange shall—

23 “(i) select entities to receive such
24 grants based on an entity’s demonstrated

1 capacity to carry out each of the duties
2 specified in paragraph (3);

3 “(ii) not take into account whether or
4 not the entity has demonstrated how the
5 entity will provide information to individ-
6 uals relating to group health plans offered
7 by a group or association of employers de-
8 scribed in section 2510.3–5(b) of title 29,
9 Code of Federal Regulations (or any suc-
10 cessor regulation), or short-term limited
11 duration insurance (as defined by the Sec-
12 retary for purposes of section 2791(b)(5)
13 of the Public Health Service Act); and

14 “(iii) ensure that, each year, the Ex-
15 change awards such a grant to—

16 “(I) at least one entity described
17 in this paragraph that is a community
18 and consumer-focused nonprofit
19 group; and

20 “(II) at least one entity described
21 in subparagraph (B), which may in-
22 clude another community and con-
23 sumer-focused nonprofit group in ad-
24 dition to any such group awarded a
25 grant pursuant to subclause (I).

1 In awarding such grants, an Exchange may
2 consider an entity's record with respect to
3 waste, fraud, and abuse for purposes of main-
4 taining the integrity of such Exchange.”.

5 (2) in paragraph (3)—

6 (A) by amending subparagraph (C) to read
7 as follows:

8 “(C) facilitate enrollment, including with
9 respect to individuals with limited English pro-
10 ficiency and individuals with chronic illnesses,
11 in qualified health plans, State medicaid plans
12 under title XIX of the Social Security Act, and
13 State child health plans under title XXI of such
14 Act;”;

15 (B) in subparagraph (D), by striking
16 “and” at the end;

17 (C) in subparagraph (E), by striking the
18 period at the end and inserting a semicolon;

19 (D) by inserting after subparagraph (E)
20 the following:

21 “(F) conduct public education activities in
22 plain language to raise awareness of the re-
23 quirements of and the protections provided
24 under—

1 “(i) the essential health benefits pack-
2 age (as defined in section 1302(a)); and

3 “(ii) section 2726 of the Public
4 Health Service Act (relating to parity in
5 mental health and substance use disorder
6 benefits); and”;

7 (E) by inserting after subparagraph (F)
8 (as added by subparagraph (D)) the following
9 new subparagraph:

10 “(G) provide referrals to community-based
11 organizations that address social needs related
12 to health outcomes.”; and

13 (F) by adding at the end the following
14 flush left sentence:

15 “The duties specified in the preceding sentences may
16 be carried out by such a navigator at any time dur-
17 ing a year.”;

18 (3) in paragraph (4)(A)—

19 (A) in the matter preceding clause (i), by
20 striking “not”;

21 (B) in clause (i)—

22 (i) by inserting “not” before “be”;
23 and

24 (ii) by striking “; or” and inserting a
25 semicolon;

1 (C) in clause (ii)—

2 (i) by inserting “not” before “re-
3 ceive”; and

4 (ii) by striking the period and insert-
5 ing a semicolon; and

6 (D) by adding at the end the following new
7 clauses:

8 “(iii) maintain physical presence in
9 the State of the Exchange so as to allow
10 in-person assistance to consumers;

11 “(iv) receive training on how to assist
12 individuals with enrolling for medical as-
13 sistance under State plans under the Med-
14 icaid program under title XIX of the Social
15 Security Act or for child health assistance
16 under State child health plans under title
17 XXI of such Act; and

18 “(v) receive opioid specific education
19 and training that ensures the navigator
20 can best educate individuals on qualified
21 health plans offered through an Exchange,
22 specifically coverage under such plans for
23 opioid health care treatment.”; and

24 (4) in paragraph (6)—

1 (A) by striking “FUNDING.—Grants
2 under” and inserting “FUNDING.—

3 “(A) STATE EXCHANGES.—Subject to sub-
4 paragraph (C), grants under”; and

5 (B) by adding at the end the following new
6 subparagraphs:

7 “(B) FEDERAL EXCHANGES.—For pur-
8 poses of carrying out this subsection, with re-
9 spect to an Exchange established and operated
10 by the Secretary within a State pursuant to sec-
11 tion 1321(c), the Secretary shall obligate \$100
12 million out of amounts collected through the
13 user fees on participating health insurance
14 issuers pursuant to section 156.50 of title 45,
15 Code of Federal Regulations (or any successor
16 regulations) for fiscal year 2022 and each sub-
17 sequent fiscal year. Such amount for a fiscal
18 year shall remain available until expended.

19 “(C) STATE EXCHANGES.—For the pur-
20 poses of carrying out this subsection, with re-
21 spect to an Exchange operated by a State pur-
22 suant to this section, there is authorized to be
23 appropriated \$25 million for fiscal year 2022
24 and each subsequent fiscal year. Each State re-
25 ceiving a grant pursuant to this subparagraph

1 shall receive a grant in an amount that is not
2 less than \$1 million.”.

3 (b) STUDY ON EFFECTS OF FUNDING CUTS.—Not
4 later than 1 year after the date of the enactment of this
5 Act, the Comptroller General of the United States shall
6 study the effects of funding cuts made for plan year 2020
7 with respect to the navigator program (as described in sec-
8 tion 1311(i) of the Patient Protection and Affordable Care
9 Act (42 U.S.C. 18031(i))) and other education and out-
10 reach activities carried out with respect to Exchanges es-
11 tablished by the Secretary of Health and Human Services
12 pursuant to section 1321(c) of such Act. Such study shall
13 describe the following:

14 (1) How such funding cuts negatively impacted
15 the ability of entities under such program to conduct
16 outreach activities and fulfill duties required under
17 such section 1311(i).

18 (2) The overall effect on—

19 (A) the number of individuals enrolled in
20 health insurance coverage offered in the indi-
21 vidual market for plan year 2021; and

22 (B) the costs of health insurance coverage
23 offered in the individual market.

24 (c) PROMOTE TRANSPARENCY AND ACCOUNTABILITY
25 IN THE ADMINISTRATION’S EXPENDITURES OF EX-

1 CHANGE USER FEES.—For plan year 2021 and each sub-
2 sequent plan year, not later than the date that is 3 months
3 after the end of such plan year, the Secretary of Health
4 and Human Services shall submit to the appropriate com-
5 mittees of Congress and make available to the public an
6 annual report on the expenditures by the Department of
7 Health and Human Services of user fees collected pursu-
8 ant to section 156.50 of title 45, Code of Federal Regula-
9 tions (or any successor regulations). Each such report for
10 a plan year shall include a detailed accounting of the
11 amount of such user fees collected during such plan year
12 and of the amount of such expenditures used during such
13 plan year for the federally facilitated Exchange operated
14 pursuant to section 1321(c) of the Patient Protection and
15 Affordable Care Act (42 U.S.C. 18041(c)) on outreach
16 and enrollment activities, navigators, maintenance of
17 Healthcare.gov, and operation of call centers.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to plan years begin-
20 ning on or after January 1, 2021.

21 **SEC. 21043. FEDERAL EXCHANGE OUTREACH AND EDU-**
22 **CATIONAL ACTIVITIES AND ANNUAL ENROLL-**
23 **MENT TARGETS.**

24 (a) IN GENERAL.—Section 1321(c) of the Patient
25 Protection and Affordable Care Act (42 U.S.C. 18041(c)),

1 as amended by section 21171(b)(2), is further amended
2 by adding at the end the following new paragraphs:

3 “(4) OUTREACH AND EDUCATIONAL ACTIVITIES.—
4

5 “(A) IN GENERAL.—In the case of an Ex-
6 change established or operated by the Secretary
7 within a State pursuant to this subsection, the
8 Secretary shall carry out outreach and edu-
9 cational activities for purposes of informing in-
10 dividuals about qualified health plans offered
11 through the Exchange, including by informing
12 such individuals of the availability of coverage
13 under such plans and financial assistance for
14 coverage under such plans. Such outreach and
15 educational activities shall be provided in a
16 manner that is culturally and linguistically ap-
17 propriate to the needs of the populations being
18 served by the Exchange (including hard-to-
19 reach populations, such as racial and sexual mi-
20 norities, limited English proficient populations,
21 individuals residing in areas where the unem-
22 ployment rates exceeds the national average un-
23 employment rate, individuals in rural areas, vet-
24 erans, and young adults) and shall be provided
25 to populations residing in high health disparity

1 areas (as defined in subparagraph (E)) served
2 by the Exchange, in addition to other popu-
3 lations served by the Exchange.

4 “(B) LIMITATION ON USE OF FUNDS.—No
5 funds appropriated under this paragraph shall
6 be used for expenditures for promoting non-
7 ACA compliant health insurance coverage.

8 “(C) NON-ACA COMPLIANT HEALTH INSUR-
9 ANCE COVERAGE.—For purposes of subpara-
10 graph (B):

11 “(i) The term ‘non-ACA compliant
12 health insurance coverage’ means health
13 insurance coverage, or a group health plan,
14 that is not a qualified health plan.

15 “(ii) Such term includes the following:

16 “(I) An association health plan.

17 “(II) Short-term limited duration
18 insurance.

19 “(D) FUNDING.—Out of any funds in the
20 Treasury not otherwise appropriated, there are
21 hereby appropriated for fiscal year 2022 and
22 each subsequent fiscal year, \$100 million to
23 carry out this paragraph. Funds appropriated
24 under this subparagraph shall remain available
25 until expended.

1 “(E) HIGH HEALTH DISPARITY AREA DE-
2 FINED.—For purposes of subparagraph (A), the
3 term ‘high health disparity area’ means a con-
4 tiguous geographic area that—

5 “(i) is located in one census tract or
6 ZIP code;

7 “(ii) has measurable and documented
8 racial, ethnic, or geographic health dispari-
9 ties;

10 “(iii) has a low-income population, as
11 demonstrated by—

12 “(I) average income below 138
13 percent of the Federal poverty line; or

14 “(II) a rate of participation in
15 the special supplemental nutrition
16 program under section 17 of the Child
17 Nutrition Act of 1966 (42 U.S.C.
18 1786) that is higher than the national
19 average rate of participation in such
20 program;

21 “(iv) has poor health outcomes, as
22 demonstrated by—

23 “(I) lower life expectancy than
24 the national average; or

1 “(II) a higher percentage of in-
2 stances of low birth weight than the
3 national average; and

4 “(v) is part of a Metropolitan Statis-
5 tical Area identified by the Office of Man-
6 agement and Budget.

7 “(5) ANNUAL ENROLLMENT TARGETS.—For
8 plan year 2021 and each subsequent plan year, in
9 the case of an Exchange established or operated by
10 the Secretary within a State pursuant to this sub-
11 section, the Secretary shall establish annual enroll-
12 ment targets for such Exchange for such year.”.

13 (b) STUDY AND REPORT.—Not later than 30 days
14 after the date of the enactment of this Act, the Secretary
15 of Health and Human Services shall release to Congress
16 all aggregated documents relating to studies and data sets
17 that were created on or after January 1, 2014, and related
18 to marketing and outreach with respect to qualified health
19 plans offered through Exchanges under title I of the Pa-
20 tient Protection and Affordable Care Act.

21 **SEC. 21044. SHORT-TERM LIMITED DURATION INSURANCE**
22 **RULE PROHIBITION.**

23 (a) FINDINGS.—Congress finds the following:

1 (1) On August 3, 2018, the Administration
2 issued a final rule entitled “Short-Term, Limited-
3 Duration Insurance” (83 Fed. Reg. 38212).

4 (2) The final rule dramatically expands the sale
5 and marketing of insurance that—

6 (A) may discriminate against individuals
7 living with preexisting health conditions, includ-
8 ing children with complex medical needs and
9 disabilities and their families;

10 (B) lacks important financial protections
11 provided by the Patient Protection and Afford-
12 able Care Act (Public Law 111–148), including
13 the prohibition of annual and lifetime coverage
14 limits and annual out-of-pocket limits, that may
15 increase the cost of treatment and cause finan-
16 cial hardship to those requiring medical care,
17 including children with complex medical needs
18 and disabilities and their families; and

19 (C) excludes coverage of essential health
20 benefits including hospitalization, prescription
21 drugs, and other lifesaving care.

22 (3) The implementation and enforcement of the
23 final rule weakens critical protections for up to 130
24 million Americans living with preexisting health con-
25 ditions and may place a large financial burden on

1 those who enroll in short-term limited-duration in-
2 surance, which jeopardizes Americans’ access to
3 quality, affordable health insurance.

4 (b) PROHIBITION.—The Secretary of Health and
5 Human Services, the Secretary of the Treasury, and the
6 Secretary of Labor may not take any action to implement,
7 enforce, or otherwise give effect to the rule entitled
8 “Short-Term, Limited Duration Insurance” (83 Fed. Reg.
9 38212 (August 3, 2018)), and the Secretaries may not
10 promulgate any substantially similar rule.

11 **SEC. 21045. PROTECTION OF HEALTH INSURANCE COV-**
12 **ERAGE IN CERTAIN EXCHANGES.**

13 In the case of an Exchange that the Secretary of
14 Health and Human Services operates pursuant to section
15 1321(c)(1) of the Patient Protection and Affordable Care
16 Act (42 U.S.C. 18041(c)(1)), the Secretary may not im-
17 plement any process that would terminate the health in-
18 surance coverage of an enrollee solely because such en-
19 rollee did not actively enroll during the most recent open
20 enrollment period.

21 **SEC. 21046. SENSE OF CONGRESS RELATING TO THE PRAC-**
22 **TICE OF SILVER LOADING.**

23 It is the sense of Congress that the Secretary of
24 Health and Human Services should not take any action
25 to prohibit or otherwise restrict the practice commonly

1 known as “silver loading” (as described in the rule entitled
2 “Patient Protection and Affordable Care Act; HHS Notice
3 of Benefit and Payment Parameters for 2021” published
4 on April 25, 2019 (84 Fed. Reg. 17533)).

5 **SEC. 21047. CONSUMER OUTREACH, EDUCATION, AND AS-**
6 **SISTANCE.**

7 (a) OPEN ENROLLMENT REPORTS.—For plan year
8 2021 and each subsequent year, the Secretary of Health
9 and Human Services (referred to in this section as the
10 “Secretary”), in coordination with the Secretary of the
11 Treasury and the Secretary of Labor, shall issue biweekly
12 public reports during the annual open enrollment period
13 on the performance of the Federal Exchange. Each such
14 report shall include a summary, including information on
15 a State-by-State basis where available, of—

- 16 (1) the number of unique website visits;
17 (2) the number of individuals who create an ac-
18 count;
19 (3) the number of calls to the call center;
20 (4) the average wait time for callers contacting
21 the call center;
22 (5) the number of individuals who enroll in a
23 qualified health plan; and
24 (6) the percentage of individuals who enroll in
25 a qualified health plan through each of—

- 1 (A) the website;
- 2 (B) the call center;
- 3 (C) navigators;
- 4 (D) agents and brokers;
- 5 (E) the enrollment assistant program;
- 6 (F) directly from issuers or web brokers;
- 7 and
- 8 (G) other means.

9 (b) OPEN ENROLLMENT AFTER ACTION REPORT.—

10 For plan year 2021 and each subsequent year, the Sec-
11 retary, in coordination with the Secretary of the Treasury
12 and the Secretary of Labor, shall publish an after action
13 report not later than 3 months after the completion of the
14 annual open enrollment period regarding the performance
15 of the Federal Exchange for the applicable plan year.
16 Each such report shall include a summary, including in-
17 formation on a State-by-State basis where available, of—

18 (1) the open enrollment data reported under
19 subsection (a) for the entirety of the enrollment pe-
20 riod; and

21 (2) activities related to patient navigators de-
22 scribed in section 1311(i) of the Patient Protection
23 and Affordable Care Act (42 U.S.C. 18031(i)), in-
24 cluding—

1 (A) the performance objectives established
2 by the Secretary for such patient navigators;

3 (B) the number of consumers enrolled by
4 such a patient navigator;

5 (C) an assessment of how such patient
6 navigators have met established performance
7 metrics, including a detailed list of all patient
8 navigators, funding received by patient naviga-
9 tors, and whether established performance ob-
10 jectives of patient navigators were met; and

11 (D) with respect to the performance objec-
12 tives described in subparagraph (A)—

13 (i) whether such objectives assess the
14 full scope of patient navigator responsibil-
15 ities, including general education, plan se-
16 lection, and determination of eligibility for
17 tax credits, cost-sharing reductions, or
18 other coverage;

19 (ii) how the Secretary worked with pa-
20 tient navigators to establish such objec-
21 tives; and

22 (iii) how the Secretary adjusted such
23 objectives for case complexity and other
24 contextual factors.

1 (c) REPORT ON ADVERTISING AND CONSUMER OUT-
2 REACH.—Not later than 3 months after the completion of
3 the annual open enrollment period for the 2021 plan year,
4 the Secretary shall issue a report on advertising and out-
5 reach to consumers for the open enrollment period for the
6 2021 plan year. Such report shall include a description
7 of—

8 (1) the division of spending on individual adver-
9 tising platforms, including television and radio ad-
10 vertisements and digital media, to raise consumer
11 awareness of open enrollment;

12 (2) the division of spending on individual out-
13 reach platforms, including email and text messages,
14 to raise consumer awareness of open enrollment; and

15 (3) whether the Secretary conducted targeted
16 outreach to specific demographic groups and geo-
17 graphic areas.

18 **SEC. 21048. GAO REPORT.**

19 Not later than 1 year after the date of the enactment
20 of this Act, the Comptroller General of the United States
21 shall submit to Congress a study that analyzes the costs
22 and benefits of the establishment of State-administered
23 health insurance plans to be offered in the insurance mar-
24 ket of such States that choose to administer and offer such
25 a plan.

1 **SEC. 21049. REPORT ON THE EFFECTS OF WEBSITE MAIN-**
2 **TENANCE DURING OPEN ENROLLMENT.**

3 Not later than 1 year after the date of the enactment
4 of this Act, the Comptroller General of the United States
5 shall submit to Congress a report examining whether the
6 Department of Health and Human Services has been con-
7 ducting maintenance on the website commonly referred to
8 as “Healthcare.gov” during annual open enrollment peri-
9 ods (as described in section 1311(c)(6)(B) of the Patient
10 Protection and Affordable Care Act (42 U.S.C.
11 18031(c)(6)(B)) in such a manner so as to minimize any
12 disruption to the use of such website resulting from such
13 maintenance.

14 **PART 3—BUDGETARY EFFECTS**

15 **SEC. 21051. DETERMINATION OF BUDGETARY EFFECTS.**

16 The budgetary effects of this subtitle, for the purpose
17 of complying with the Statutory Pay-As-You-Go Act of
18 2010, shall be determined by reference to the latest state-
19 ment titled “Budgetary Effects of PAYGO Legislation”
20 for this subtitle, submitted for printing in the Congres-
21 sional Record by the Chairman of the House Budget Com-
22 mittee, provided that such statement has been submitted
23 prior to the vote on passage.

Subtitle J—Resident Physician Shortage Reduction

SEC. 21101. SHORT TITLE.

This subtitle may be cited as the “Resident Physician Shortage Reduction Act of 2020”.

SEC. 21102. DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(F)(i), by striking “paragraphs (7) and (8)” and inserting “paragraphs (7), (8), and (9)”;

(2) in paragraph (4)(H)(i), by striking “paragraphs (7) and (8)” and inserting “paragraphs (7), (8), and (9)”;

(3) in paragraph (7)(E), by inserting “paragraph (9),” after “paragraph (8),”; and

(4) by adding at the end the following new paragraph:

“(9) DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.—

“(A) ADDITIONAL RESIDENCY POSITIONS.—

“(i) IN GENERAL.—For each of fiscal years 2022 through 2026 (and succeeding

1 fiscal years if the Secretary determines
2 that there are additional residency posi-
3 tions available to distribute under clause
4 (iv)(II)), the Secretary shall, subject to
5 clause (ii) and subparagraph (D), increase
6 the otherwise applicable resident limit for
7 each qualifying hospital that submits a
8 timely application under this subparagraph
9 by such number as the Secretary may ap-
10 prove for portions of cost reporting periods
11 occurring on or after July 1 of the fiscal
12 year of the increase.

13 “(ii) NUMBER AVAILABLE FOR DIS-
14 TRIBUTION.—For each such fiscal year,
15 the Secretary shall determine the total
16 number of additional residency positions
17 available for distribution under clause (i)
18 in accordance with the following:

19 “(I) ALLOCATION TO HOSPITALS
20 ALREADY OPERATING OVER RESIDENT
21 LIMIT.—One-third of such number
22 shall be available for distribution only
23 to hospitals described in subparagraph
24 (B).

1 “(II) AGGREGATE LIMITATION.—

2 Except as provided in clause (iv)(I),
3 the aggregate number of increases in
4 the otherwise applicable resident limit
5 under this subparagraph shall be
6 equal to 3,000 in each such year.

7 “(iii) PROCESS FOR DISTRIBUTING
8 POSITIONS.—

9 “(I) ROUNDS OF APPLICA-
10 TIONS.—The Secretary shall initiate 5
11 separate rounds of applications for an
12 increase under clause (i), 1 round
13 with respect to each of 2022 through
14 2026.

15 “(II) NUMBER AVAILABLE.—In
16 each of such rounds, the aggregate
17 number of positions available for dis-
18 tribution in the fiscal year under
19 clause (ii) shall be distributed, plus
20 any additional positions available
21 under clause (iv).

22 “(III) TIMING.—The Secretary
23 shall notify hospitals of the number of
24 positions distributed to the hospital
25 under this paragraph as a result of an

1 increase in the otherwise applicable
2 resident limit by January 1 of the fis-
3 cal year of the increase. Such increase
4 shall be effective for portions of cost
5 reporting periods beginning on or
6 after July 1 of that fiscal year.

7 “(iv) POSITIONS NOT DISTRIBUTED
8 DURING THE FISCAL YEAR.—

9 “(I) IN GENERAL.—If the num-
10 ber of resident full-time equivalent po-
11 sitions distributed under this para-
12 graph in a fiscal year is less than the
13 aggregate number of positions avail-
14 able for distribution in the fiscal year
15 (as described in clause (ii), including
16 after application of this subclause),
17 the difference between such number
18 distributed and such number available
19 for distribution shall be added to the
20 aggregate number of positions avail-
21 able for distribution in the following
22 fiscal year.

23 “(II) EXCEPTION IF POSITIONS
24 NOT DISTRIBUTED BY END OF FISCAL
25 YEAR 2026.—If the aggregate number

1 of positions distributed under this
2 paragraph during the 5-year period of
3 fiscal years 2022 through 2026 is less
4 than 15,000, the Secretary shall, in
5 accordance with the provisions of
6 clause (ii) and subparagraph (D) and
7 the considerations and priority de-
8 scribed in subparagraph (C), conduct
9 an application and distribution proc-
10 ess in each subsequent fiscal year
11 until such time as the aggregate
12 amount of positions distributed under
13 this paragraph is equal to 15,000.

14 “(B) ALLOCATION OF DISTRIBUTION FOR
15 POSITIONS TO HOSPITALS ALREADY OPERATING
16 OVER RESIDENT LIMIT.—

17 “(i) IN GENERAL.—Subject to clauses
18 (ii) and (iii), in the case of a hospital in
19 which the reference resident level of the
20 hospital (as specified in subparagraph
21 (G)(iii)) is greater than the otherwise ap-
22 plicable resident limit, the increase in the
23 otherwise applicable resident limit under
24 subparagraph (A) for a fiscal year de-
25 scribed in such subparagraph shall be an

1 amount equal to the product of the total
2 number of additional residency positions
3 available for distribution under subpara-
4 graph (A)(ii)(I) for such fiscal year and
5 the quotient of—

6 “(I) the number of resident posi-
7 tions by which the reference resident
8 level of the hospital exceeds the other-
9 wise applicable resident limit for the
10 hospital; and

11 “(II) the number of resident posi-
12 tions by which the reference resident
13 level of all such hospitals with respect
14 to which an application is approved
15 under this paragraph exceeds the oth-
16 erwise applicable resident limit for
17 such hospitals.

18 “(ii) REQUIREMENTS.—A hospital de-
19 scribed in clause (i)—

20 “(I) is not eligible for an increase
21 in the otherwise applicable resident
22 limit under this subparagraph unless
23 the amount by which the reference
24 resident level of the hospital exceeds
25 the otherwise applicable resident limit

1 is not less than 10 and the hospital
2 trains at least 25 percent of the full-
3 time equivalent residents of the hos-
4 pital in primary care and general sur-
5 gery (as of the date of enactment of
6 this paragraph); and

7 “(II) shall continue to train at
8 least 25 percent of the full-time equiv-
9 alent residents of the hospital in pri-
10 mary care and general surgery for the
11 5-year period beginning on such date.

12 In the case where the Secretary determines
13 that a hospital described in clause (i) no
14 longer meets the requirement of subclause
15 (II), the Secretary may reduce the other-
16 wise applicable resident limit of the hos-
17 pital by the amount by which such limit
18 was increased under this subparagraph.

19 “(iii) CLARIFICATION REGARDING ELI-
20 GIBILITY FOR OTHER ADDITIONAL RESI-
21 DENCY POSITIONS.—Nothing in this sub-
22 paragraph shall be construed as preventing
23 a hospital described in clause (i) from ap-
24 plying for and receiving additional resi-
25 dency positions under this paragraph that

1 are not reserved for distribution under this
2 subparagraph.

3 “(C) DISTRIBUTION OF OTHER POSI-
4 TIONS.—For purposes of determining an in-
5 crease in the otherwise applicable resident limit
6 under subparagraph (A) (other than such an in-
7 crease described in subparagraph (B)), the fol-
8 lowing shall apply:

9 “(i) CONSIDERATIONS IN DISTRIBUTION.—In determining for which hospitals
10 such an increase is provided under sub-
11 paragraph (A), the Secretary shall take
12 into account the demonstrated likelihood of
13 the hospital filling the positions made
14 available under this paragraph within the
15 first 5 cost reporting periods beginning
16 after the date the increase would be effec-
17 tive, as determined by the Secretary.

18 “(ii) PRIORITY FOR CERTAIN HOS-
19 PITALS.—Subject to clause (iii), in deter-
20 mining for which hospitals such an in-
21 crease is provided, the Secretary shall dis-
22 tribute the increase in the following pri-
23 ority order:
24

1 “(I) First, to hospitals in States
2 with—

3 “(aa) new medical schools
4 that received ‘Candidate School’
5 status from the Liaison Com-
6 mittee on Medical Education or
7 that received ‘Pre-Accreditation’
8 status from the American Osteo-
9 pathic Association Commission
10 on Osteopathic College Accredita-
11 tion on or after January 1, 2000,
12 and that have achieved or con-
13 tinue to progress toward ‘Full
14 Accreditation’ status (as such
15 term is defined by the Liaison
16 Committee on Medical Edu-
17 cation) or toward ‘Accreditation’
18 status (as such term is defined
19 by the American Osteopathic As-
20 sociation Commission on Osteo-
21 pathic College Accreditation); or

22 “(bb) additional locations
23 and branch campuses established
24 on or after January 1, 2000, by
25 medical schools with ‘Full Ac-

1 creditation’ status (as such term
2 is defined by the Liaison Com-
3 mittee on Medical Education) or
4 ‘Accreditation’ status (as such
5 term is defined by the American
6 Osteopathic Association Commis-
7 sion on Osteopathic College Ac-
8 creditation).

9 “(II) Second, to hospitals with
10 which the Secretary cooperates under
11 section 7302(d) of title 38, United
12 States Code.

13 “(III) Third, to hospitals that
14 emphasize training in community-
15 based settings or in hospital out-
16 patient departments.

17 “(IV) Fourth, to hospitals that
18 are not located in a rural area and op-
19 erate an approved medical residency
20 training program (or rural track) in a
21 rural area or an approved medical
22 residency training program with an
23 integrated rural track.

24 “(V) Fifth, to all other hospitals.

1 “(iii) DISTRIBUTION TO HOSPITALS IN
2 HIGHER PRIORITY GROUP PRIOR TO DIS-
3 TRIBUTION IN LOWER PRIORITY GROUPS.—
4 The Secretary may only distribute such an
5 increase to a lower priority group under
6 clause (ii) if all qualifying hospitals in the
7 higher priority group or groups have re-
8 ceived the maximum number of increases
9 under such subparagraph that the hospital
10 is eligible for under this paragraph for the
11 fiscal year.

12 “(iv) REQUIREMENTS FOR USE OF AD-
13 DITIONAL POSITIONS.—

14 “(I) IN GENERAL.—Subject to
15 subclause (II), a hospital that receives
16 such an increase shall ensure, during
17 the 5-year period beginning on the ef-
18 fective date of such increase, that—

19 “(aa) not less than 50 per-
20 cent of the positions attributable
21 to such increase that are used in
22 a given year during such 5-year
23 period are used to train full-time
24 equivalent residents in a shortage
25 specialty residency program (as

1 defined in subparagraph (G)(iv)),
2 as determined by the Secretary
3 at the end of such 5-year period;

4 “(bb) the total number of
5 full-time equivalent residents, ex-
6 cluding any additional positions
7 attributable to such increase, is
8 not less than the average number
9 of full-time equivalent residents
10 during the 3 most recent cost re-
11 porting periods ending on or be-
12 fore the effective date of such in-
13 crease; and

14 “(cc) the ratio of full-time
15 equivalent residents in a shortage
16 specialty residency program (as
17 so defined) is not less than the
18 average ratio of full-time equiva-
19 lent residents in such a program
20 during the 3 most recent cost re-
21 porting periods ending on or be-
22 fore the effective date of such in-
23 crease.

24 “(II) REDISTRIBUTION OF POSI-
25 TIONS IF HOSPITAL NO LONGER

1 MEETS CERTAIN REQUIREMENTS.—

2 With respect to each fiscal year de-
3 scribed in subparagraph (A), the Sec-
4 retary shall determine whether or not
5 a hospital described in subclause (I)
6 meets the requirements of such sub-
7 clause. In the case that the Secretary
8 determines that such a hospital does
9 not meet such requirements, the Sec-
10 retary shall—

11 “(aa) reduce the otherwise
12 applicable resident limit of the
13 hospital by the amount by which
14 such limit was increased under
15 this paragraph; and

16 “(bb) provide for the dis-
17 tribution of positions attributable
18 to such reduction in accordance
19 with the requirements of this
20 paragraph.

21 “(D) LIMITATION.—A hospital may not re-
22 ceive more than 75 full-time equivalent addi-
23 tional residency positions under this paragraph
24 for any fiscal year.

1 “(E) APPLICATION OF PER RESIDENT
2 AMOUNTS FOR PRIMARY CARE AND NONPRI-
3 MARY CARE.—With respect to additional resi-
4 dency positions in a hospital attributable to the
5 increase provided under this paragraph, the ap-
6 proved FTE per resident amounts are deemed
7 to be equal to the hospital per resident amounts
8 for primary care and nonprimary care com-
9 puted under paragraph (2)(D) for that hospital.

10 “(F) PERMITTING FACILITIES TO APPLY
11 AGGREGATION RULES.—The Secretary shall
12 permit hospitals receiving additional residency
13 positions attributable to the increase provided
14 under this paragraph to, beginning in the fifth
15 year after the effective date of such increase,
16 apply such positions to the limitation amount
17 under paragraph (4)(F) that may be aggre-
18 gated pursuant to paragraph (4)(H) among
19 members of the same affiliated group.

20 “(G) DEFINITIONS.—In this paragraph:

21 “(i) OTHERWISE APPLICABLE RESI-
22 DENT LIMIT.—The term ‘otherwise appli-
23 cable resident limit’ means, with respect to
24 a hospital, the limit otherwise applicable
25 under subparagraphs (F)(i) and (H) of

1 paragraph (4) on the resident level for the
2 hospital determined without regard to this
3 paragraph but taking into account para-
4 graphs (7)(A), (7)(B), (8)(A), and (8)(B).

5 “(ii) REFERENCE RESIDENT LEVEL.—
6 Except as otherwise provided in subclause
7 (II), the term ‘reference resident level’
8 means, with respect to a hospital, the resi-
9 dent level for the most recent cost report-
10 ing period of the hospital ending on or be-
11 fore the date of enactment of this para-
12 graph, for which a cost report has been
13 settled (or, if not, submitted (subject to
14 audit)), as determined by the Secretary.

15 “(iii) RESIDENT LEVEL.—The term
16 ‘resident level’ has the meaning given such
17 term in paragraph (7)(C)(i).

18 “(iv) SHORTAGE SPECIALTY RESI-
19 DENCY PROGRAM.—The term ‘shortage
20 specialty residency program’ means any
21 approved residency training program in a
22 specialty identified in the report entitled
23 ‘The Physician Workforce: Projections and
24 Research into Current Issues Affecting
25 Supply and Demand’, issued in December

1 2008 by the Health Resources and Serv-
2 ices Administration, as a specialty whose
3 baseline physician requirements projections
4 exceed the projected supply of total active
5 physicians for the period of 2005 through
6 2021.”.

7 (b) IME.—Section 1886(d)(5)(B) of the Social Secu-
8 rity Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

9 (1) in clause (v), in the third sentence, by strik-
10 ing “subsections (h)(7) and (h)(8)” and inserting
11 “subsections (h)(7), (h)(8), and (h)(9)”;

12 (2) by redesignating clause (x), as added by
13 section 5505(b) of the Patient Protection and Af-
14 fordable Care Act (Public Law 111–148), as clause
15 (xi) and moving such clause 4 ems to the left; and

16 (3) by adding after clause (xi), as redesignated
17 by subparagraph (A), the following new clause:

18 “(xii) For discharges occurring on or
19 after July 1, 2021, insofar as an additional
20 payment amount under this subparagraph
21 is attributable to resident positions distrib-
22 uted to a hospital under subsection (h)(9),
23 the indirect teaching adjustment factor
24 shall be computed in the same manner as

1 provided under clause (ii) with respect to
2 such resident positions.”.

3 **SEC. 21103. STUDY AND REPORT ON STRATEGIES FOR IN-**
4 **CREASING DIVERSITY.**

5 (a) STUDY.—The Comptroller General of the United
6 States (in this section referred to as the “Comptroller
7 General”) shall conduct a study on strategies for increas-
8 ing the diversity of the health professional workforce. Such
9 study shall include an analysis of strategies for increasing
10 the number of health professionals from rural, lower in-
11 come, and underrepresented minority communities, includ-
12 ing which strategies are most effective for achieving such
13 goal.

14 (b) REPORT.—Not later than 2 years after the date
15 of enactment of this Act, the Comptroller General shall
16 submit to Congress a report on the study conducted under
17 subsection (a), together with recommendations for such
18 legislation and administrative action as the Comptroller
19 General determines appropriate.

1 **Subtitle K—Direct Medicare Pay-**
 2 **ment for Services Furnished By**
 3 **Physician Assistants**

4 **SEC. 21201. DIRECT MEDICARE PAYMENT FOR SERVICES**
 5 **FURNISHED BY PHYSICIAN ASSISTANTS.**

6 (a) IN GENERAL.—Section 1832(a)(2)(B) of the So-
 7 cial Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended
 8 by adding at the end the following new clause:

9 “(v) services of a physician assistant
 10 but only if no facility or other provider
 11 charges or is paid any amounts with re-
 12 spect to the furnishing of such services;”.

13 (b) EFFECTIVE DATE.—The amendment made by
 14 subsection (a) shall apply with respect to services fur-
 15 nished on or after July 1, 2021.

16 **Subtitle L—Incentivizing Medicaid**
 17 **Expansion**

18 **SEC. 21301. SHORT TITLE.**

19 This subtitle may be cited as the “Incentivizing Med-
 20 icaid Expansion Act of 2020”.

21 **SEC. 21302. INCREASED FMAP FOR MEDICAL ASSISTANCE**
 22 **TO NEWLY ELIGIBLE INDIVIDUALS.**

23 (a) IN GENERAL.—Section 1905(y)(1) of the Social
 24 Security Act (42 U.S.C. 1396d(y)(1)) is amended—

1 (1) in subparagraph (A), by striking “2014,
2 2015, and 2016” and inserting “each of the first 3
3 consecutive 12-month periods in which the State
4 provides medical assistance to newly eligible individ-
5 uals”;

6 (2) in subparagraph (B), by striking “2017”
7 and inserting “the fourth consecutive 12-month pe-
8 riod in which the State provides medical assistance
9 to newly eligible individuals”;

10 (3) in subparagraph (C), by striking “2018”
11 and inserting “the fifth consecutive 12-month period
12 in which the State provides medical assistance to
13 newly eligible individuals”;

14 (4) in subparagraph (D), by striking “2019”
15 and inserting “the sixth consecutive 12-month period
16 in which the State provides medical assistance to
17 newly eligible individuals”; and

18 (5) in subparagraph (E), by striking “2020 and
19 each year thereafter” and inserting “the seventh
20 consecutive 12-month period in which the State pro-
21 vides medical assistance to newly eligible individuals
22 and each such period thereafter”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 subsection (a) shall take effect as if included in the enact-
25 ment of the Patient Protection and Affordable Care Act.

1 **Subtitle M—Medicaid Expansion**
2 **Parity**

3 **SEC. 21401. SHORT TITLE.**

4 This subtitle may be cited as the “Medicaid Expan-
5 sion Parity Act of 2020”.

6 **SEC. 21402. PARITY IN THE TIMING OF THE APPLICATION**
7 **OF HIGHER MEDICAID FEDERAL MATCHING**
8 **RATES FOR ACA NEWLY ELIGIBLE INDIVID-**
9 **UALS.**

10 (a) IN GENERAL.—Section 1905(y)(1) of the Social
11 Security Act (42 U.S.C. 1396d(y)(1)) is amended—

12 (1) in subparagraph (A), by striking “for cal-
13 endar quarters in 2014, 2015, and 2016” and in-
14 serting “for calendar quarters in the 12-calendar-
15 quarter period beginning with the first calendar
16 quarter in which the State provides medical assist-
17 ance to newly eligible individuals”;

18 (2) in subparagraph (B), by striking “for cal-
19 endar quarters in 2017” and inserting “for the next
20 4 calendar quarters for such State”;

21 (3) in subparagraph (C), by striking “for cal-
22 endar quarters in 2018” and inserting “for the next
23 4 calendar quarters for such State”;

1 (4) in subparagraph (D), by striking “for cal-
2 endar quarters in 2019” and inserting “for the next
3 4 calendar quarters for such State”; and

4 (5) in subparagraph (E), by striking “for cal-
5 endar quarters in 2020 and each year thereafter”
6 and inserting “for each succeeding calendar quarter
7 for such State”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall take effect as if included in the enact-
10 ment of the Patient Protection and Affordable Care Act.

11 **Subtitle N—Equality in Medicare**
12 **and Medicaid Treatment**

13 **SEC. 21501. SHORT TITLE.**

14 This subtitle may be cited as the “Equality in Medi-
15 care and Medicaid Treatment Act of 2020”.

16 **SEC. 21502. IMPROVING ACCESS TO CARE FOR MEDICARE**
17 **AND MEDICAID BENEFICIARIES.**

18 Section 1115A of the Social Security Act (42 U.S.C.
19 1315a) is amended—

20 (1) in subsection (a)(3)—

21 (A) by inserting “, the causes of health
22 disparities and social determinants of health,”
23 after “medicine”; and

24 (B) by inserting “, the Office of Minority
25 Health of the Centers for Medicare & Medicaid

Services, the Office of Rural Health Policy, and
the Office on Women’s Health”;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting after the first
sentence, the following new sentence:

“Prior to model selection, the Secretary shall consult with the Office of Minority Health of the Centers for Medicare & Medicaid Services, the Federal Office of Rural Health Policy, and the Office on Women’s Health to ensure that models under consideration address health disparities and social determinants of health as appropriate for populations to be cared for under the model.”;

(II) by inserting “, as well as improving access to care received by individuals receiving benefits under such title,” after “title”; and

(III) by adding at the end the following new sentence: “The models selected under this subparagraph shall

1 include the social determinants of
2 health payment model described in
3 subparagraph (D), the testing of
4 which shall begin not later than De-
5 cember 31, 2021.”;

6 (ii) in subparagraph (C), by adding at
7 the end the following new clauses:

8 “(ix) Whether the model will affect
9 access to care from providers and suppliers
10 caring for high risk patients or operating
11 in underserved areas.

12 “(x) Whether the model has the po-
13 tential to produce reductions in minority
14 and rural health disparities.”; and

15 (iii) by adding at the end the fol-
16 lowing new subparagraph:

17 “(D) SOCIAL DETERMINANTS OF HEALTH
18 PAYMENT MODEL.—

19 “(i) IN GENERAL.—The social deter-
20 minants of health payment model described
21 in this subparagraph is a payment model
22 that tests each of the payment and service
23 delivery innovations described in clause (ii)
24 in a region determined appropriate by the
25 Secretary.

1 “(ii) PAYMENT AND SERVICE DELIV-
2 ERY INNOVATIONS DESCRIBED.—For pur-
3 poses of clause (i), the payment and serv-
4 ice delivery innovations described in this
5 clause are the following:

6 “(I) Payment and service delivery
7 innovations for behavioral health serv-
8 ices, focusing on gathering actionable
9 data to address the higher costs asso-
10 ciated with beneficiaries with diag-
11 nosed behavioral conditions.

12 “(II) Payment and service deliv-
13 ery innovations targeting conditions or
14 comorbidities of individuals entitled or
15 enrolled under the Medicare program
16 under title XVIII and enrolled under
17 a State plan under the Medicaid pro-
18 gram under title XIX to increase ca-
19 pacity in underserved areas.

20 “(III) Payment and service deliv-
21 ery innovations targeted on Medicaid-
22 eligible pregnant and postpartum
23 women, up to one year after deliv-
24 ery.”; and

25 (B) in paragraph (4)(A)—

1 (i) in clause (i) at the end, by striking
2 “and”;

3 (ii) in clause (ii), at the end, by strik-
4 ing the period and inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing new clause:

7 “(iii) the extent to which the model
8 improves access to care or the extent to
9 which the model improves care for high
10 risk patients, patients from racial or ethnic
11 minorities, or patients in underserved
12 areas.”;

13 (3) in subsection (c)—

14 (A) in paragraph (2), by striking at the
15 end “and”;

16 (B) by redesignating paragraph (3) as
17 paragraph (4);

18 (C) by inserting after paragraph (2) the
19 following new paragraph:

20 “(3) the Office of Minority Health of the Cen-
21 ters for Medicare & Medicaid Services certifies that
22 such expansion will not reduce access to care for
23 low-income, minority, or rural beneficiaries; and”;

24 (D) in paragraph (4), as redesignated by
25 subparagraph (B), by inserting before the pe-

1 riod at the end the following: “nor increase
2 health disparities experienced by low-income,
3 minority, or rural beneficiaries”; and

4 (E) in the matter following paragraph (4),
5 as redesignated by subparagraph (B), by insert-
6 ing “, improve access to care,” after “care”;
7 and

8 (4) in subsection (g)—

9 (A) by inserting “(or, beginning with 2022,
10 once every year thereafter)” after “thereafter”;
11 and

12 (B) by adding at the end the following new
13 sentence: “For reports for 2022 and each sub-
14 sequent year, each such report shall include in-
15 formation on the following:

16 “(1) The extent and severity of minority and
17 rural health disparities in Medicare and Medicaid
18 beneficiaries.

19 “(2) The interventions that address social de-
20 terminants of health in payment models selected by
21 the Center for Medicare and Medicaid Innovation for
22 testing.

23 “(3) The interventions that address social de-
24 terminants of health in payment models not selected

1 by the Center for Medicare and Medicaid Innovation
2 for testing.

3 “(4) The effectiveness of interventions in miti-
4 gating negative health outcomes and higher costs as-
5 sociated with social determinants of health within
6 models selected by the Center for Medicare and
7 Medicaid Innovation for testing.

8 “(5) Changes in disparities among minorities
9 and Medicare and Medicaid beneficiaries in under-
10 served areas that are attributable to provider and
11 supplier participation in a Phase II model.

12 “(6) In consultation with the Comptroller Gen-
13 eral of the United States, estimated Federal savings
14 achieved through the reduction of rural and minority
15 health disparities.

16 “(7) Other areas determined appropriate by the
17 Secretary.”.

18 **Subtitle O—Increasing Access to**
19 **Quality Cardiac Rehabilitation**
20 **Care**

21 **SEC. 21601. SHORT TITLE.**

22 This subtitle may be cited as the “Increasing Access
23 to Quality Cardiac Rehabilitation Care Act of 2020”.

1 **SEC. 21602. EXPANDING ACCESS TO CARDIAC REHABILITA-**
2 **TION PROGRAMS AND PULMONARY REHA-**
3 **BILITATION PROGRAMS UNDER MEDICARE**
4 **PROGRAM.**

5 (a) CARDIAC REHABILITATION PROGRAMS.—Section
6 1861(eee) of the Social Security Act (42 U.S.C.
7 1395x(eee)) is amended—

8 (1) in paragraph (2)—

9 (A) in subparagraph (A)(i), by striking “a
10 physician’s office” and inserting “the office of
11 a physician (as defined in subsection (r)(1)) or
12 the office of a physician assistant, nurse practi-
13 tioner, or clinical nurse specialist (as those
14 terms are defined in subsection (aa)(5))”; and

15 (B) in subparagraph (C), by inserting after
16 “physician” the following: “(as defined in sub-
17 section (r)(1)) or a physician assistant, nurse
18 practitioner, or clinical nurse specialist (as
19 those terms are defined in subsection (aa)(5))”;

20 (2) in paragraph (3)(A), by striking “physician-
21 prescribed exercise” and inserting “exercise pre-
22 scribed by a physician (as defined in subsection
23 (r)(1)) or a physician assistant, nurse practitioner,
24 or clinical nurse specialist (as those terms are de-
25 fined in subsection (aa)(5))”; and

1 (3) in paragraph (5), by inserting after “physi-
2 cian” the following: “(as defined in subsection
3 (r)(1)) or a physician assistant, nurse practitioner,
4 or clinical nurse specialist (as those terms are de-
5 fined in subsection (aa)(5))”.

6 (b) PULMONARY REHABILITATION PROGRAMS.—Sec-
7 tion 1861(fff) of the Social Security Act (42 U.S.C.
8 1395x(fff)) is amended—

9 (1) in paragraph (2)(A), by striking “physician-
10 prescribed exercise” and inserting “exercise pre-
11 scribed by a physician (as defined in subsection
12 (r)(1)) or a physician assistant, nurse practitioner,
13 or clinical nurse specialist (as those terms are de-
14 fined in subsection (aa)(5))”; and

15 (2) in paragraph (3), by inserting after “physi-
16 cian” the following: “(as defined in subsection
17 (r)(1)) or a physician assistant, nurse practitioner,
18 or clinical nurse specialist (as those terms are de-
19 fined in subsection (aa)(5))”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to items and services
22 furnished on or after January 1, 2021.

1 **SEC. 21603. EXPEDITING ACCESS TO CARDIAC REHABILITA-**
 2 **TION PROGRAMS AND PULMONARY REHA-**
 3 **BILITATION PROGRAMS UNDER MEDICARE**
 4 **PROGRAM.**

5 Section 51008(c) of the Bipartisan Budget Act of
 6 2018 (Public Law 115–123; 42 U.S.C. 1395x note) is
 7 amended by striking “January 1, 2024” and inserting
 8 “January 1, 2021”.

9 **Subtitle P—Healthy Food Access**
 10 **for All Americans**

11 **SEC. 21701. SHORT TITLE.**

12 This subtitle may be cited as the “Healthy Food Ac-
 13 cess for All Americans Act”.

14 **SEC. 21702. TAX CREDIT AND GRANT PROGRAM FOR SPE-**
 15 **CIAL ACCESS FOOD PROVIDERS.**

16 (a) IN GENERAL.—

17 (1) ALLOWANCE OF CREDIT.—Subpart D of
 18 part IV of subchapter A of chapter 1 of the Internal
 19 Revenue Code of 1986 is amended by adding at the
 20 end the following new section:

21 **“SEC. 45T. SPECIAL ACCESS FOOD PROVIDER CREDIT AND**
 22 **GRANT PROGRAM.**

23 “(a) ESTABLISHMENT OF CREDIT FOR GROCERY
 24 STORES.—

25 “(1) IN GENERAL.—For purposes of section 38,
 26 the special access food provider credit determined

1 under this section for any taxable year is an amount
2 equal to the lesser of—

3 “(A) the amount of the allocation received
4 by the taxpayer under subsection (d)(1)(A), or
5 “(B) the amount equal to—

6 “(i) in the case of a qualified grocery
7 store which is placed in service during such
8 taxable year by a taxpayer which has been
9 certified as a special access food provider,
10 15 percent of the basis of such grocery
11 store, including any property used in the
12 operation of such grocery store—

13 “(I) which is acquired by the tax-
14 payer if the original use of such prop-
15 erty commences with the taxpayer,
16 and

17 “(II) with respect to which de-
18 preciation (or amortization in lieu of
19 depreciation) is allowable, or

20 “(ii) in the case of a qualified renova-
21 tion area which is placed in service during
22 such taxable year, 10 percent of the ren-
23 ovation expenditures incurred by a tax-
24 payer which has been certified as a special
25 access food provider.

1 “(2) RENOVATION EXPENDITURES.—For pur-
2 poses of paragraph (1)(B)(ii), the term ‘renovation
3 expenditures’ means amounts chargeable to capital
4 account and incurred for property (or additions or
5 improvements to property) of a character subject to
6 the allowance for depreciation in connection with the
7 renovation or rehabilitation of a grocery store.

8 “(b) GRANT PROGRAM FOR FOOD BANKS AND TEM-
9 PORARY ACCESS MERCHANTS.—

10 “(1) IN GENERAL.—The Secretary, in coordina-
11 tion with the Secretary of Agriculture, shall, subject
12 to the requirements of this section, provide a grant
13 to any entity which has been certified as a special
14 access food provider in an amount equal to the less-
15 er of—

16 “(A) the amount of the allocation received
17 by the entity under subsection (d)(1)(B), or

18 “(B) the amount equal to—

19 “(i) in the case of a permanent food
20 bank which has been placed in service dur-
21 ing the taxable year by such provider, 15
22 percent of any qualified construction ex-
23 penses incurred by such provider, and

24 “(ii) in the case of any provider which
25 qualifies as a temporary access merchant,

1 10 percent of any annual operational costs
2 incurred by such provider.

3 “(2) TIME FOR PAYMENT OF GRANT.—The Sec-
4 retary shall make payment of any grant under para-
5 graph (1) during the 60-day period beginning on the
6 later of—

7 “(A) the date of the application for certifi-
8 cation as a special access food provider, or

9 “(B) the date—

10 “(i) in the case of a permanent food
11 bank, on which the food bank for which
12 the grant is being made is placed in serv-
13 ice, or

14 “(ii) in the case of a temporary access
15 merchant, the end of the taxable year in
16 which the operational costs were incurred.

17 “(3) GRANT NOT CONSIDERED INCOME FOR
18 PURPOSES OF TAXATION.—A grant under this sub-
19 section shall not be considered as gross income for
20 purposes of this chapter.

21 “(c) CERTIFICATION AS A SPECIAL ACCESS FOOD
22 PROVIDER.—

23 “(1) APPLICATION.—Each applicant for certifi-
24 cation as a special access food provider shall submit,
25 for each grocery store, food bank, mobile market, or

1 farmers market, an application with the Secretary,
2 at such time, in such manner, and containing such
3 information as the Secretary may reasonably re-
4 quire.

5 “(2) CERTIFICATION REQUIREMENTS.—For
6 purposes of certification as a special access food pro-
7 vider, the Secretary, in consultation with the Sec-
8 retary of Agriculture and the applicable regional
9 community development entity, shall determine
10 whether—

11 “(A) in the case of an applicant seeking to
12 construct, renovate, or rehabilitate a grocery
13 store, whether such store—

14 “(i) following completion of such con-
15 struction, renovation, or rehabilitation, will
16 qualify as a grocery store (as defined in
17 subsection (h)(3)),

18 “(ii) is located in a food desert on the
19 date on which construction, renovation, or
20 rehabilitation begins,

21 “(iii) satisfies the eligibility criteria
22 established for projects under the Healthy
23 Food Financing Initiative established
24 under section 243 of the Department of

1 Agriculture Reorganization Act of 1994 (7
2 U.S.C. 6953), and

3 “(iv) satisfies such other criteria as is
4 determined appropriate by the Secretary,
5 in consultation with the Secretary of Agri-
6 culture, or

7 “(B) in the case of an applicant seeking to
8 operate a permanent food bank or as a tem-
9 porary access merchant, whether such appli-
10 cant—

11 “(i) is an entity for which no part of
12 the net earnings of such entity inures to
13 the benefit of any private shareholder or
14 individual,

15 “(ii)(I) in the case of a permanent
16 food bank, is located in a food desert on
17 the date on which construction of such
18 food bank begins, or

19 “(II) in the case of a temporary ac-
20 cess merchant—

21 “(aa) sells or provides food in
22 any food desert for an average of—

23 “(AA) in the case of a farm-
24 ers market, not less than 10
25 hours (during daylight hours)

1 each week during the calendar
2 year, or

3 “(BB) in the case of a tem-
4 porary access merchant which is
5 not a farmers market, not less
6 than 5 days and 50 hours each
7 week during the calendar year, or

8 “(bb) satisfies such requirements
9 as are established by the Secretary of
10 Agriculture to ensure an adequate
11 level of food distribution within food
12 deserts,

13 “(iii) satisfies the eligibility criteria
14 described in subparagraph (A)(iii), and

15 “(iv) satisfies such other criteria as is
16 determined appropriate by the Secretary.

17 “(3) NO ADDITIONAL USDA GRANTS FOR FARM-
18 ERS MARKETS.—A farmers market shall not be eligi-
19 ble for certification as a special access food provider
20 during any period in which such farmers market re-
21 ceives funding pursuant to any other grant program
22 administered by the Department of Agriculture
23 (with the exception of grants provided pursuant to
24 the Food Insecurity Nutrition Incentive under sec-

1 tion 4405 of the Food, Conservation, and Energy
2 Act of 2008).

3 “(d) ALLOCATION OF SPECIAL ACCESS FOOD PRO-
4 VIDER CREDITS AND GRANTS.—

5 “(1) IN GENERAL.—In each calendar year, the
6 Secretary, in coordination with the Secretary of Ag-
7 riculture, shall provide allocations to entities which
8 have been certified as special access food providers
9 under subsection (c) to receive—

10 “(A) in the case of an entity certified pur-
11 suant to subparagraph (A) of subsection (c)(2),
12 a special access food provider credit for expend-
13 itures related to a qualified grocery store or
14 qualified renovation area, and

15 “(B) in the case of an entity certified pur-
16 suant to subparagraph (B) of such subsection,
17 grants for qualified construction expenses or
18 operational costs incurred by such entity.

19 “(2) DURATION OF GRANTS TO TEMPORARY AC-
20 CESS MERCHANTS.—In the case of a special access
21 food provider which qualifies as a temporary access
22 merchant, the Secretary shall provide the grant to
23 such provider on an annual basis for a period of not
24 greater than 10 years.

25 “(e) RECAPTURE.—

1 “(1) IN GENERAL.—Subject to paragraph (3),
2 the Secretary shall provide for recapturing the ben-
3 efit of any credit allowable or grant provided under
4 this section with respect to any qualified grocery
5 store, qualified renovation area, or permanent food
6 bank which fails to satisfy the requirements under
7 subsection (c)(2) during the 5-year period following
8 the date on which such store, area, or food bank is
9 placed in service.

10 “(2) TEMPORARY ACCESS MERCHANT.—Subject
11 to paragraph (3), the Secretary shall provide for re-
12 capturing the benefit of any grant provided under
13 this section with respect to any temporary access
14 merchant which fails to satisfy the requirements
15 under subsection (c)(2) for any year during the pe-
16 riod described in subsection (d)(2).

17 “(3) APPLICATION.—If, during any taxable
18 year, a special access food provider fails to satisfy
19 the requirements under subsection (c)(2), the tax
20 under this chapter for such taxable year shall be in-
21 creased by an amount equal to the appropriate per-
22 centage of the credit or grant amount as is deter-
23 mined appropriate by the Secretary.

24 “(f) BASIS REDUCTION.—The basis of any qualified
25 grocery store, any grocery store which includes a qualified

1 renovation area, or any food bank, mobile market, or
2 farmers market shall be reduced by the amount of any
3 credit or grant determined under this section with respect
4 to such property.

5 “(g) REGULATIONS.—The Secretary, in coordination
6 with the Secretary of Agriculture, shall prescribe such reg-
7 ulations as may be appropriate to carry out this section,
8 including regulations which—

9 “(1) prevent the abuse of the purposes of this
10 section,

11 “(2) impose appropriate reporting require-
12 ments, and

13 “(3) ensure that non-metropolitan areas receive
14 a proportional amount of allocations provided under
15 subsection (d).

16 “(h) DEFINITIONS.—For purposes of this section:

17 “(1) FOOD DESERT.—

18 “(A) IN GENERAL.—The term ‘food desert’
19 means any population census tract in which—

20 “(i) not less than 500 people, or 33
21 percent of the population of such tract, re-
22 side—

23 “(I) in the case of a tract located
24 within a metropolitan area, more than
25 1 mile from a grocery store, or

1 “(II) in the case of a tract not lo-
2 cated within a metropolitan area,
3 more than 10 miles from a grocery
4 store,

5 “(ii) the poverty rate for such tract is
6 at least 20 percent, or

7 “(iii)(I) in the case of a tract not lo-
8 cated within a metropolitan area, the me-
9 dian family income for such tract does not
10 exceed 80 percent of statewide median
11 family income, or

12 “(II) in the case of a tract located
13 within a metropolitan area, the median
14 family income for such tract does not ex-
15 ceed 80 percent of the greater of statewide
16 median family income or the metropolitan
17 area median family income.

18 “(B) AREAS NOT WITHIN CENSUS
19 TRACTS.—In the case of an area which is not
20 traced for population census tracts, the equiva-
21 lent county divisions (as defined by the Bureau
22 of the Census) shall be used for purposes of de-
23 terminations of food deserts under this para-
24 graph.

1 “(C) DETERMINATION OF FOOD
2 DESERTS.—For purposes of determining wheth-
3 er a population census tract qualifies as a food
4 desert for purposes of this section, the Sec-
5 retary shall make such determinations in co-
6 ordination with the Secretary of Agriculture in
7 such manner as is determined appropriate, in-
8 cluding use of the Food Access Research Atlas
9 established by the Department of Agriculture.

10 “(2) GROCERIES.—The term ‘groceries’
11 means—

12 “(A) fresh and frozen produce,

13 “(B) fresh and frozen meat and seafood,

14 “(C) dairy products, and

15 “(D) deli products, including sliced meats,
16 cheeses, and salads.

17 “(3) GROCERY STORE.—The term ‘grocery
18 store’ means a retail store for which forecasted sales
19 of groceries account for not less than 35 percent of
20 its total annual sales.

21 “(4) METROPOLITAN AREA.—The term ‘metro-
22 politan area’ has the same meaning given the term
23 ‘metropolitan statistical area’ under section
24 143(k)(2)(B).

1 “(5) QUALIFIED CONSTRUCTION EXPENSES.—

2 The term ‘qualified construction expenses’ means
3 any costs incurred by the special access food pro-
4 vider before the date on which a permanent food
5 bank is placed in service relating to the planning,
6 design, and construction of such food bank.

7 “(6) QUALIFIED GROCERY STORE.—The term
8 ‘qualified grocery store’ means a grocery store
9 which, on the date on which construction of such
10 store begins, is located in a food desert.

11 “(7) QUALIFIED RENOVATION AREA.—The term
12 ‘qualified renovation area’ means any area of a gro-
13 cery store in which groceries are sold, provided that
14 such grocery store, on the date on which renovation
15 of such area begins, is located in a food desert.

16 “(8) REGIONAL COMMUNITY DEVELOPMENT EN-
17 TITY.—

18 “(A) IN GENERAL.—The term ‘regional
19 community development entity’ means any do-
20 mestic corporation or partnership if—

21 “(i) the primary mission of the entity
22 is serving, or providing investment capital
23 for, low-income communities or low-income
24 persons,

1 “(ii) the entity maintains account-
2 ability to residents of low-income commu-
3 nities through their representation on any
4 governing board of the entity or on any ad-
5 visory board to the entity, and

6 “(iii) the entity is certified by the Sec-
7 retary for purposes of this section as being
8 a regional community development entity.

9 “(B) LOCAL GOVERNMENT.—In the case of
10 a grocery store for which there is no entity de-
11 scribed in subparagraph (A) within a 50-mile
12 radius, the chief executive officer (or the equiv-
13 alent) of the local jurisdiction in which the gro-
14 cery store will be located may serve as the re-
15 gional community development entity for pur-
16 poses of subsection (c)(2).

17 “(9) SECRETARY OF AGRICULTURE.—The term
18 ‘Secretary of Agriculture’ means the Secretary of
19 Agriculture or the Secretary’s delegate.

20 “(10) TEMPORARY ACCESS MERCHANT.—The
21 term ‘temporary access merchant’ means a mobile
22 market, a farmers market, or a temporary or mobile
23 food bank (as such terms are defined by the Sec-
24 retary, in coordination with the Secretary of Agri-
25 culture)—

1 “(A) which is operated by a special access
2 food provider, and

3 “(B) for which the primary purpose is food
4 distribution within food deserts.”.

5 (b) CREDIT PART OF GENERAL BUSINESS CREDIT.—
6 Section 38(b) of the Internal Revenue Code of 1986 is
7 amended by striking “plus” at the end of paragraph (35),
8 by striking the period at the end of paragraph (36) and
9 inserting “, plus”, and by adding at the end the following
10 new paragraph:

11 “(37) the special access food provider credit de-
12 termined under section 45T(a).”.

13 (c) CLERICAL AMENDMENT.—The table of sections
14 for subpart D of part IV of subchapter A of chapter 1
15 of the Internal Revenue Code of 1986 is amended by add-
16 ing at the end the following new item:

“Sec. 45T. Special access food provider credit and grant program.”.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary to carry out the purposes of this section.

20 (e) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 the date of the enactment of this Act.

23 **SEC. 21703. UPDATES TO FOOD ACCESS RESEARCH ATLAS.**

24 Section 243 of the Department of Agriculture Reor-
25 ganization Act of 1994 (7 U.S.C. 6953) is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (e); and

3 (2) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) FOOD ACCESS RESEARCH ATLAS.—Not less fre-
6 quently than once each year, the Secretary shall update
7 the Food Access Research Atlas of the Secretary to ac-
8 count for food retailers that are placed in service during
9 that year.”.

10 **Subtitle Q—Territories Health** 11 **Equity**

12 **SEC. 21801. SHORT TITLE.**

13 This subtitle may be cited as the “Territories Health
14 Equity Act of 2020”.

15 **PART 1—MEDICAID**

16 **SEC. 21811. ELIMINATION OF GENERAL MEDICAID FUNDING** 17 **LIMITATIONS (“CAP”) FOR TERRITORIES.**

18 (a) IN GENERAL.—Section 1108 of the Social Secu-
19 rity Act (42 U.S.C. 1308) is amended—

20 (1) in subsection (f), in the matter preceding
21 paragraph (1), by striking “subsection (g)” and in-
22 serting “subsections (g) and (h)”;

23 (2) in subsection (g)(2), in the matter pre-
24 ceding subparagraph (A), by inserting “subsection
25 (h)” after “subject to”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(h) SUNSET OF MEDICAID FUNDING LIMITATIONS
4 FOR PUERTO RICO, THE VIRGIN ISLANDS, GUAM, THE
5 NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA.—
6 Subsections (f) and (g) shall not apply to Puerto Rico,
7 the Virgin Islands, Guam, the Northern Mariana Islands,
8 and American Samoa beginning with fiscal year 2022.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) Section 1902(j) of the Social Security Act
11 (42 U.S.C. 1396a(j)) is amended by striking “, the
12 limitation in section 1108(f),”.

13 (2) Section 1903(u) of the Social Security Act
14 (42 U.S.C. 1396b(u)) is amended by striking para-
15 graph (4).

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply beginning with fiscal year 2022.

18 **SEC. 21812. ELIMINATION OF SPECIFIC FEDERAL MEDICAL**
19 **ASSISTANCE PERCENTAGE (FMAP) LIMITA-**
20 **TION FOR TERRITORIES.**

21 Section 1905(b) of the Social Security Act (42 U.S.C.
22 1396d(b)) is amended, in clause (2), by inserting “for fis-
23 cal years before fiscal year 2022” after “American
24 Samoa”.

1 **SEC. 21813. APPLICATION OF MEDICAID WAIVER AUTHOR-**
2 **ITY TO ALL OF THE TERRITORIES.**

3 (a) IN GENERAL.—Section 1902(j) of the Social Se-
4 curity Act (42 U.S.C. 1396a(j)) is amended—

5 (1) by striking “American Samoa and the
6 Northern Mariana Islands” and inserting “Puerto
7 Rico, the Virgin Islands, Guam, the Northern Mar-
8 iana Islands, and American Samoa”;

9 (2) by striking “American Samoa or the North-
10 ern Mariana Islands” and inserting “Puerto Rico,
11 the Virgin Islands, Guam, the Northern Mariana Is-
12 lands, or American Samoa”;

13 (3) by inserting “(1)” before “Notwith-
14 standing”;

15 (4) by inserting “except as otherwise provided
16 in this subsection,” after “Notwithstanding any
17 other requirement of this title”; and

18 (5) by adding at the end the following:

19 “(2) The Secretary may not waive under this sub-
20 section the requirement of subsection (a)(10)(A)(i)(IX)
21 (relating to coverage of adults formerly under foster care)
22 with respect to any territory.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall apply beginning October 1, 2021.

1 **SEC. 21814. PERMITTING MEDICAID DSH ALLOTMENTS FOR**
2 **TERRITORIES.**

3 Section 1923(f) of the Social Security Act (42 U.S.C.
4 1396r-4(f)) is amended—

5 (1) in paragraph (6), by adding at the end the
6 following new subparagraph:

7 “(C) TERRITORIES.—

8 “(i) FISCAL YEAR 2022.—For fiscal
9 year 2022, the DSH allotment for Puerto
10 Rico, the Virgin Islands, Guam, the North-
11 ern Mariana Islands, and American Samoa
12 shall bear the same ratio to \$300,000,000
13 as the ratio of the number of individuals
14 who are low-income or uninsured and re-
15 siding in such respective territory (as esti-
16 mated from time to time by the Secretary)
17 bears to the sums of the number of such
18 individuals residing in all of the territories.

19 “(ii) SUBSEQUENT FISCAL YEAR.—
20 For each subsequent fiscal year, the DSH
21 allotment for each such territory is subject
22 to an increase in accordance with para-
23 graph (3).”; and

24 (2) in paragraph (9), by inserting before the pe-
25 riod at the end the following: “, and includes, begin-
26 ning with fiscal year 2022, Puerto Rico, the Virgin

1 Islands, Guam, the Northern Mariana Islands, and
 2 American Samoa”.

3 **PART 2—MEDICARE**

4 **Subpart A—Part A**

5 **SEC. 21821. CALCULATION OF MEDICARE DSH PAYMENTS**
 6 **FOR IPPS HOSPITALS IN PUERTO RICO.**

7 Section 1886(d)(9)(D)(iii) of the Social Security Act
 8 (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as
 9 follows:

10 “(iii) Subparagraph (F) (relating to dispropor-
 11 tionate share payments), including application of
 12 subsection (r), except that for this purpose—

13 “(I) the sum described in clause (ii) of this
 14 subparagraph shall be substituted for the sum
 15 referred to in paragraph (5)(F)(ii)(I); and

16 “(II) for discharges occurring on or after
 17 October 1, 2021, subclause (I) of paragraph
 18 (5)(F)(vi) shall be applied by substituting for
 19 the numerator described in such subclause the
 20 number of subsection (d) Puerto Rico hospital’s
 21 patient days for the cost reporting period in-
 22 volved which were made up of patients who (for
 23 such days) were entitled to benefits under part
 24 A of this title and were—

“(aa) entitled to supplementary security income benefits (excluding any State supplementation) under title XVI of this Act;

“(bb) eligible for medical assistance under a State plan under title XIX; or

“(cc) receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI.”.

SEC. 21822. REBASING TARGET AMOUNT FOR HOSPITALS IN TERRITORIES.

Section 1886(b)(3) of the Social Security Act (42 U.S.C. 1395ww(b)(3)) is amended by adding at the end the following new subparagraph:

“(M)(i) For each cost reporting period beginning on or after October 1, 2021, in the case of a hospital located in a territory of the United States, there shall be substituted for the target amount otherwise determined under subparagraph (A) the rebased target amount (as defined in clause (ii)), if such substitution results in an amount of payment under this section to the hospital for such period that is greater than the amount of payment that would be made

1 under this section to the hospital for such pe-
2 riod if this subparagraph were not to apply.

3 “(ii) For purposes of this subparagraph,
4 the term ‘rebased target amount’ has the mean-
5 ing given the term ‘target amount’ in subpara-
6 graph (A), except that—

7 “(I) there shall be substituted for the
8 preceding 12-month cost reporting period
9 the 12-month cost reporting period begin-
10 ning during fiscal year 2015 (or, at the op-
11 tion of the hospital, beginning during fiscal
12 year 2022);

13 “(II) any reference in subparagraph
14 (A)(i) to the ‘first such cost reporting pe-
15 riod’ is deemed a reference to the first cost
16 reporting period following the 12-month
17 cost reporting period beginning during fis-
18 cal year 2015 (or, at the option of the hos-
19 pital, beginning during fiscal year 2022);
20 and

21 “(III) the applicable percentage in-
22 crease shall only be applied under subpara-
23 graph (B)(ii) for cost reporting periods be-
24 ginning on or after October 1, 2022.

“(iii) Nothing in this subparagraph shall affect any pending request by a hospital for a new target amount for any cost reporting period beginning during a fiscal year before fiscal year 2022.”.

SEC. 21823. MEDICARE DSH TARGET ADJUSTMENT FOR HOSPITALS IN TERRITORIES.

Section 1886(b)(3) of the Social Security Act (42 U.S.C. 1395ww(b)(3)), as amended by section 21922, is further amended by adding at the end the following new subparagraph:

“(N)(i) For each cost reporting period beginning on or after October 1, 2021, in the case of a hospital that is located in a territory of the United States other than Puerto Rico and that would be a subsection (d) hospital if it were located in one of the 50 States, the target amount shall be increased by—

“(I) in the case that such hospital has a disproportionate patient percentage of not less than 15 percent and not greater than 40 percent, 10 percent; and

“(II) in the case that such hospital has a disproportionate patient percentage of greater than 40 percent, 10 percent plus

1 60 percent of the number of percentage
 2 points by which such hospital's disproportion-
 3 tionate patient percentage exceeds 40 per-
 4 cent.

5 “(ii) For purposes of this subparagraph,
 6 the term ‘disproportionate patient percentage’
 7 has the meaning given such term in subsection
 8 (d)(5)(F)(vi), except that in applying such
 9 meaning any reference under such subsection to
 10 individuals entitled to supplementary security
 11 income under title XVI shall be deemed for pur-
 12 poses of this subparagraph to include individ-
 13 uals—

14 “(I) eligible for medical assistance
 15 under a State plan under title XIX; or

16 “(II) receiving aid or assistance under
 17 any plan of the territory approved under
 18 title I, X, XIV, or XVI.”.

19 **Subpart B—Part B**

20 **SEC. 21825. APPLICATION OF PART B DEEMED ENROLL-**
 21 **MENT PROCESS TO RESIDENTS OF PUERTO**
 22 **RICO; SPECIAL ENROLLMENT PERIOD AND**
 23 **LIMIT ON LATE ENROLLMENT PENALTIES.**

24 (a) APPLICATION OF PART B DEEMED ENROLLMENT
 25 PROCESS TO RESIDENTS OF PUERTO RICO.—Section

1 1837(f)(3) of the Social Security Act (42 U.S.C.
2 1395p(f)(3)) is amended by striking “, exclusive of Puerto
3 Rico”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply to individuals whose initial en-
6 rollment period under section 1837(d) of the Social Secu-
7 rity Act begins on or after the first day of the effective
8 month, specified by the Secretary of Health and Human
9 Services under section 1839(j)(1)(C) of such Act, as added
10 by subsection (c)(2).

11 (c) TRANSITION PROVIDING SPECIAL ENROLLMENT
12 PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES
13 FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839
14 of the Social Security Act (42 U.S.C. 1395r) is amend-
15 ed—

16 (1) in the first sentence of subsection (b), by in-
17 serting “subject to section 1839(j)(2),” after “sub-
18 section (i)(4) or (l) of section 1837,”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF
22 PUERTO RICO.—

23 “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE
24 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT
25 NOT ENROLLED.—

1 “(A) IN GENERAL.—In the case of a tran-
2 sition individual (as defined in paragraph (3))
3 who is not enrolled under this part as of the
4 day before the first day of the effective month
5 (as defined in subparagraph (C)), the Secretary
6 shall provide for a special enrollment period
7 under section 1837 of 7 months beginning with
8 such effective month during which the indi-
9 vidual may be enrolled under this part.

10 “(B) COVERAGE PERIOD.—In the case of
11 such an individual who enrolls during such spe-
12 cial enrollment period, the coverage period
13 under section 1838 shall begin on the first day
14 of the second month after the month in which
15 the individual enrolls.

16 “(C) EFFECTIVE MONTH DEFINED.—In
17 this section, the term ‘effective month’ means a
18 month, not earlier than October 2021 and not
19 later than January 2022, specified by the Sec-
20 retary.

21 “(2) REDUCTION IN LATE ENROLLMENT PEN-
22 ALTIES FOR CURRENT ENROLLEES AND INDIVID-
23 UALS ENROLLING DURING TRANSITION.—

24 “(A) IN GENERAL.—In the case of a tran-
25 sition individual who is enrolled under this part

1 as of the day before the first day of the effec-
2 tive month or who enrolls under this part on or
3 after the date of the enactment of this sub-
4 section but before the end of the special enroll-
5 ment period under paragraph (1)(A), the
6 amount of the late enrollment penalty imposed
7 under section 1839(b) shall be recalculated by
8 reducing the penalty to 15 percent of the pen-
9 alty otherwise established.

10 “(B) APPLICATION.—Subparagraph (A)
11 shall be applied in the case of a transition indi-
12 vidual who—

13 “(i) is enrolled under this part as of
14 the month before the effective month, for
15 premiums for months beginning with such
16 effective month; or

17 “(ii) enrolls under this part on or
18 after the date of the enactment of this Act
19 and before the end of the special enroll-
20 ment period under paragraph (1)(A), for
21 premiums for months during the coverage
22 period under this part which occur during
23 or after the effective month.

24 “(C) LOSS OF REDUCTION IF INDIVIDUAL
25 TERMINATES ENROLLMENT.—Subparagraph

1 (A) shall not apply to a transition individual if
 2 the individual terminates enrollment under this
 3 part after the end of the special enrollment pe-
 4 riod under paragraph (1).

5 “(3) TRANSITION INDIVIDUAL DEFINED.—In
 6 this section, the term ‘transition individual’ means
 7 an individual who resides in Puerto Rico and who
 8 would have been deemed enrolled under this part
 9 pursuant to section 1837(f) before the first day of
 10 the effective month but for the fact that the indi-
 11 vidual was a resident of Puerto Rico, regardless of
 12 whether the individual is enrolled under this part as
 13 of such first day.”.

14 **Subpart C—Medicare Advantage (Part C)**

15 **SEC. 21831. ADJUSTMENT IN BENCHMARK FOR LOW-BASE**
 16 **PAYMENT COUNTIES IN PUERTO RICO.**

17 Section 1853(n) of the Social Security Act (42 U.S.C.
 18 1395w–23(n)) is amended—

19 (1) in paragraph (1), by striking “and (5)” and
 20 inserting “(5), and (6)”;

21 (2) in paragraph (4), by striking “In no case”
 22 and inserting “Subject to paragraph (6), in no
 23 case”; and

24 (3) by adding at the end the following new
 25 paragraph:

1 “(6) SPECIAL RULES FOR BLENDED BENCH-
2 MARK AMOUNT FOR TERRITORIES.—

3 “(A) IN GENERAL.—Subject to paragraph
4 (2), the blended benchmark amount for an area
5 in a territory for a year (beginning with 2021)
6 shall not be less than 80 percent of the national
7 average of the base payment amounts specified
8 in subparagraph (2)(E) for such year for areas
9 within the 50 States and the District of Colum-
10 bia.

11 “(B) LIMITATION.—In no case shall the
12 blended benchmark amount for an area in a
13 territory for a year under subparagraph (A) ex-
14 ceed the lowest blended benchmark amount for
15 any area within the 50 States and the District
16 of Columbia for such year.”.

17 **Subpart D—Part D**

18 **SEC. 21836. IMPROVED USE OF ALLOCATED PRESCRIPTION**

19 **DRUG FUNDS BY TERRITORIES.**

20 Section 1935(e) of the Social Security Act (42 U.S.C.
21 1396u–5(e)) is amended by adding at the end the fol-
22 lowing new paragraph:

23 “(5) IMPROVED USE OF FUNDS FOR LOW-IN-
24 COME PART D ELIGIBLE INDIVIDUALS.—This sub-
25 section shall be applied beginning with fiscal year

1 2022 as follows, notwithstanding any other provision
2 of this title:

3 “(A) CLARIFYING STATE FLEXIBILITY TO
4 COVER NON-DUAL-ELIGIBLE INDIVIDUALS.—In
5 this title, the term ‘medical assistance’ includes
6 financial assistance furnished by a State under
7 this subsection to part D eligible individuals
8 who, if they were residing in one of the 50
9 States or the District of Columbia, would qual-
10 ify as subsidy eligible individuals under section
11 1860D–14(a)(3), and without regard to wheth-
12 er such individuals otherwise qualify for medical
13 assistance under this title.

14 “(B) 100 PERCENT FMAP TO REFLECT NO
15 STATE MATCHING REQUIRED FOR PART D LOW
16 INCOME SUBSIDIES.—The Federal medical as-
17 sistance percentage applicable to the assistance
18 furnished under this subsection is 100 percent.

19 “(C) LIMITED FUNDING FOR SPECIAL
20 RULES.—Subparagraphs (A) and (B), and the
21 provision of medical assistance for covered part
22 D drugs to low-income part D eligible individ-
23 uals for a State and period under this sub-
24 section, is limited to the amount specified in
25 paragraph (3) for such State and period.”.

1 **SEC. 21837. REPORT ON TREATMENT OF TERRITORIES**
2 **UNDER MEDICARE PART D.**

3 Paragraph (4) of section 1935(e) of the Social Secu-
4 rity Act (42 U.S.C. 1396u–5(e)) is amended to read as
5 follows:

6 “(4) REPORT ON APPLICATION OF SUB-
7 SECTION.—

8 “(A) IN GENERAL.—Not later than Feb-
9 ruary 1, 2022, the Secretary shall submit to
10 Congress a report on the application of this
11 subsection during the period beginning fiscal
12 year 2006 and ending fiscal year 2021.

13 “(B) INFORMATION TO BE INCLUDED IN
14 REPORT.—Such report shall include—

15 “(i) program guidance issued by the
16 Secretary to implement this subsection;

17 “(ii) for each territory, information on
18 the increased amount under paragraph (3)
19 and how the territory has applied such
20 amount, including the territory’s program
21 design, expenditures, and number of indi-
22 viduals (and dual-eligible individuals) as-
23 sisted; and

24 “(iii) differences between how such
25 territories are treated under part D of title
26 XVIII and under this title compared with

1 the treatment of the 50 States and the
 2 District of Columbia under such part and
 3 this title for different fiscal years within
 4 the period covered under the report.

5 “(C) RECOMMENDATIONS.—Such report
 6 shall include recommendations for improving
 7 prescription drug coverage for low-income indi-
 8 viduals in each territory, including rec-
 9 ommendations regarding each of the following
 10 alternative approaches:

11 “(i) Adjusting the aggregate amount
 12 specified in paragraph (3)(B).

13 “(ii) Allowing residents of the terri-
 14 tories to be subsidy eligible individuals
 15 under section 1860D–14, notwithstanding
 16 subsection (a)(3)(F) of such section, or
 17 providing substantially equivalent low-in-
 18 come prescription drug subsidies to such
 19 residents.”.

20 **PART 3—MISCELLANEOUS**

21 **SEC. 21841. MODIFIED TREATMENT OF TERRITORIES WITH** 22 **RESPECT TO APPLICATION OF ACA ANNUAL** 23 **HEALTH INSURANCE PROVIDER FEES.**

24 Section 9010 of the Patient Protection and Afford-
 25 able Care Act (26 U.S.C. 4001 note prec.) is amended—

1 (1) in subsection (b)(1), by inserting “subject
2 to subsection (k)(1),” after “With respect to each
3 covered entity,”; and

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

5 “(k) SPECIAL RULES FOR TREATMENT OF TERRI-
6 TORIES.—

7 “(1) IN GENERAL.—In applying this section
8 with respect to United States health risks located
9 outside of the 50 States or the District of Columbia
10 for years beginning with 2021—

11 “(A) the amount of the fee under sub-
12 section (b) shall be 50 percent of the amount
13 of the fee otherwise determined;

14 “(B) the Secretary shall deposit the
15 amount of such fees collected for each territory
16 into a separate account; and

17 “(C) amounts in such an account for a ter-
18 ritory for a year are appropriated and shall be
19 available to the territory in accordance with
20 paragraph (2).

21 “(2) AVAILABILITY OF FUNDS.—Amounts made
22 available to a territory under paragraph (1)(C) with
23 respect to a territory for a year shall be made avail-
24 able to the territory, upon application of the terri-
25 tory to the Secretary of Health and Human Serv-

1 ices, only for the following purposes, as elected by
2 the territory in such application:

3 “(A) INCREASED PRESCRIPTION DRUG AS-
4 SISTANCE FOR LOW-INCOME PART D ELIGIBLE
5 INDIVIDUALS.—For increasing the amount of
6 funds made available to the territory under sec-
7 tion 1935(e)(3) of the Social Security Act (42
8 U.S.C. 1396u–5(e)(3)) for assistance for low-in-
9 come part D eligible individuals in obtaining
10 part D covered drugs.

11 “(B) SATISFYING STATE MEDICAID
12 MATCHING REQUIREMENT.—For the territory to
13 meet non-Federal matching requirements im-
14 posed with respect to obtaining Federal finan-
15 cial participation under title XIX of the Social
16 Security Act.”.

17 **SEC. 21842. MEDICAID AND CHIP TERRITORY TRANS-**
18 **PARENCY AND INFORMATION.**

19 (a) PUBLICATION OF INFORMATION ON FEDERAL
20 EXPENDITURES UNDER MEDICAID AND CHIP IN THE
21 TERRITORIES.—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Health and
23 Human Services shall publish, and periodically update, on
24 the Internet site of the Centers for Medicare & Medicaid
25 Services information on Medicaid and CHIP carried out

1 in the territories of the United States. Such information
2 shall include, with respect to each such territory—

3 (1) the income levels established by the terri-
4 tory for purposes of eligibility of an individual to re-
5 ceive medical assistance under Medicaid or child
6 health assistance under CHIP;

7 (2) the number of individuals enrolled in Med-
8 icaid and CHIP in such territory;

9 (3) any State plan amendments in effect to
10 carry out Medicaid or CHIP in such territory;

11 (4) any waiver of the requirements of title XIX
12 or title XXI issued by the Secretary to carry out
13 Medicaid or CHIP in the territory, including a waiv-
14 er under section 1115 of the Social Security Act (42
15 U.S.C. 1315), any application for such a waiver, and
16 any documentation related to such application (in-
17 cluding correspondence);

18 (5) the amount of the Federal and non-Federal
19 share of expenditures under Medicaid and CHIP in
20 such territory;

21 (6) the systems in place for the furnishing of
22 health care items and services under Medicaid and
23 CHIP in such territory;

24 (7) the design of CHIP in such territory; and

1 (8) other information regarding the carrying
2 out of Medicaid and CHIP in the territory that is
3 published on such Internet site with respect to car-
4 rying out Medicaid and CHIP in each State and the
5 District of Columbia.

6 (b) DEFINITIONS.—In this section:

7 (1) CHIP.—The term “CHIP” means the
8 State Children’s Health Insurance Program under
9 title XXI of the Social Security Act.

10 (2) MEDICAID.—The term “Medicaid” means
11 the Medicaid program under title XIX of the Social
12 Security Act.

13 (3) TERRITORY.—The term “territory of the
14 United States” includes Puerto Rico, the Virgin Is-
15 lands of the United States, Guam, the Northern
16 Mariana Islands, and American Samoa.

17 **SEC. 21843. REPORT ON EXCLUSION OF TERRITORIES FROM**
18 **EXCHANGES.**

19 (a) IN GENERAL.—Not later than February 1, 2022,
20 the Secretary of Health and Human Services shall submit
21 to Congress a report that details the adverse impacts in
22 each territory from the practical exclusion of the terri-
23 tories from the provisions of part II of subtitle D of title
24 I of the Patient Protection and Affordable Care Act inso-
25 far as such provisions provide for the establishment of an

1 American Health Benefit Exchange or the administration
2 of a federally facilitated Exchange in each State and in
3 the District of Columbia for the purpose of making health
4 insurance more affordable and accessible for individuals
5 and small businesses.

6 (b) INFORMATION IN REPORT.—The report shall in-
7 clude information on the following:

8 (1) An estimate of the total number of unin-
9 sured and underinsured individuals residing in each
10 territory with respect to health insurance coverage.

11 (2) A description of the number of health insur-
12 ance issuers in each territory and the health insur-
13 ance plans these issuers offer.

14 (3) An estimate of the number of individuals re-
15 siding in each territory who are denied premium and
16 cost-sharing assistance that would otherwise be
17 available to them for obtaining health insurance cov-
18 erage through an Exchange if they resided in one of
19 the 50 States or in the District of Columbia.

20 (4) An estimate of the amount of Federal as-
21 sistance described in paragraph (3) that is not being
22 made available to residents of each territory.

23 (5) An estimate of the number of small employ-
24 ers in each territory that would be eligible to pur-
25 chase health insurance coverage through a Small

1 Business Health Options Program (SHOP) Market-
2 place that would operate as part of an Exchange if
3 the employers were in one of the 50 States or in the
4 District of Columbia.

5 **SEC. 21844. ACCESS TO COVERAGE FOR INDIVIDUALS IN**
6 **CERTAIN AREAS WITHOUT ANY AVAILABLE**
7 **EXCHANGE PLANS.**

8 Part 2 of subtitle D of title I of the Patient Protec-
9 tion and Affordable Care Act (42 U.S.C. 18031 et seq.)
10 is amended by adding at the end the following:

11 **“SEC. 1314. ACCESS TO COVERAGE FOR INDIVIDUALS IN**
12 **CERTAIN AREAS WITHOUT ANY AVAILABLE**
13 **EXCHANGE PLANS.**

14 “(a) IN GENERAL.—

15 “(1) COVERAGE THROUGH DC SHOP EX-
16 CHANGE.—Not later than 3 months after the date of
17 enactment of this section, the Secretary, in consulta-
18 tion with the Secretary of the Treasury and the Di-
19 rector of the Office of Personnel Management, shall
20 establish a mechanism to ensure that, for any plan
21 year beginning on or after the date described in sub-
22 section (d), any individual described in paragraph
23 (2) may enroll in health insurance coverage in the
24 small group market through the Exchange operating
25 in the District of Columbia, including the health in-

1 surance coverage that is available to Members of
2 Congress and congressional staff (as defined in sec-
3 tion 1312(d)(3)(D)).

4 “(2) INDIVIDUAL DESCRIBED.—An individual
5 described in this paragraph is any individual who—

6 “(A) is not eligible to enroll in an em-
7 ployer-sponsored health plan (excluding such a
8 plan that would not be considered minimum es-
9 sential coverage due to the application of sub-
10 paragraph (C) of section 36B(c)(2) of the In-
11 ternal Revenue Code of 1986 if such subpara-
12 graph applied to such plan); and

13 “(B) is a bona fide resident of any posses-
14 sion of the United States (as determined under
15 section 937(a) of such Code) in which the Sec-
16 retary certifies that no qualified health plan is
17 offered through an Exchange established under
18 this title.

19 “(3) POSSESSION OF THE UNITED STATES.—
20 For purposes of this section, the term ‘possession of
21 the United States’ shall include such possessions as
22 are specified in section 937(a)(1) of the Internal
23 Revenue Code of 1986.

24 “(b) PREMIUM ASSISTANCE TAX CREDITS AND
25 COST-SHARING.—Any individual described in subsection

1 (a)(2) who enrolls in health insurance coverage through
2 the Exchange operating in the District of Columbia pursu-
3 ant to subsection (a)(1) shall be eligible for any premium
4 tax credit under section 36B of the Internal Revenue Code
5 of 1986, reduced cost-sharing under section 1402, and ad-
6 vance determination and payment of such credits or such
7 reductions under section 1412, that the individual would
8 otherwise be eligible for if enrolling as a resident of the
9 District of Columbia in health insurance coverage in the
10 individual market through the Exchange operating in the
11 District of Columbia.

12 “(c) TREATMENT OF POSSESSIONS.—

13 “(1) PAYMENTS TO POSSESSIONS.—

14 “(A) MIRROR CODE POSSESSION.—The
15 Secretary of the Treasury shall periodically (but
16 not less frequently than annually) pay to each
17 possession of the United States with a mirror
18 code tax system amounts equal to the loss to
19 that possession by reason of the application of
20 this section (determined without regard to para-
21 graph (2)) with respect to taxable years begin-
22 ning after the date described in subsection (d).
23 Such amounts shall be determined by the Sec-
24 retary of the Treasury based on information

1 provided by the government of the respective
2 possession.

3 “(B) OTHER POSSESSIONS.—The Sec-
4 retary of the Treasury shall periodically (but
5 not less frequently than annually) pay to each
6 possession of the United States which does not
7 have a mirror code tax system amounts esti-
8 mated by the Secretary of the Treasury as
9 being equal to the aggregate benefits that would
10 have been provided to residents of such posses-
11 sion by reason of the application of this section
12 for any taxable years beginning after the date
13 described in subsection (d) if a mirror code tax
14 system had been in effect in such possession.
15 The preceding sentence shall not apply with re-
16 spect to any possession of the United States un-
17 less such possession has a plan, which has been
18 approved by the Secretary of the Treasury,
19 under which such possession will promptly dis-
20 tribute such payments to the residents of such
21 possession.

22 “(2) COORDINATION WITH CREDIT ALLOWED
23 AGAINST UNITED STATES INCOME TAXES.—No cred-
24 it shall be allowed against United States income

1 taxes for any taxable year under section 36B of the
2 Internal Revenue Code of 1986 to any person—

3 “(A) to whom a credit is allowed against
4 taxes imposed by the possession by reason of
5 this section (determined without regard to this
6 paragraph) for such taxable year, or

7 “(B) who is eligible for a payment under
8 a plan described in paragraph (1)(B) with re-
9 spect to such taxable year.

10 “(3) MIRROR CODE TAX SYSTEM.—For pur-
11 poses of this subsection, the term ‘mirror code tax
12 system’ means, with respect to any possession of the
13 United States, the income tax system of such posses-
14 sion if the income tax liability of the residents of
15 such possession under such system is determined by
16 reference to the income tax laws of the United
17 States as if such possession were the United States.

18 “(4) TREATMENT OF PAYMENTS.—For pur-
19 poses of section 1324(b)(2) of title 31, United
20 States Code, or any similar rule of law, the pay-
21 ments under this subsection shall be treated in the
22 same manner as a refund due from the credit al-
23 lowed under section 36B of the Internal Revenue
24 Code of 1986.

1 “(d) DATE DESCRIBED.—The date described in this
2 subsection is the date on which the Secretary establishes
3 the mechanism described in subsection (a)(1).”.

4 **SEC. 21845. EXTENSION OF FAMILY-TO-FAMILY HEALTH IN-**
5 **FORMATION CENTERS PROGRAM TO TERRI-**
6 **TORIES.**

7 Section 501(c)(3)(C) of the Social Security Act (42
8 U.S.C. 701(c)) is amended by striking “years 2018 and
9 2019” and inserting “year 2018 and each fiscal year
10 thereafter”.

11 **Subtitle R—Maternal Care Access**
12 **and Reducing Emergencies**

13 **SEC. 21901. SHORT TITLE.**

14 This subtitle may be cited as the “Maternal Care Ac-
15 cess and Reducing Emergencies Act” or the “Maternal
16 CARE Act”.

17 **SEC. 21902. FINDINGS.**

18 Congress finds the following:

19 (1) In the United States, maternal mortality
20 rates are among the highest in the developed world
21 and increased by 26.6 percent between 2000 and
22 2014.

23 (2) Of the 4,000,000 American women who give
24 birth each year, about 700 suffer fatal complications
25 during pregnancy, while giving birth, or during the

1 postpartum period, and an additional 50,000 are se-
2 verely injured.

3 (3) It is estimated that about 60 percent of the
4 maternal mortalities in the United States could be
5 prevented and half of the maternal injuries in the
6 United States could be reduced or eliminated with
7 better care.

8 (4) Data from the Centers for Disease Control
9 and Prevention show that Black women are 3 to 4
10 times more likely to die from pregnancy-related
11 causes than White women. There are 42.8 deaths
12 per 100,000 live births for Black women, compared
13 to 13 deaths per 100,000 live births for White
14 women and 17.2 deaths per 100,000 live births for
15 women nationally.

16 (5) Black women's risk of maternal mortality
17 has remained higher than White women's risk for
18 the past 6 decades.

19 (6) Black women in the United States suffer
20 from life-threatening pregnancy complications twice
21 as often as their White counterparts.

22 (7) High rates of maternal mortality among
23 Black women span income and education levels, as
24 well as socioeconomic status; moreover, risk factors
25 such as a lack of access to prenatal care and phys-

1 ical health conditions do not fully explain the racial
2 disparity in maternal mortality.

3 (8) A growing body of evidence indicates that
4 stress from racism and racial discrimination results
5 in conditions—including hypertension and pre-ecl-
6 lampsia—that contribute to poor maternal health
7 outcomes among Black women.

8 (9) Pervasive racial bias against Black women
9 and unequal treatment of Black women exist in the
10 health care system, often resulting in inadequate
11 treatment for pain and dismissal of cultural norms
12 with respect to health. A 2016 study by University
13 of Virginia researchers found that White medical
14 students and residents often believed biological
15 myths about racial differences in patients, including
16 that Black patients have less-sensitive nerve endings
17 and thicker skin than their White counterparts. Pro-
18 viders, however, are not consistently required to un-
19 dergo implicit bias, cultural competency, or empathy
20 training.

21 (10) North Carolina has established a statewide
22 Pregnancy Medical Home (PMH) program, which
23 aims to reduce adverse maternal health outcomes
24 and maternal deaths by incentivizing maternal
25 health care providers to provide integral health care

1 services to pregnant women and new mothers. Ac-
2 cording to the North Carolina Department of Health
3 and Human Services Center for Health Statistics,
4 the pregnancy-related mortality rate for Black
5 women was approximately 5.1 times higher than
6 that of White women in 2004. Almost a decade
7 later, in 2013, the pregnancy-related mortality rates
8 for Black women and White women were 24.3 and
9 24.2 deaths per 100,000 live births, respectively.
10 The PMH program has been credited with the con-
11 vergence in pregnancy-related mortality rates be-
12 cause the program partners each high-risk pregnant
13 and postpartum woman that is covered under Med-
14 icaid with a pregnancy care manager.

15 **SEC. 21903. DEFINITIONS.**

16 In this subtitle:

17 (1) SECRETARY.—The term “Secretary” means
18 the Secretary of Health and Human Services.

19 (2) STATE.—The term “State” has the mean-
20 ing given that term in section 1101 of the Social Se-
21 curity Act (42 U.S.C. 1301) for purposes of title
22 XIX of that Act (42 U.S.C. 1396 et seq.).

1 **SEC. 21904. IMPLICIT BIAS TRAINING FOR HEALTH CARE**
2 **PROVIDERS.**

3 (a) GRANT PROGRAM.—The Secretary shall establish
4 a grant program under which such Secretary awards
5 grants to accredited schools of allopathic medicine, accred-
6 ited schools of osteopathic medicine, accredited nursing
7 schools, other health professional training programs, and
8 other entities for the purpose of supporting implicit bias
9 training, with priority given to such training with respect
10 to obstetrics and gynecology.

11 (b) COLLABORATION REQUIRED.—In developing re-
12 quirements for implicit bias training carried out with
13 grant funds awarded under this section, the Secretary
14 shall collaborate with relevant stakeholders that specialize
15 in addressing health equity, including—

16 (1) health care providers who serve pregnant
17 women, including doctors, nurses, and midwives;

18 (2) academic institutions, including schools and
19 training programs described in subsection (a);

20 (3) community-based health workers, including
21 perinatal health workers, doulas, and home visitors;
22 and

23 (4) community-based organizations.

24 (c) IMPLICIT BIAS TRAINING DEFINED.—In this sec-
25 tion, the term “implicit bias training” means evidence-

1 based, on-going professional development and support,
2 with respect to—

3 (1) bias in judgment or behavior that results
4 from subtle cognitive processes, including implicit at-
5 titudes and implicit stereotypes, that often operate
6 at a level below conscious awareness and without in-
7 tentional control; or

8 (2) implicit attitudes and stereotypes that result
9 in beliefs or simple associations that a person makes
10 between an object and its evaluation that are auto-
11 matically activated by the mere presence (actual or
12 symbolic) of the attitude object.

13 (d) PRIORITIZATION.—In awarding grants under this
14 section, the Secretary shall give priority to awarding
15 grants to schools, programs, or entities located in or serv-
16 ing areas with the greatest needs, based such factors as
17 the Secretary may consider, including racial disparities in
18 maternal mortality and the incidence of severe maternal
19 morbidity rates.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated for purposes of carrying
22 out the grant program under subsection (a), \$5,000,000
23 for each of fiscal years 2022 through 2026.

1 **SEC. 21905. PREGNANCY MEDICAL HOME DEMONSTRATION**
2 **PROJECT.**

3 (a) **AUTHORITY TO AWARD GRANTS.**—The Secretary
4 shall award grants to States for the purpose of estab-
5 lishing or operating State pregnancy medical home pro-
6 grams that meet the requirements of subsection (b) to de-
7 liver integrated health care services to pregnant women
8 and new mothers and reduce adverse maternal health out-
9 comes, maternal deaths, and racial health disparities in
10 maternal mortality and morbidity.

11 (b) **STATE PREGNANCY MEDICAL HOME PROGRAM**
12 **REQUIREMENTS.**—A State pregnancy medical home pro-
13 gram meets the requirements of this subsection if—

14 (1) the State works with relevant stakeholders
15 to develop and carry out the program, including—

16 (A) State and local agencies responsible for
17 Medicaid, public health, social services, mental
18 health, and substance abuse treatment and sup-
19 port;

20 (B) health care providers who serve preg-
21 nant women, including doctors, nurses, and
22 midwives;

23 (C) community-based health workers, in-
24 cluding perinatal health workers, doulas, and
25 home visitors; and

1 (D) community-based organizations and
2 individuals representing the communities
3 with—

4 (i) the highest overall rates of mater-
5 nal mortality and morbidity; and

6 (ii) the greatest racial disparities in
7 rates of maternal mortality and morbidity;

8 (2) the State selects health care providers who
9 serve pregnant women, including doctors, nurses,
10 and midwives, to participate in the program as preg-
11 nancy medical homes, and requires that any provider
12 that wishes to participate in the program as a preg-
13 nancy medical home—

14 (A) commits to following evidence-based
15 practices for maternity care, as developed by
16 the State in consultation with relevant stake-
17 holders; and

18 (B) completes training to provide culturally
19 and linguistically competent care;

20 (3) under the program, each pregnancy medical
21 home is required to conduct a standardized medical,
22 obstetric, and psychosocial risk assessment for every
23 patient of the medical home who is pregnant at the
24 patient's first prenatal appointment with the medical
25 home;

1 (4) under the program, a care manager—

2 (A) is assigned to each pregnancy medical
3 home; and

4 (B) coordinates care (including coordi-
5 nating resources and referrals for health care
6 and social services that are not available from
7 the pregnancy medical home) for each patient
8 of a pregnancy medical home who is eligible for
9 services under the program; and

10 (5) the program prioritizes pregnant and
11 postpartum women who are uninsured or enrolled in
12 the State Medicaid plan under title XIX of the So-
13 cial Security Act (42 U.S.C. 1396 et seq.), or a
14 waiver of such plan.

15 (c) GRANTS.—

16 (1) LIMITATION.—The Secretary may award a
17 grant under this section to up to 10 States.

18 (2) PERIOD.—Grants under this section shall
19 be for a 5-year period.

20 (3) PRIORITIZATION.—In awarding grants
21 under this section, the Secretary shall give priority
22 to the States with the greatest racial disparities in
23 maternal mortality and severe morbidity rates.

24 (d) REPORT ON GRANT IMPACT AND DISSEMINATION
25 OF BEST PRACTICES.—Not later than 1 year after all the

1 grant periods awarded under this section have ended, the
2 Secretary shall—

3 (1) submit a report to Congress that de-
4 scribes—

5 (A) the impact of the grants awarded
6 under this section on maternal and child health;

7 (B) best practices and models of care used
8 by recipients of grants under this section; and

9 (C) obstacles faced by recipients of grants
10 under this section in delivering care, improving
11 maternal and child health, and reducing racial
12 disparities in rates of maternal and infant mor-
13 tality and morbidity; and

14 (2) disseminate information on best practices
15 and models of care used by recipients of grants
16 under this section (including best practices and mod-
17 els of care relating to the reduction of racial dispari-
18 ties in rates of maternal and infant mortality and
19 morbidity) to interested parties, including health
20 providers, medical schools, relevant State and local
21 agencies, and the general public.

22 (e) AUTHORIZATION.—There are authorized to be ap-
23 propriated to carry out this section, \$25,000,000 for each
24 of fiscal years 2022 through 2026, to remain available
25 until expended.

1 **SEC. 21906. NATIONAL ACADEMY OF MEDICINE STUDY.**

2 (a) IN GENERAL.—The Secretary shall enter into an
3 arrangement with the National Academy of Medicine
4 under which the National Academy agrees to study and
5 make recommendations for incorporating bias recognition
6 in clinical skills testing for accredited schools of allopathic
7 medicine and accredited schools of osteopathic medicine.

8 (b) REPORT.—The arrangement under subsection (a)
9 shall provide for submission by the National Academy of
10 Medicine to the Secretary and Congress, not later than
11 3 years after the date of enactment of this Act, of a report
12 on the results of the study that includes such rec-
13 ommendations.

14 **Subtitle S—Reducing Mortality and**
15 **Morbidity Among All Women**
16 **and Honoring Mothers**

17 **SEC. 22001. FINDINGS.**

18 Congress finds that—

19 (1) the pregnancy-related mortality ratio, de-
20 fined as the number of pregnancy-related deaths per
21 100,000 live births, more than doubled between
22 1987 and 2016;

23 (2) the United States is the only developed
24 country whose maternal mortality rate has increased
25 over the last several decades;

1 (3) of all pregnancy-related deaths between
2 2011 and 2015—

3 (A) nearly 31 percent occurred during
4 pregnancy;

5 (B) about 36 percent occurred during
6 childbirth or the week after childbirth; and

7 (C) 33 percent occurred between 1 week
8 and 1 year postpartum;

9 (4) more than 60 percent of maternal deaths in
10 the United States are preventable;

11 (5) in 2014 alone, 50,000 women suffered from
12 a “near miss” or severe maternal morbidity, which
13 includes potentially life-threatening complications
14 that arise from labor and childbirth;

15 (6) 28 percent of women who gave birth in a
16 hospital in the United States reported experiencing
17 1 or more types of mistreatment, such as—

18 (A) loss of autonomy;

19 (B) being shouted at, scolded, or threat-
20 ened; and

21 (C) being ignored or refused or receiving
22 no response to requests for help;

23 (7) certain social determinants of health, in-
24 cluding bias and racism, have a negative impact on
25 maternal health outcomes;

1 (8) significant disparities in maternal health
2 exist, including that—

3 (A) Black women are more than 3 times as
4 likely to die from a pregnancy-related cause as
5 are White women;

6 (B) American Indian and Alaska Native
7 women are more than 2 times as likely to die
8 from a pregnancy-related cause as are White
9 women;

10 (C) Black, American Indian, and Alaska
11 Native women with at least some college edu-
12 cation are more likely to die from a pregnancy-
13 related cause than are women of all other racial
14 and ethnic backgrounds with less than a high
15 school diploma;

16 (D) Black, American Indian, and Alaska
17 Native women are about 2 times as likely to
18 suffer from severe maternal morbidity as are
19 White women;

20 (E) women who live in rural areas have a
21 greater likelihood of severe maternal morbidity
22 and mortality compared to women who live in
23 urban areas;

24 (F) nearly 50 percent of rural counties do
25 not have a hospital with obstetric services;

1 (G) counties with more Black and His-
2 panic residents and lower median incomes are
3 less likely to have access to hospital obstetric
4 services;

5 (H) more than 50 percent of women who
6 live in a rural area must travel more than 30
7 minutes to access hospital obstetric services,
8 compared to 7 percent of women who live in
9 urban areas; and

10 (I) American Indian and Alaska Native
11 women living in rural communities are twice as
12 likely as their White counterparts to report re-
13 ceiving late or no prenatal care;

14 (9) more than 40 States have designated com-
15 mittees to review maternal deaths;

16 (10) State and local maternal mortality review
17 committees are positioned to comprehensively assess
18 maternal deaths and identify opportunities for pre-
19 vention;

20 (11) more than 25 States are participating in
21 the Alliance for Innovation on Maternal Health,
22 which promotes consistent and safe maternity care
23 to reduce maternal morbidity and mortality;

24 (12) community-based maternal health care
25 models, including midwifery childbirth services,

1 doula support services, community and perinatal
2 health worker services, and group prenatal care, in
3 collaboration with culturally competent physician
4 care, show great promise in improving maternal
5 health outcomes and reducing disparities in mater-
6 nal health outcomes;

7 (13) many organizations have implemented ini-
8 tiatives to educate patients and providers about—

9 (A) all causes of, contributing factors to,
10 and disparities in maternal mortality;

11 (B) the prevention of pregnancy-related
12 deaths; and

13 (C) the importance of listening to and em-
14 powering all women to report pregnancy-related
15 medical issues;

16 (14) the Centers for Disease Control and Pre-
17 vention (in this Resolution, referred to as the
18 “CDC”), for the first time in over a decade, released
19 a report on January 30, 2020, assessing the United
20 States maternal mortality rate that—

21 (A) found in 2018, the maternal mortality
22 rate was 17.4 maternal deaths per 100,000 live
23 births;

24 (B) found the maternal mortality rate for
25 non-Hispanic Black women was more than dou-

1 ble that of non-Hispanic White women at 37.1
2 deaths per 100,000 live births compared to
3 14.7, and 3 times the rate of Hispanic women
4 (11.8); and

5 (C) while using a new standardized meth-
6 odology to improve the accuracy of States re-
7 porting maternal deaths, still has potential
8 methodological concerns with the reporting of
9 maternal mortality data, such as the CDC re-
10 port excluding mothers over the age of 44 and
11 only accounting for deaths within 42 days of
12 giving birth, potentially omitting later
13 postpartum deaths; and

14 (D) several States, communities, and orga-
15 nizations recognize January 23 as “Maternal
16 Health Awareness Day” to raise awareness
17 about maternal health and promote maternal
18 safety.

19 **SEC. 22002. SENSE OF CONGRESS.**

20 Congress—

21 (1) acknowledges the United States deeply trou-
22 bling maternal health crisis and supports expedited
23 Federal action on reducing the rates of maternal
24 mortality in the United States, including—

1 (A) raising public awareness about mater-
2 nal mortality, maternal morbidity, and dispari-
3 ties in maternal health outcomes; and

4 (B) encouraging the Federal Government,
5 States, territories, Tribes, local communities,
6 public health organizations, physicians, health
7 care providers, and others to take action to re-
8 duce adverse maternal health outcomes and im-
9 prove maternal safety;

10 (2) promotes initiatives—

11 (A) to address and eliminate disparities in
12 maternal health outcomes; and

13 (B) to ensure respectful and equitable ma-
14 ternity care practices;

15 (3) honors the mothers who have passed away
16 as a result of pregnancy-related causes;

17 (4) supports collecting better data on maternal
18 mortality and morbidity; and

19 (5) supports and recognizes the need for fur-
20 ther investments in efforts to improve maternal
21 health, eliminate disparities in maternal health out-
22 comes, and promote respectful and equitable mater-
23 nity care practices.

1 **Subtitle T—Collecting and Ana-**
2 **lyzing Resources Integral and**
3 **Necessary for Guidance for So-**
4 **cial Determinants**

5 **SEC. 22101. SHORT TITLE.**

6 This subtitle may be cited as the “Collecting and
7 Analyzing Resources Integral and Necessary for Guidance
8 for Social Determinants Act of 2020” or the “CARING
9 for Social Determinants Act of 2020”.

10 **SEC. 22102. FINDINGS; PURPOSE.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Social determinants of health are the condi-
14 tions in which people are born, grow, live, play, work
15 and age; they include factors like socioeconomic sta-
16 tus, education, housing, transportation, nutrition
17 and literacy.

18 (2) Research has shown that addressing social
19 determinants of health is important for improving
20 overall health and reducing health inequities.

21 (3) Social determinants that negatively impact
22 health can have harmful neurodevelopmental and bi-
23 ological consequences that develop in childhood and
24 manifest in adulthood.

1 (4) There is a growing body of evidence sug-
2 gesting that policies that specifically address social
3 needs, including policies targeting children and fami-
4 lies, can improve community health outcomes and
5 have the potential to reduce health care spending.

6 (5) Some State Medicaid programs have begun
7 testing innovative delivery and payment models de-
8 signed to improve health outcomes and reduce costs
9 by implementing strategies to address social deter-
10 minants of health under existing Medicaid authori-
11 ties as well as through the use of waivers, though
12 payment incentives linked to social determinant of
13 health are not common.

14 (6) Despite a growing focus on social deter-
15 minants of health in State managed care contracts,
16 most States do not provide necessary guidance for
17 managed care organizations as to how they may use
18 existing authority under Federal law to provide pa-
19 tients with services that can improve health by ad-
20 dressing social determinants.

21 (7) Centers for Medicare & Medicaid Services
22 guidance and technical assistance are critical tools
23 that could increase adoption of strategies to address
24 social determinants of health among State Medicaid
25 agencies.

1 (b) PURPOSES.—It is the purpose of this subtitle to
2 provide States with additional operational clarity and ex-
3 amples of the strategies they can leverage through existing
4 authority and waivers to address social determinants of
5 health for the Medicaid population.

6 **SEC. 22103. REQUIREMENT TO ISSUE GUIDANCE TO CLAR-**
7 **IFY STRATEGIES TO ADDRESS SOCIAL DETER-**
8 **MINANTS OF HEALTH IN THE MEDICAID PRO-**
9 **GRAM AND THE CHILDREN'S HEALTH INSUR-**
10 **ANCE PROGRAM.**

11 Not later than 2 years after the date of the enact-
12 ment of this Act, the Secretary of Health and Human
13 Services shall issue and disseminate guidance to States to
14 clarify strategies to address social determinants of health
15 under the Medicaid program and the Children's Health
16 Insurance Program. Such guidance shall include the fol-
17 lowing:

18 (1) Guidance and technical assistance to State
19 Medicaid agencies regarding the strategies that
20 States can implement under existing authorities
21 under title XI, XIX, or XXI of the Social Security
22 Act, or through waivers, to address social deter-
23 minants of health in the provision of health care, in-
24 cluding strategies specifically targeting the pediatric
25 population.

1 (2) Guidance and technical assistance on how
2 States can encourage and incentivize managed care
3 organizations to address social determinants of
4 health through contracts with such organizations.

5 (3) A compendium of examples from States
6 with respect to how States are currently addressing
7 social determinants of health in the provision of
8 health care under the Medicaid program and the
9 Children’s Health Insurance Program, including
10 through payment models.

11 **Subtitle U—Equal Access to Abor-**
12 **tion Coverage in Health Insur-**
13 **ance**

14 **SEC. 22201. SHORT TITLE.**

15 This subtitle may be cited as the “Equal Access to
16 Abortion Coverage in Health Insurance (EACH Woman)
17 Act of 2020”.

18 **SEC. 22202. FINDINGS.**

19 Congress makes the following findings:

20 (1) Affordable, comprehensive health insurance
21 that includes coverage for a full range of pregnancy-
22 related care, including abortion, is critical to the
23 health of every person regardless of actual or per-
24 ceived race, color, national origin, immigration sta-
25 tus, sex (including sexual orientation, gender iden-

1 tity, pregnancy, childbirth, a medical condition relat-
2 ing to pregnancy or childbirth, or sex stereotyping),
3 age, or disability status.

4 (2) Neither a woman's income level nor her
5 type of insurance should prevent her from having ac-
6 cess to a full range of pregnancy-related care, in-
7 cluding abortion services.

8 (3) No woman should have the decision to have,
9 or not to have, an abortion made for her based on
10 her ability or inability to afford the procedure.

11 (4) Since 1976, the Federal Government has
12 withheld funds for abortion coverage in most cir-
13 cumstances, affecting women of reproductive age in
14 the United States who are insured through the Med-
15 icaid program, as well as women who receive insur-
16 ance or care through other federal health plans and
17 programs. Of women aged 15–44 enrolled in Med-
18 icaid in 2017, 55 percent lived in the 35 States and
19 the District of Columbia that do not cover abortion,
20 except in limited circumstances. This amounts to
21 roughly 7.3 million women of reproductive age, in-
22 cluding 3.1 million women living below the Federal
23 poverty level. Women of color are disproportionately
24 likely to be insured by the Medicaid program: Na-
25 tionwide, 32 percent of Black women and 27 percent

1 of Hispanic women aged 15–44 were enrolled in
2 Medicaid in 2017, compared with 16 percent of
3 White women.

4 (5) Moreover, 26 States also prohibit abortion
5 coverage in private insurance plans within or beyond
6 health insurance marketplaces under the Patient
7 Protection and Affordable Care Act.

8 (6) Restrictions on abortion coverage interfere
9 with a woman’s personal decision making, with her
10 health and well-being, and with her constitutionally
11 protected right to a safe and legal medical proce-
12 dure.

13 (7) Restrictions on abortion coverage have a
14 disproportionate impact on low-income women,
15 women of color, immigrant women, and young
16 women. These women are already disadvantaged in
17 their access to the resources, information, and serv-
18 ices necessary to prevent an unintended pregnancy
19 or to carry a healthy pregnancy to term.

20 **SEC. 22203. ABORTION COVERAGE AND CARE REGARDLESS**
21 **OF INCOME OR SOURCE OF INSURANCE.**

22 (a) ENSURING ABORTION COVERAGE AND CARE
23 THROUGH THE FEDERAL GOVERNMENT IN ITS ROLE AS
24 AN INSURER, EMPLOYER, OR HEALTH CARE PRO-
25 VIDER.—The Federal Government shall—

1 (1) ensure coverage for abortion care in public
2 health insurance programs including Medicaid,
3 Medicare, and the Children’s Health Insurance Pro-
4 gram;

5 (2) in its role as an employer or health plan
6 sponsor, ensure coverage for abortion care for par-
7 ticipants and beneficiaries; and

8 (3) in its role as a provider of health services,
9 ensure abortion care is made available to individuals
10 who are eligible to receive services in its own facili-
11 ties or in facilities with which it contracts to provide
12 medical care.

13 (b) PROHIBITING RESTRICTIONS ON PRIVATE INSUR-
14 ANCE COVERAGE OF ABORTION CARE.—

15 (1) FEDERAL RESTRICTIONS.—The Federal
16 Government shall not prohibit, restrict, or otherwise
17 inhibit insurance coverage of abortion care by State
18 or local government or by private health plans.

19 (2) STATE AND LOCAL GOVERNMENT RESTRIC-
20 TIONS.—State and local governments shall not pro-
21 hibit, restrict, or otherwise inhibit insurance cov-
22 erage of abortion care by private health plans.

23 **SEC. 22204. SENSE OF CONGRESS.**

24 It is the sense of the Congress that—

1 (1) the Federal Government, acting in its ca-
2 pacity as an insurer, employer, or health care pro-
3 vider, should serve as a model for the Nation to en-
4 sure coverage of abortion care; and

5 (2) moreover, restrictions on coverage of abor-
6 tion care in the private insurance market must end.

7 **SEC. 22205. RULE OF CONSTRUCTION.**

8 Nothing in this subtitle shall be construed to have
9 any effect on any Federal, State, or local law that includes
10 more protections for abortion coverage or care than those
11 set forth in this subtitle.

12 **SEC. 22206. SEVERABILITY.**

13 If any portion of this subtitle or the application there-
14 of to any person or circumstances is held invalid, such in-
15 validity shall not affect the portions or applications of this
16 subtitle which can be given effect without the invalid por-
17 tion or application.

18 **Subtitle V—Improving Access to**
19 **Mental Health**

20 **SEC. 22301. SHORT TITLE.**

21 This subtitle may be cited as the “Improving Access
22 to Mental Health Act”.

1 **SEC. 22302. IMPROVED ACCESS TO MENTAL HEALTH SERV-**
2 **ICES UNDER THE MEDICARE PROGRAM.**

3 (a) ACCESS TO CLINICAL SOCIAL WORKERS.—Sec-
4 tion 1833(a)(1)(F)(ii) of the Social Security Act (42
5 U.S.C. 1395l(a)(1)(F)(ii)) is amended by striking “75
6 percent of the amount determined for payment of a psy-
7 chologist under clause (L)” and inserting “85 percent of
8 the fee schedule amount provided under section 1848”.

9 (b) ACCESS TO CLINICAL SOCIAL WORKER SERVICES
10 PROVIDED TO RESIDENTS OF SKILLED NURSING FACILI-
11 TIES.—

12 (1) IN GENERAL.—Section 1888(e)(2)(A)(ii) of
13 the Social Security Act (42 U.S.C.
14 1395yy(e)(2)(A)(ii)) is amended by inserting “clin-
15 ical social worker services,” after “qualified psychol-
16 ogist services,”.

17 (2) CONFORMING AMENDMENT.—Section
18 1861(hh)(2) of the Social Security Act (42 U.S.C.
19 1395x(hh)(2)) is amended by striking “and other
20 than services furnished to an inpatient of a skilled
21 nursing facility which the facility is required to pro-
22 vide as a requirement for participation”.

23 (c) ACCESS TO THE COMPLETE SET OF CLINICAL SO-
24 CIAL WORKER SERVICES.—Section 1861(hh)(2) of the So-
25 cial Security Act (42 U.S.C. 1395x(hh)(2)) is amended—

1 (1) by striking “for the diagnosis and treatment
2 of mental illnesses (other than services” and insert-
3 ing “, including services for the diagnosis and treat-
4 ment of mental illnesses and services for health and
5 behavior assessment and intervention as identified as
6 of January 1, 2022, by HCPCS codes 96150
7 through 96161 (and any succeeding codes), but not
8 including services”; and

9 (2) by striking “) which” and inserting “,
10 which”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to items and services furnished on
13 or after January 1, 2021.

14 **Subtitle W—Sickle Cell Trait Re-**
15 **search, Surveillance, and Public**
16 **Education and Awareness**

17 **SEC. 22401. FINDINGS.**

18 Congress finds—

19 (1) sickle cell disease is the most common in-
20 herited blood disorder in the United States, affecting
21 approximately 100,000 people in the United States;

22 (2) more than 3,000,000 people in the United
23 States have the sickle cell trait, and many are un-
24 aware of their status;

1 (3) in 2010, the total number of babies born
2 with sickle cell trait was estimated to have exceeded
3 60,000, and the total United States incidence esti-
4 mate was 15.5 cases per 1,000 births;

5 (4) sickle cell disease occurs in about 1 out of
6 every 365 Black or African-American births and 1
7 out of every 16,300 Hispanic-American births;

8 (5) individuals who have sickle cell trait have a
9 50-percent chance of passing on the abnormal sickle
10 cell gene to future offspring and 25-percent chance
11 of having future children with sickle cell disease if
12 both parents have the trait;

13 (6) sickle cell disease can be identified before
14 birth by testing a sample of amniotic fluid or tissue
15 from the placenta;

16 (7) individuals with sickle cell trait have the
17 same life expectancy as the general population, but
18 are at risk for certain conditions, including blood in
19 the urine, kidney cancer, complications with trauma
20 to the eye, and tissue death in the spleen at high al-
21 titudes, or may have a false positive A1C test;

22 (8) during the 115th Congress, Public Law
23 115–327 reauthorized a sickle cell disease prevention
24 and treatment demonstration program and provided

1 for sickle cell research, surveillance, prevention, and
2 treatment;

3 (9) following the enactment of Public Law 115–
4 327, the National Institutes of Health launched the
5 Cure Sickle Cell Initiative aimed at bringing genetic
6 therapies into first-in-human clinical trials within
7 five years and moving newly developed genetic thera-
8 pies, including gene-editing approaches, into clinical
9 research;

10 (10) communication of a screening result con-
11 sistent with sickle cell trait should always be accom-
12 panied by appropriate counseling on the implica-
13 tions, provided by an individual with adequate train-
14 ing and understanding of the information;

15 (11) the limited research on the communication
16 of sickle cell trait test results to patients dem-
17 onstrates that there is a high prevalence of mis-
18 leading information being communicated during
19 counseling sessions for sickle cell trait following new-
20 born screening by clinicians; and

21 (12) no studies have examined whether infor-
22 mation on sickle cell trait test results is being accu-
23 rately transmitted to an individual, whether by a
24 family member or health care provider, prior to a
25 person’s reproductive years.

1 **SEC. 22402. SENSE OF CONGRESS.**

2 Congress—

3 (1) recognizes the importance of ensuring that
4 people in the United States can make informed deci-
5 sions as a result of awareness of their sickle cell
6 trait status;

7 (2) recognizes the ongoing challenges in ad-
8 dressing health outcomes among people with sickle
9 cell trait and sickle cell disease;

10 (3) recognizes the importance of the develop-
11 ment of, and access to, new treatments for sickle cell
12 disease;

13 (4) encourages the medical community, in co-
14 ordination with State and Federal Government, to
15 work to ensure that all individuals are made aware
16 of their sickle cell trait status by developing a com-
17 mon strategy for dissemination of screening results,
18 education, and counseling to parents and families in
19 collaboration with all 50 States' newborn screening
20 programs;

21 (5) calls on the Department of Health and
22 Human Services, in collaboration with experts, to
23 develop a surveillance and public awareness cam-
24 paign regarding the importance of knowing one's
25 sickle cell trait status and to gain knowledge on

1 sickle cell disease for all racial and ethnic groups in
2 the United States;

3 (6) commits to build on the progress of Public
4 Law 115–327 which reauthorized a sickle cell dis-
5 ease prevention and treatment demonstration pro-
6 gram and provided for sickle cell research, surveil-
7 lance, prevention, and treatment;

8 (7) calls on the Department of Health and
9 Human Services to expand access for screening and
10 appropriate counseling for carriers of sickle cell
11 trait;

12 (8) commits to ensuring support for research
13 that expands our understanding of the health out-
14 comes and other implications of sickle cell trait and
15 the health outcomes associated with sickle cell dis-
16 ease; and

17 (9) commits to ensuring equitable access among
18 economic, racial, and ethnic groups to new treat-
19 ments in order to improve health outcomes for those
20 with sickle cell disease.

21 **Subtitle X—National Youth HIV &**
22 **AIDS Awareness Day**

23 **SEC. 22501. FINDINGS.**

24 Congress finds that—

1 (1) National Youth HIV & AIDS Awareness
2 Day is a nationwide observance that calls on people
3 to take action to invest in the health, education, and
4 leadership of young people;

5 (2) more than 30 years into the epidemic, the
6 Centers for Disease Control and Prevention (CDC)
7 estimates that in the United States more than
8 1,200,000 people are living with HIV, and every
9 year approximately 40,000 people acquire HIV;

10 (3) in the United States, almost 40 percent of
11 new HIV infections are young people ages 13 to 20;

12 (4) young people ages 13 to 24 account for one
13 in five of the estimated 40,000 new HIV cases diag-
14 nosed each year in the United States;

15 (5) 41 percent of HIV-positive youth ages 13 to
16 24 do not know they carry the HIV virus;

17 (6) African-American youth bear a dispropor-
18 tionate burden of the epidemic, representing 57 per-
19 cent of new infections in young people ages 13 to
20 24;

21 (7) young African-American men who have sex
22 with men (MSM) ages 13 to 24 comprise 34 percent
23 of new infections among all Black males;

1 (8) the Division of Adolescent and School
2 Health (DASH) is the only Federal program sup-
3 porting HIV prevention for adolescents in schools;

4 (9) the Nation's largest Federal program dedi-
5 cated to providing care and treatment for people liv-
6 ing with HIV was named after Ryan White, a teen-
7 ager from Indiana who helped educate a Nation
8 about HIV and AIDS in the 1980s;

9 (10) the Ryan White Part D Program is one of
10 the national efforts to link HIV-positive youth to
11 medical care and support services;

12 (11) the Patient Protection and Affordable
13 Care Act (PPACA) provides youth, including those
14 at risk for and living with HIV/AIDS, better access
15 to health care coverage, more health insurance op-
16 tions, additional funding for sex education, a prohi-
17 bition against denying people living with HIV access
18 to health care, and expanded access to Medicaid
19 which will help more HIV-positive youth receive
20 care; and

21 (12) April 10 of each year is now recognized as
22 National Youth HIV & AIDS Awareness Day.

23 **SEC. 22502. SENSE OF CONGRESS.**

24 Congress—

1 (1) supports the goals and ideals of National
2 Youth HIV & AIDS Awareness Day;

3 (2) encourages State and local governments, in-
4 cluding their public health agencies, education agen-
5 cies, schools, and media organizations to recognize
6 and support such a day;

7 (3) promotes effective and comprehensive HIV
8 prevention education programs both in and out of
9 schools as a tool to ensure that all people in the
10 United States are educated about HIV, as called for
11 in the National HIV/AIDS Strategy;

12 (4) urges youth-friendly and accessible health
13 care services to better provide for the early identi-
14 fication of HIV through voluntary routine testing,
15 and to connect those in need to clinically and cul-
16 turally appropriate care and treatment as early as
17 possible;

18 (5) commends the work of AIDS service organi-
19 zations, community and faith-based organizations,
20 and school-based health centers that are providing
21 youth-friendly, effective, prevention, treatment, care,
22 and support services to young people living with and
23 vulnerable to HIV/AIDS;

24 (6) recognizes the importance of interventions
25 that address young people's structural barriers to

1 living healthy lives, including accessible health care,
2 safe and inclusive schools and communities, family
3 acceptance, secure housing, excellent education, em-
4 ployment and legal protections, and poverty reduc-
5 tion initiatives;

6 (7) prioritizes youth leadership and develop-
7 ment in order to ensure youth involvement in deci-
8 sions which impact their health and well-being as a
9 necessary means to achieving an AIDS-free genera-
10 tion;

11 (8) requires the full implementation of the Na-
12 tional HIV/AIDS Strategy and its goals to reduce
13 new HIV infections, increase access to care and im-
14 prove health outcomes for people living with HIV,
15 reduce HIV-related disparities and health inequities,
16 and achieve a more coordinated national response to
17 the HIV/AIDS epidemic;

18 (9) recommends a comprehensive prevention
19 and treatment strategy that empowers young people,
20 parents, public health workers, educators, faith lead-
21 ers, and other stakeholders to fully engage with their
22 communities and families to help decrease violence,
23 discrimination, and stigma towards individuals who
24 disclose their sexual orientation or HIV status; and

1 (10) calls for an AIDS-free generation that
2 prioritizes youth leadership and development in
3 order to ensure youth involvement in decisions which
4 impact their health and well-being as well as ad-
5 vance a pipeline for the next generation of HIV/
6 AIDS doctors, advocates, educators, researchers,
7 and other professionals.

8 **Subtitle Y—National Black HIV/**
9 **AIDS Awareness Day**

10 **SEC. 22601. FINDINGS.**

11 Congress finds that—

12 (1) the Centers for Disease Control and Preven-
13 tion (CDC) estimates that in the United States more
14 than 1,100,000 people are living with HIV, and 15
15 percent do not know they are infected;

16 (2) in 2017, approximately 38,739 people were
17 diagnosed with HIV in the United States;

18 (3) since the beginning of the HIV/AIDS epi-
19 demic in the United States, racial and ethnic minori-
20 ties have been disproportionately affected by the dis-
21 ease;

22 (4) African Americans are diagnosed with
23 AIDS later than their White counterparts, are con-
24 fronted with greater barriers in accessing care and

1 treatment, and face higher morbidity and mortality
2 outcomes;

3 (5) African Americans account for nearly half
4 of all those with AIDS who have died in the United
5 States since the beginning of the epidemic;

6 (6) in 2015, 3,379 African Americans died of
7 HIV or AIDS, accounting for 52 percent of total
8 deaths attributed to the disease that year;

9 (7) in 2014, HIV/AIDS was the 6th leading
10 cause of death for Black men overall and for Black
11 women ages 25–34, and the 5th for Black men ages
12 35–44 and 4th for Black women ages 35–44 in
13 2014, ranking higher than their respective counter-
14 parts in any other racial/ethnic group;

15 (8) in 2016, African Americans represented 44
16 percent of all people living with HIV in the United
17 States, despite comprising just 12 percent of the
18 United States population;

19 (9) in 2016, over 17,000 African Americans
20 were diagnosed with HIV;

21 (10) African-American gay and bisexual men
22 are more affected by HIV than any other group in
23 the United States, accounting for a higher propor-
24 tion of HIV diagnoses, those living with HIV, those

1 ever diagnosed with AIDS, and HIV/AIDS-related
2 deaths;

3 (11) in 2016, more than half of African Ameri-
4 cans diagnosed with HIV were gay or bisexual men;

5 (12) in 2016, among all gay and bisexual men
6 who had received an HIV diagnosis, African Ameri-
7 cans accounted for the highest number (38 percent);

8 (13) according to a 2016 study by the CDC, an
9 estimated half of Black gay men will be diagnosed
10 with HIV in their lifetime, if current HIV diagnoses
11 rates persist;

12 (14) homophobia, stigma, and discrimination
13 pose major obstacles to HIV testing, treatment and
14 other prevention services for gay and bisexual Afri-
15 can-American men;

16 (15) among all women diagnosed with HIV in
17 2016, 61 percent were African American, despite
18 comprising only 14 percent of the female population
19 in the United States;

20 (16) African-American women face the highest
21 risk of HIV and other sexually transmitted infec-
22 tions (STIs) compared with women of other groups;

23 (17) the HIV diagnosis rate for African-Amer-
24 ican women remains 16 times as high as that of

1 White women, and almost five times that of His-
2 panic women;

3 (18) among African-American women, the lead-
4 ing transmission category of HIV infection is hetero-
5 sexual contact, followed by intravenous drug use;

6 (19) research indicates that the high incarcer-
7 ation rates of Black men may contribute to the dis-
8 proportionate rates of HIV infections among Black
9 women;

10 (20) in 2010—the most recent data available—
11 there were more than 20,000 inmates with HIV/
12 AIDS in State and Federal prisons, a prevalence
13 that is 4 times the rate of HIV in the general popu-
14 lation;

15 (21) among incarcerated populations, African-
16 American men are 5 times as likely as White men,
17 and twice as likely as Hispanic/Latino men, to be di-
18 agnosed with HIV;

19 (22) among incarcerated populations, African-
20 American women are more than twice as likely to be
21 diagnosed with HIV as White or Hispanic/Latino
22 women;

23 (23) transgender women in the United States
24 are at high risk for HIV;

1 (24) more than half of all transgender people
2 diagnosed with HIV are Black or African American;

3 (25) the Southern United States now experi-
4 ences the highest burden of the HIV/AIDS epidemic;

5 (26) in 2017, the South made up 52 percent of
6 the new HIV diagnoses in the United States;

7 (27) African Americans are severely and dis-
8 proportionately affected by HIV in the South, ac-
9 counting for 53 percent of all new HIV infections in
10 the region;

11 (28) socioeconomic issues impact the rates of
12 HIV infection among African Americans in the
13 South and throughout the United States;

14 (29) socioeconomic factors like income inequal-
15 ity, poverty, and lack of access to HIV prevention
16 education and basic health services, and cultural fac-
17 tors like homophobia, transphobia, and racism all
18 pose significant challenges to combating the HIV/
19 AIDS epidemic;

20 (30) we are seeing signs of progress;

21 (31) from 2011 to 2015, HIV diagnoses among
22 African-American women fell by nearly 20 percent
23 and have also fallen sharply among African Ameri-
24 cans who inject drugs;

1 (32) testing, education, counseling, and harm
2 reduction practices are all critical to prevent HIV;

3 (33) life-saving treatment is also a proven pre-
4 vention tool, and research shows that antiretroviral
5 drugs can reduce the amount of virus to
6 undetectable levels (also known as viral suppression),
7 effectively resulting in no risk of transmission of
8 HIV;

9 (34) in 2012, the Food and Drug Administra-
10 tion approved pre-exposure prophylaxis (PrEP) as
11 prevention for people who are HIV-negative;

12 (35) PrEP can reduce the risk of HIV infection
13 for HIV-negative people by up to 99 percent;

14 (36) in 1998, Congress and the Clinton admin-
15 istration created the National Minority AIDS Initia-
16 tive to help coordinate funding, build capacity, and
17 provide prevention, care, and treatment services
18 within the African-American, Hispanic, Asian Pa-
19 cific Islander, and Native American communities;

20 (37) the National Minority AIDS Initiative as-
21 sists with leadership development of community-
22 based organizations (CBOs), establishes and links
23 provider networks, builds community prevention in-
24 frastructure, promotes technical assistance among

1 CBOs, and raises awareness among African-Amer-
2 ican communities;

3 (38) 2019 marks the twenty-first year of the
4 National Minority AIDS Initiative which has suc-
5 cessfully established life-saving services and pro-
6 grams to address the needs of those communities,
7 families, and individuals most impacted and bur-
8 dened HIV;

9 (39) in 2010, the Obama administration un-
10 veiled the first National HIV/AIDS Strategy, which
11 identified a set of priorities and strategic action
12 steps tied to measurable outcomes for moving the
13 Nation forward in addressing the domestic HIV epi-
14 demic;

15 (40) in 2013, the National Association for the
16 Advancement of Colored People (NAACP) released a
17 manual of best practices for faith leaders to mobilize
18 communities, advocate for community support for
19 people infected with and affected by HIV/AIDS, and
20 organize dialogues on HIV/AIDS as a social justice
21 issue as part of “The Black Church and HIV: The
22 Social Justice Imperative”;

23 (41) in July 2015, the “National HIV/AIDS
24 Strategy for the United States: Updated to 2020”

1 was released and included actions and goals in order
2 to reduce HIV-related disparities and inequalities;

3 (42) the Affordable Care Act's expansion of
4 Medicaid and reforms to the individual insurance
5 market have helped lower the uninsured rates for
6 nonelderly African Americans by more than one-
7 third between 2013 and 2016, leading to better
8 health outcomes for African Americans living with or
9 at risk of HIV;

10 (43) National Black HIV/AIDS Awareness Day
11 was founded by 5 national organizations in 1999 to
12 provide capacity-building assistance to Black com-
13 munities and organizations; and

14 (44) each year on February 7, individuals, or-
15 ganizations, and policy makers across the Nation
16 participate in National Black HIV/AIDS Awareness
17 Day to promote HIV education, testing, community
18 involvement, and treatment in Black communities.

19 **SEC. 22602. SENSE OF CONGRESS.**

20 Congress—

21 (1) supports the goals and ideals of National
22 Black HIV/AIDS Awareness Day;

23 (2) encourages State and local governments, in-
24 cluding their public health agencies, and media orga-
25 nizations to recognize and support such day, to pub-

1 licize its importance among their communities, and
2 to encourage individuals, especially African Ameri-
3 cans, to get tested for HIV;

4 (3) commends the work of AIDS service organi-
5 zations, community-based organizations, faith-based
6 organizations providers, community health centers
7 and health departments that are providing effective,
8 evidence-based, prevention, treatment, care, and sup-
9 port services to people living with and vulnerable to
10 HIV/AIDS;

11 (4) supports the implementation of the National
12 HIV/AIDS Strategy and its goals to reduce new
13 HIV infections, increase access to care and improve
14 health outcomes for people living with HIV, reduce
15 HIV-related disparities and health inequities, and
16 achieve a more coordinated national response to the
17 HIV/AIDS epidemic;

18 (5) supports reducing the impact of incarcer-
19 ation as a driver of new HIV infections within the
20 African-American community;

21 (6) supports reducing the number of HIV infec-
22 tions in the African-American community resulting
23 from intravenous drug use;

24 (7) supports effective and comprehensive HIV
25 prevention education programs to promote the early

1 identification of HIV through voluntary routine test-
2 ing, and to connect those in need to clinically and
3 culturally appropriate care and treatment as early as
4 possible;

5 (8) supports appropriate funding for HIV/AIDS
6 prevention, care, treatment, research, and housing,
7 including community-based approaches to fight stig-
8 ma, discrimination, racism, sexism, homophobia, and
9 transphobia; and

10 (9) encourages comprehensive prevention, treat-
11 ment, and care strategies that empower public
12 health workers, educators, faith leaders, and other
13 stakeholders to engage their communities to help de-
14 crease violence, discrimination, and stigma towards
15 individuals who disclose their sexual orientation,
16 gender identity, or HIV status.

17 **Subtitle Z—Repeal Existing Poli-**
18 **cies That Encourage and Allow**
19 **Legal HIV Discrimination**

20 **SEC. 22701. SHORT TITLE.**

21 This subtitle may be cited as the “Repeal Existing
22 Policies that Encourage and Allow Legal HIV Discrimina-
23 tion Act of 2020” or the “REPEAL HIV Discrimination
24 Act of 2020”.

1 **SEC. 22702. FINDINGS.**

2 The Congress makes the following findings:

3 (1) At present, 34 States and 2 United States
4 territories have criminal statutes based on perceived
5 exposure to HIV, rather than behaviors motivated by
6 an intent to harm, presenting a significant risk of
7 transmission and resulting in actual transmission of
8 HIV to another. Eleven States have HIV-specific
9 laws that make spitting or biting a felony, even
10 though it is not possible to transmit HIV via saliva.
11 Twenty-four States require persons who are aware
12 that they have HIV to disclose their status to sexual
13 partners, regardless of whether they are non-infec-
14 tious. Fourteen of these 24 States also require dis-
15 closure to needle-sharing partners. Twenty-five
16 States criminalize one or more behaviors that pose
17 a low or negligible risk for HIV transmission.

18 (2) HIV-specific criminal laws are classified as
19 felonies in 28 States; in three States, a person's ex-
20 posure to another to HIV does not subject the per-
21 son to criminal prosecution for that act alone, but
22 may result in a sentence enhancement. Eighteen
23 States impose sentences of up to 10 years per viola-
24 tion; seven impose sentences between 11 and 20
25 years; and five impose sentences of greater than 20
26 years.

1 (3) When members of the Armed Forces ac-
2 quire HIV, they are issued orders that require them
3 to disclose and use a condom under all cir-
4 cumstances including when the known risk of trans-
5 mission is zero. Failure to disclose can result in
6 prosecution under the Uniform Code of Military Jus-
7 tice (UCMJ).

8 (4) The number of prosecutions, arrests, and
9 instances where HIV-based charges are used to in-
10 duce plea agreements is unknown. Because State-
11 level prosecution and arrest data are not readily
12 available in any national legal database, the societal
13 impact of these laws may be underestimated and
14 most cases that go to trial are not reduced to writ-
15 ten, published opinions.

16 (5) State and Federal criminal law does not
17 currently reflect the three decades of medical ad-
18 vances and discoveries made with regard to trans-
19 mission and treatment of HIV/AIDS.

20 (6) According to CDC, correct and consistent
21 male or female condom use is very effective in pre-
22 venting HIV transmission. However, most State
23 HIV-specific laws and prosecutions do not treat the
24 use of a condom during sexual intercourse as a miti-

1 gating factor or evidence that the defendant did not
2 intend to transmit HIV.

3 (7) Criminal laws and prosecutions do not take
4 into account the benefits of effective antiretroviral
5 medications, which suppress the virus to extremely
6 low levels and further reduce the already low risk of
7 transmitting HIV to near zero.

8 (8) In addition to HIV-specific criminal laws,
9 general criminal laws are often misused to prosecute
10 people based on their HIV status. Although HIV,
11 and even AIDS, currently is viewed as a treatable,
12 chronic, medical condition, people living with HIV
13 have been charged under aggravated assault, at-
14 tempted murder, and even bioterrorism statutes be-
15 cause prosecutors, courts, and legislators continue to
16 view and characterize the blood, semen, and saliva of
17 people living with HIV as a “deadly weapon”.

18 (9) Multiple peer-reviewed studies demonstrate
19 that HIV-specific laws do not reduce risk-taking be-
20 havior or increase disclosure by people living with or
21 at risk of HIV, and there is increasing evidence that
22 these laws reduce the willingness to get tested. Fur-
23 thermore, placing legal responsibility for preventing
24 the transmission of HIV and other pathogens that
25 can be sexually transmitted exclusively on people di-

1 agnosed with a sexually transmitted infection under-
2 mines the public health message that all people are
3 responsible for practicing behaviors that protect
4 themselves from HIV and other sexually transmitted
5 infections. Unfortunately, some State laws create an
6 expectation of disclosure work against public health
7 communication and discourage risk-reduction meas-
8 ures that could prevent transmission as a result of
9 those who are acutely infected and unaware of their
10 status.

11 (10) The identity of an individual subject to an
12 HIV-based prosecution is broadcast through media
13 reports, potentially destroying employment opportu-
14 nities and relationships and violating the person's
15 right to privacy.

16 (11) Individuals who are convicted after an
17 HIV-based prosecution often must register as sex of-
18 fenders even in cases involving consensual sexual ac-
19 tivity. Their employability is destroyed, and their
20 family relationships are fractured.

21 (12) The United Nations, including the Joint
22 United Nations Programme on HIV/AIDS
23 (UNAIDS), urges governments to "limit criminaliza-
24 tion to cases of intentional transmission." This re-
25 quirement would limit prosecutions to situations

1 “where a person knows his or her HIV-positive sta-
2 tus, acts with the intention to transmit HIV, and
3 does in fact transmit it”. UNAIDS also recommends
4 that criminal law should not be applied to cases
5 where there is no significant risk of transmission.

6 (13) In 2010, the Federal Government released
7 the first ever National HIV/AIDS Strategy (NHAS),
8 which addressed HIV-specific criminal laws, stating:
9 “While we understand the intent behind these laws,
10 they may not have the desired effect and they may
11 make people less willing to disclose their status by
12 making people feel at even greater risk of discrimi-
13 nation. In some cases, it may be appropriate for leg-
14 islators to reconsider whether existing laws continue
15 to further the public interest and public health. In
16 many instances, the continued existence and enforce-
17 ment of these types of laws run counter to scientific
18 evidence about routes of HIV transmission and may
19 undermine the public health goals of promoting HIV
20 screening and treatment.”. The NHAS also states
21 that State legislatures should consider reviewing
22 HIV-specific criminal statutes to ensure that they
23 are consistent with current knowledge of HIV trans-
24 mission and support public health approaches to pre-
25 venting and treating HIV.

1 (14) The Global Commission on HIV and the
2 Law was launched in June 2010 to examine laws
3 and practices that criminalize people living with and
4 vulnerable to HIV and to develop evidence-based rec-
5 ommendations for effective HIV responses. The
6 Commission calls for “governments, civil society and
7 international bodies to repeal punitive laws and
8 enact laws that facilitate and enable effective re-
9 sponses to HIV prevention, care and treatment serv-
10 ices for all who need them”. The Commission rec-
11 ommends against the enactment of “laws that ex-
12 plicitly criminalize HIV transmission, exposure or
13 non-disclosure of HIV status, which are counter-
14 productive”.

15 (15) In February 2019, the Department of
16 Health and Human Services (HHS) launched “End-
17 ing the HIV Epidemic: A Plan for America,” a new
18 initiative with an ambitious goal to end the domestic
19 HIV epidemic in ten years by reducing new cases of
20 HIV by 75 percent by 2025 and by 90 percent by
21 2030. In this plan, HHS notes that stigma “can be
22 a debilitating barrier preventing people living with,
23 or at risk for, HIV from receiving the health care,
24 services, and respect they need and deserve.” Many
25 of the States and jurisdictions identified as a pri-

1 ority for the first five years of the plan have stigma-
2 based criminal statutes for perceived exposure to
3 HIV. These statutes run counter to the goals of this
4 new initiative and stand in the way of ending the do-
5 mestic HIV epidemic.

6 **SEC. 22703. SENSE OF CONGRESS REGARDING LAWS OR**
7 **REGULATIONS DIRECTED AT PEOPLE LIVING**
8 **WITH HIV.**

9 It is the sense of Congress that Federal and State
10 laws, policies, and regulations regarding people living with
11 HIV—

12 (1) should not place unique or additional bur-
13 dens on such individuals solely as a result of their
14 HIV status; and

15 (2) should instead demonstrate a public health-
16 oriented, evidence-based, medically accurate, and
17 contemporary understanding of—

18 (A) the multiple factors that lead to HIV
19 transmission;

20 (B) the relative risk of demonstrated HIV
21 transmission routes;

22 (C) the current health implications of liv-
23 ing with HIV;

1 (D) the associated benefits of treatment
2 and support services for people living with HIV;
3 and

4 (E) the impact of punitive HIV-specific
5 laws, policies, regulations, and judicial prece-
6 dents and decisions on public health, on people
7 living with or affected by HIV, and on their
8 families and communities.

9 **SEC. 22704. REVIEW OF FEDERAL AND STATE LAWS.**

10 (a) REVIEW OF FEDERAL AND STATE LAWS.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of the enactment of this Act, the Attorney
13 General, the Secretary of Health and Human Serv-
14 ices, and the Secretary of Defense acting jointly (in
15 this section referred to as the “designated officials”)
16 shall initiate a national review of Federal and State
17 laws, policies, regulations, and judicial precedents
18 and decisions regarding criminal and related civil
19 commitment cases involving people living with HIV/
20 AIDS, including in regard to the Uniform Code of
21 Military Justice (UCMJ).

22 (2) CONSULTATION.—In carrying out the re-
23 view under paragraph (1), the designated officials
24 shall seek to include diverse participation from, and
25 consultation with, each of the following:

1 (A) Each State.

2 (B) State attorneys general (or their rep-
3 resentatives).

4 (C) State public health officials (or their
5 representatives).

6 (D) State judicial and court system offi-
7 cers, including judges, district attorneys, pros-
8 ecutors, defense attorneys, law enforcement,
9 and correctional officers.

10 (E) Members of the United States Armed
11 Forces, including members of other Federal
12 services subject to the UCMJ.

13 (F) People living with HIV/AIDS, particu-
14 larly those who have been subject to HIV-re-
15 lated prosecution or who are from minority
16 communities whose members have been dis-
17 proportionately subject to HIV-specific arrests
18 and prosecution.

19 (G) Legal advocacy and HIV/AIDS service
20 organizations that work with people living with
21 HIV/AIDS.

22 (H) Nongovernmental health organizations
23 that work on behalf of people living with HIV/
24 AIDS.

1 (I) Trade organizations or associations
2 representing persons or entities described in
3 subparagraphs (A) through (G).

4 (3) RELATION TO OTHER REVIEWS.—In car-
5 rying out the review under paragraph (1), the des-
6 ignated officials may utilize other existing reviews of
7 criminal and related civil commitment cases involv-
8 ing people living with HIV, including any such re-
9 view conducted by any Federal or State agency or
10 any public health, legal advocacy, or trade organiza-
11 tion or association if the designated officials deter-
12 mines that such reviews were conducted in accord-
13 ance with the principles set forth in section 22903.

14 (b) REPORT.—Not later than 180 days after initi-
15 ating the review required by subsection (a), the Attorney
16 General shall transmit to the Congress and make publicly
17 available a report containing the results of the review,
18 which includes the following:

19 (1) For each State and for the UCMJ, a sum-
20 mary of the relevant laws, policies, regulations, and
21 judicial precedents and decisions regarding criminal
22 cases involving people living with HIV, including the
23 following:

24 (A) A determination of whether such laws,
25 policies, regulations, and judicial precedents

1 and decisions place any unique or additional
2 burdens upon people living with HIV.

3 (B) A determination of whether such laws,
4 policies, regulations, and judicial precedents
5 and decisions demonstrate a public health-ori-
6 ented, evidence-based, medically accurate, and
7 contemporary understanding of—

8 (i) the multiple factors that lead to
9 HIV transmission;

10 (ii) the relative risk of HIV trans-
11 mission routes, including that a person
12 that has an undetectable viral load cannot
13 transmit the disease;

14 (iii) the current health implications of
15 living with HIV;

16 (iv) the current status of providing
17 protection to people who engage in survival
18 sex work against whom condom possession
19 has been used as evidence to intent to com-
20 mit a crime;

21 (v) States that have the classification
22 of mandatory sex offenders;

23 (vi) the associated benefits of treat-
24 ment and support services for people living
25 with HIV; and

1 (vii) the impact of punitive HIV-spe-
2 cific laws and policies on public health, on
3 people living with or affected by HIV, and
4 on their families and communities, includ-
5 ing people who are in abusive, dependent,
6 violent, and non-consensual relationships
7 and are unable to both negotiate the use of
8 condoms and status disclosure.

9 (C) An analysis of the public health and
10 legal implications of such laws, policies, regula-
11 tions, and judicial precedents and decisions, in-
12 cluding an analysis of the consequences of hav-
13 ing a similar penal scheme applied to com-
14 parable situations involving other communicable
15 diseases.

16 (D) An analysis of the proportionality of
17 punishments imposed under HIV-specific laws,
18 policies, regulations, and judicial precedents,
19 taking into consideration penalties attached to
20 violation of State laws against similar degrees
21 of endangerment or harm, such as driving while
22 intoxicated (DWI) or transmission of other
23 communicable diseases, or more serious harms,
24 such as vehicular manslaughter offenses.

1 (2) An analysis of common elements shared be-
2 tween State laws, policies, regulations, and judicial
3 precedents.

4 (3) A set of best practice recommendations di-
5 rected to State governments, including State attor-
6 neys general, public health officials, and judicial offi-
7 cers, in order to ensure that laws, policies, regula-
8 tions, and judicial precedents regarding people living
9 with HIV are in accordance with the principles set
10 forth in section 22903.

11 (4) Recommendations for adjustments to the
12 UCMJ, including discontinuing the use of a service
13 member's HIV diagnosis as the basis for prosecu-
14 tion, enhanced penalties, or discharge from military
15 service, in order to ensure that laws, policies, regula-
16 tions, and judicial precedents regarding people living
17 with HIV are in accordance with the principles set
18 forth in section 22903. Such recommendations
19 should include any necessary and appropriate
20 changes to "Orders to Follow Preventative Medicine
21 Requirements".

22 (c) GUIDANCE.—Within 90 days of the release of the
23 report required by subsection (b), the Attorney General
24 and the Secretary of Health and Human Services, acting
25 jointly, shall develop and publicly release updated guid-

1 ance for States based on the set of best practice rec-
2 ommendations required by subsection (b)(3) in order to
3 assist States dealing with criminal and related civil com-
4 mitment cases regarding people living with HIV.

5 (d) MONITORING AND EVALUATION SYSTEM.—With-
6 in 60 days of the release of the guidance required by sub-
7 section (c), the Attorney General and the Secretary of
8 Health and Human Services, acting jointly, shall establish
9 an integrated monitoring and evaluation system which in-
10 cludes, where appropriate, objective and quantifiable per-
11 formance goals and indicators to measure progress toward
12 statewide implementation in each State of the best prac-
13 tice recommendations required in subsection (b)(3).

14 (e) MODERNIZATION OF FEDERAL LAWS, POLICIES,
15 AND REGULATIONS.—Within 90 days of the release of the
16 report required by subsection (b), the designated officials
17 shall develop and transmit to the President and the Con-
18 gress, and make publicly available, such proposals as may
19 be necessary to implement adjustments to Federal laws,
20 policies, or regulations, including to the Uniform Code of
21 Military Justice, based on the recommendations required
22 by subsection (b)(4), either through Executive order or
23 through changes to statutory law.

1 **SEC. 22705. RULE OF CONSTRUCTION.**

2 Nothing in this subtitle shall be construed to discour-
3 age the prosecution of individuals who intentionally trans-
4 mit or attempt to transmit HIV to another individual.

5 **SEC. 22706. NO ADDITIONAL APPROPRIATIONS AUTHOR-**
6 **IZED.**

7 This subtitle shall not be construed to increase the
8 amount of appropriations that are authorized to be appro-
9 priated for any fiscal year.

10 **SEC. 22707. DEFINITIONS.**

11 For purposes of this subtitle:

12 (1) HIV AND HIV/AIDS.—The terms “HIV” and
13 “HIV/AIDS” have the meanings given to them in
14 section 2689 of the Public Health Service Act (42
15 U.S.C. 300ff–88).

16 (2) STATE.—The term “State” includes the
17 District of Columbia, American Samoa, the Com-
18 monwealth of the Northern Mariana Islands, Guam,
19 Puerto Rico, and the United States Virgin Islands.

20 **Subtitle AA—Pandemic Community**
21 **Reserve and Public Health Re-**
22 **sponse Act**

23 **SEC. 22801. SHORT TITLE.**

24 This Act may be cited as the “Pandemic Community
25 Reserve and Public Health Response Act”.

1 **SEC. 22802. GRANTS TO INCREASE FEDERAL PUBLIC**
2 **HEALTH RESERVE CORPS PERSONNEL.**

3 (a) IN GENERAL.—Not later than 30 days after the
4 date of the enactment of this Act, the Secretary of Health
5 and Human Services shall—

6 (1) award grants to State, local, and Tribal
7 public health departments to train and equip public
8 health and medical personnel to serve as Federal
9 public health reserve corps personnel to assist with
10 testing, contact tracing, and treatment of COVID—
11 19;

12 (2) reactivate retired personnel of any such
13 corps to assist with such testing, contact tracing,
14 and treatment of COVID–19; and

15 (3) in consultation with the Secretary of Labor,
16 award grants to local workforce development boards
17 established under section 107 of the Workforce In-
18 novation and Opportunity Act (29 U.S.C. 3122) to
19 develop transition plans (including career exposure,
20 career planning, and career pathways) and transfer-
21 able credits and certifications for Federal public
22 health reserve corps personnel to pursue further
23 service in a health-related career.

24 (b) FUNDS.—A State, local, or Tribal health depart-
25 ment that receives a grant under this section may use
26 funds received through the grant awarded under sub-

1 section (a)(1) to establish partnerships with medical train-
2 ing and public health programs, such as medical schools,
3 nursing schools, respiratory therapy programs, and com-
4 munity-based organizations, to recruit individuals to serve
5 as Federal public health reserve corps personnel.

6 (c) PRIORITY.—In establishing partnerships under
7 subsection (b), a State, local, or Tribal health department
8 that receives a grant under this section shall give priority
9 to institutions eligible to receive funding under section 371
10 of the Higher Education Act of 1965 (20 U.S.C. 1067q).

11 (d) TRAINING.—The Secretary of Health and Human
12 Services shall establish, in consultation with the Secretary
13 of Defense, a national training program (in digital and
14 in-person formats) for individuals serving as Federal pub-
15 lic health reserve corps personnel with respect to respond-
16 ing to COVID–19, including necessary surge capacity and
17 activation on short notice in local communities, including
18 hot spot areas with 100 or more COVID–19 hospital ad-
19 missions. Any certification received for completion of any
20 such training shall not supersede any training required
21 under State law for public health personnel.

22 (e) REPORTS.—Not later than 1 year after the date
23 on which the emergency period (as defined in section
24 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
25 1320b–5(g)(1)(B))) ends, and annually thereafter, the

1 Secretary of Health and Human Services shall submit to
2 the Committee on Energy and Commerce of the House
3 of Representatives and the Committee on Health, Edu-
4 cation, Labor, and Pensions of the Senate a report on the
5 state of the Federal public health reserve corps, includ-
6 ing—

7 (1) the rate of participation by members of ra-
8 cial and ethnic minority groups in such corps;

9 (2) specific occupations of corps personnel;

10 (3) careers attained after service in the corps;

11 and

12 (4) specific recommendations on the amount of
13 funding necessary for successful deployment of Fed-
14 eral health reserve corps personnel during public
15 health emergencies.

16 (f) FEDERAL PUBLIC HEALTH RESERVE CORP.—In
17 this section, the term “Federal public health reserve
18 corps” includes—

19 (1) Federal public health and medical personnel
20 under the authority of the Secretary, including the
21 Ready Reserve Corps, the Regular Corps, the Na-
22 tional Disaster Medical System, the Medical Reserve
23 Corps, and the Emergency System for Advance Reg-
24 istration of Volunteer Health Professionals;

7 (4) members of the National Guard.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000,000 to remain available until expended.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Office of Minority Health and Health Equity of the Centers for Disease Control and Prevention, shall award grants to State, local, and Tribal public health departments to establish and operate a Pandemic Community Reserve Corps within the jurisdiction of such State, local, or Tribal public health department for the purposes of—

1 (1) increasing diversity in recruitment of re-
2 serve corps personnel;

3 (2) ensuring a locally-sourced public health
4 workforce to supplement the existing State and Fed-
5 eral public health infrastructure; and

6 (3) assisting with testing, contact tracing, and
7 treatment of COVID–19.

8 (b) CONDITIONS.—The Secretary of Health and
9 Human Services shall, as a condition on the receipt of a
10 grant under this section, require that a State, local, or
11 Tribal public health department that receives a grant
12 under this section—

13 (1) requires that personnel of the Pandemic
14 Community Reserve Corps complete training under
15 the national program established under section 1(d);
16 and

17 (2) in establishing and operating a Pandemic
18 Community Reserve Corps, gives priority to dis-
19 located workers, the underemployed, youth, veterans,
20 and individuals with barriers to employment.

21 (c) REPORTS.—

22 (1) REPORTS TO SECRETARY.—Not later than
23 1 year after the date on which the first grant is
24 awarded under this section, and annually thereafter,
25 each State, local, and Tribal public health depart-

1 ment receiving such a grant shall submit to the Sec-
2 retary of Health and Human Services a report on
3 the state of the Pandemic Community Reserve Corps
4 within the jurisdiction of such State, local, or Tribal
5 public health department, including—

6 (A) the rate of participation by members of
7 racial and ethnic minority groups in such corps;

8 (B) specific occupations of corps personnel;

9 (C) careers attained after service in the
10 corps; and

11 (D) specific recommendations on the
12 amount of funding necessary for successful de-
13 ployment of Pandemic Community Reserve
14 Corps personnel during public health emer-
15 gencies.

16 (2) REPORT TO CONGRESS.—Not later than 1
17 year after the date on which the emergency period
18 (as defined in section 1135(g)(1)(B) of the Social
19 Security Act (42 U.S.C. 1320b–5(g)(1)(B))) ends,
20 and annually thereafter, the Secretary of Health and
21 Human Services shall submit to the Committee on
22 Energy and Commerce of the House of Representa-
23 tives and the Committee on Health, Education,
24 Labor, and Pensions of the Senate a report on the
25 state of the Pandemic Community Reserve Corps re-

ceiving funding pursuant to this section, including the information specified in each of subparagraphs (A) through (D) of paragraph (1).

(d) DEFINITIONS.—In this section:

(1) LOCALLY-SOURCED.—The term “locally-sourced” means, with respect to personnel of a Pandemic Community Reserve Corps established pursuant to subsection (a), individuals residing within the community or communities served by that Pandemic Community Reserve Corps that reflect the diversity of such community or communities.

(2) STATE.—The term “State” has the meaning given that term in section 101 of title 38, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$50,000,000,000 to remain available until expended.

Subtitle BB—Researching and Ending Disparities by Understanding Creating Equity Act of 2020

SEC. 22901. SHORT TITLE.

This Act may be cited as the “Researching and Ending Disparities by Understanding and Creating Equity Act of 2020” or the “REDUCE Act of 2020”.

1 **SEC. 22902. HEALTH IN ALL POLICIES DEMONSTRATION**
2 **PROJECT.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services (in this section referred to as the “Sec-
5 retary”) acting through the Director of the Centers for
6 Disease Control and Prevention and in coordination with
7 relevant agencies including the Department of Education,
8 the Department of Agriculture, the Department of Hous-
9 ing and Urban Development, the Department of Justice,
10 the Department of Labor, the Environmental Protection
11 Agency, and the Department of Transportation, shall im-
12 plement a grant program, to be known as the Health in
13 All Policies Demonstration Project.

14 (b) GRANTS.—In carrying out subsection (a), the
15 Secretary shall award grants to eligible entities to estab-
16 lish, implement, or enhance, in the jurisdiction of the re-
17 spective entity, a collaborative, interdisciplinary, and com-
18 munity-focused approach to improve the health of all com-
19 munities and individuals that—

20 (1) integrates and articulates health consider-
21 ations in policymaking across sectors;

22 (2) addresses—

23 (A) health;

24 (B) equity; and

25 (C) sustainability; and

1 (3) targets a significant proportion of Medicare
2 beneficiaries, Medicare-Medicaid dual eligibles, or
3 long-term care Medicaid recipients.

4 (c) EVALUATION.—The Secretary shall identify
5 metrics for evaluating the implementation of a grant
6 under this section and, using such metrics, evaluate each
7 grantee on the extent to which the approach implemented
8 through the grant—

- 9 (1) supports intersectoral collaboration;
- 10 (2) benefits multiple partners;
- 11 (3) engages stakeholders;
- 12 (4) creates structural or procedural change;
- 13 (5) impacts or relates to a model or demonstra-
14 tion project administered by the Centers for Medi-
15 care & Medicaid Services, such as an advanced pay-
16 ment model; and
- 17 (6) provides cost savings, delivers efficiencies,
18 and improves overall health, including health dis-
19 parity reduction and health equity improvements.

20 (d) ELIGIBILITY.—To be eligible to receive a grant
21 under this section, an entity shall—

- 22 (1) be a State, territory, Indian Tribe, or local
23 governmental entity; and

1 (2) submit an application to the Secretary at
2 such time, in such manner, and containing such in-
3 formation as the Secretary may require.

4 (e) PRIORITIZATION; GEOGRAPHICAL DIVERSITY.—
5 In awarding grants under this section, the Secretary
6 shall—

7 (1) give priority to eligible entities seeking to
8 use a grant to improve, as described in subsection
9 (b), the health of populations that—

10 (A) are target populations described in
11 subsection (b)(3); and

12 (B) have significant health inequities
13 throughout the populations; and

14 (2) seek to ensure geographical diversity among
15 grantees.

16 (f) REPORTS BY GRANTEES.—As a condition on re-
17 ceipt of a grant under this section, the Secretary shall re-
18 quire grantees to—

19 (1) provide a report to the Secretary upon com-
20 pletion of the Health in All Policies Demonstration
21 Project; and

22 (2) include in such report the extent to which
23 the approach implemented achieved the goals listed
24 in paragraphs (1) through (6) of subsection (c).

25 (g) REPORT TO CONGRESS.—

1 (1) SUBMISSION.—The Secretary shall submit
2 to Congress—

3 (A) not later than one year after the date
4 of enactment of this Act, an initial report on
5 the Health in All Policies Demonstration
6 Project; and

7 (B) not later than one year after the com-
8 pletion of the project, a final report on the
9 project.

10 (2) CONTENTS OF INITIAL REPORT.—The re-
11 port under paragraph (1)(A) shall include—

12 (A) evaluation the success of soliciting ap-
13 plications;

14 (B) identification of the number of applica-
15 tions received;

16 (C) specification of the timeline for award-
17 ing funding; and

18 (D) identification of barriers to imple-
19 menting the Health in All Policies Demonstra-
20 tion Project, if any.

21 (3) CONTENTS OF FINAL REPORT.—The report
22 under paragraph (1)(B) shall include—

23 (A) an assessment of the Health in All
24 Policies Demonstration Project, including an

1 evaluation of the effectiveness of the Dem-
2 onstration Project; and

3 (B) recommendations for Federal legisla-
4 tive actions to—

5 (i) integrate, based on such assess-
6 ment, a collaborative and interdisciplinary
7 approach to improve the health of all com-
8 munities; and

9 (ii) support eligible entities in pur-
10 suing a comparable integration of such an
11 approach across State programs.

12 (h) DEFINITIONS.—In this section:

13 (1) The term “Medicare beneficiaries” means
14 individuals entitled to part A of title XVIII of the
15 Social Security Act (42 U.S.C. 1395c et seq.) and
16 enrolled under part B of such title (42 U.S.C. 1395j
17 et seq.).

18 (2) The term “Medicare-Medicaid dual eligi-
19 bles” means individuals who are dually eligible for
20 benefits under title XVIII of the Social Security Act
21 (42 U.S.C. 1395 et seq.) and title XIX of such Act
22 (42 U.S.C. 1396 et seq.).

23 (i) AUTHORIZATION OF APPROPRIATIONS.—To carry
24 out this section, there is authorized to be appropriated

1 \$2,000,000 for the period of fiscal years 2021 through
2 2024.

3 **SEC. 22903. NATIONAL ACADEMIES OF SCIENCES, ENGI-**
4 **NEERING, AND MEDICINE REPORT.**

5 (a) IN GENERAL.—The Secretary of Health and
6 Human Services shall seek to enter into an arrangement,
7 not later than 60 days after the date of enactment of this
8 Act, with the National Academies of Sciences, Engineer-
9 ing, and Medicine (or if the Academies decline to enter
10 into such arrangement, another appropriate entity) under
11 which the Academies (or other appropriate entity) agrees
12 to prepare a report on eliminating health disparities to im-
13 prove health equity.

14 (b) REPORT.—

15 (1) CONTENTS.—The report prepared pursuant
16 to subsection (a) shall—

17 (A) review evidence on how social deter-
18 minants of health affect health outcomes among
19 middle-income Medicare beneficiaries and Medi-
20 care-Medicaid dual eligibles;

21 (B) examine successful interventions, in-
22 cluding with respect to health outcomes, that
23 address social determinants of health (including
24 transportation, meals, housing, access to health
25 care, personal care assistance, and access to

1 long-term services and supports), reduce health
2 disparities, and improve health equity;

3 (C) make conclusions regarding—

4 (i) the effectiveness of existing pro-
5 grams and policies of the Centers for
6 Medicare & Medicaid Services intended to
7 reduce health disparities;

8 (ii) best practices and successful
9 strategies that reduce health disparities;
10 and

11 (iii) efforts needed to address health
12 disparities related to health care workforce
13 shortages; and

14 (D) make recommendations regarding—

15 (i) priorities for health disparities
16 interventions within Federal health care
17 programs; and

18 (ii) potential opportunities for expan-
19 sion or replication of successful interven-
20 tions and payment models to reduce health
21 disparities and improve health equity.

22 (2) SUBMISSION.—The arrangement under sub-
23 section (a) shall require the National Academies of
24 Sciences, Engineering, and Medicine (or other ap-
25 propriate entity), not later than 18 months after en-

1 tering into such arrangement, to finalize the report
2 prepared pursuant to such arrangement and submit
3 such report to the Committees on Energy and Com-
4 merce and Ways and Means of the House of Rep-
5 resentatives and the Committees on Finance and
6 Health, Education, Labor, and Pensions of the Sen-
7 ate.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “health equity” means a State
10 where all individuals are able to attain their full
11 health potential and no one is hindered from achiev-
12 ing this potential due to social position or another
13 socially determined circumstance.

14 (2) The term “middle-income Medicare bene-
15 ficiaries” means individuals entitled to part A of
16 title XVIII of the Social Security Act (42 U.S.C.
17 1395c et seq.) and enrolled under part B of such
18 title (42 U.S.C. 1395j et seq.) who have an income
19 that is not below 125 percent of the poverty line ap-
20 plicable to a family of the size involved, but not
21 more than 400 percent of the poverty line so appli-
22 cable.

23 (3) The term “Medicare-Medicaid dual eligi-
24 bles” means individuals who are dually eligible for
25 benefits under title XVIII of the Social Security Act

1 (42 U.S.C. 1395 et seq.) and title XIX of such Act
2 (42 U.S.C. 1396 et seq.).

3 (4) The term “social determinants of health”
4 refers to the conditions in the environments in which
5 people live, learn, work, play, worship, and age that
6 affect a wide range of health, functioning, and qual-
7 ity-of-life outcomes and risks.

8 **Subtitle CC—Study, Treat, Observe**
9 **and Prevent Neglected Diseases**
10 **of Poverty Act (short Title STOP**
11 **Neglected Diseases of Poverty**
12 **Act)**

13 **SEC. 23001. SHORT TITLE.**

14 This Act may be cited as the “Study, Treat, Observe,
15 and Prevent Neglected Diseases of Poverty Act” or the
16 “STOP Neglected Diseases of Poverty Act”.

17 **SEC. 23002. FINDINGS.**

18 Congress finds as follows:

19 (1) Neglected diseases of poverty, many of
20 which are also known as “neglected tropical dis-
21 eases”, are a group of diseases that disproportion-
22 ately affect vulnerable populations living in extreme
23 poverty.

24 (2) More than 1,000,000,000 people worldwide
25 are affected by neglected diseases of poverty.

1 (3) Neglected diseases of poverty can be trans-
2 mitted—

3 (A) through contaminated food, water, and
4 soil;

5 (B) through parasites, insects, blood trans-
6 fusion, and organ transplant; and

7 (C) in some cases, congenitally.

8 (4) Neglected diseases of poverty have a high
9 rate of morbidity and mortality and can lead to
10 health complications such as heart disease, epilepsy,
11 asthma, blindness, developmental delays, stillbirth,
12 low birthweight, and gastrointestinal disorders.

13 (5) Some neglected diseases of poverty can be
14 asymptomatic at the outset, but debilitating or dan-
15 gerous symptoms can emerge over time or under cer-
16 tain conditions, such as pregnancy. It is estimated
17 that millions of people are living with these diseases
18 and are not aware that they are infected.

19 (6) For tens of thousands of individuals, dis-
20 eases of poverty that are chronic and neglected can
21 manifest into severe illness later in life.

22 (7) Neglected diseases of poverty place a sig-
23 nificant financial burden on affected individuals and
24 communities due to the health care costs associated
25 with these diseases and because these diseases limit

1 individuals' productivity and ability to be active con-
2 tributors to their communities. This burden could
3 largely be prevented through early screening and
4 treatment, which are highly cost effective.

5 (8) Since its inception in 2006, the Neglected
6 Tropical Diseases Program at the United States
7 Agency for International Development and its part-
8 ners, including the Centers for Disease Control and
9 Prevention, have delivered more than 1,600,000,000
10 treatments to more than 743,000,000 people.

11 (9) Due to the support provided by the United
12 States Agency for International Development and its
13 partners, 140,000,000 people live in regions where
14 they are no longer at risk of contracting lymphatic
15 filariasis, and 65,000,000 people live in regions
16 where they are no longer at risk of contracting tra-
17 choma.

18 (10) Although the exact prevalence and burden
19 of these diseases in the United States is unknown
20 because of stigma and limited reporting, surveil-
21 lance, and awareness, one study estimates that there
22 are 12,000,000 individuals living with a neglected
23 disease of poverty throughout the country. These
24 diseases disproportionately affect racial and ethnic

1 minorities living in poverty and in regions where
2 water quality and sanitation are substandard.

3 (11) The major neglected diseases of poverty in
4 the United States that predominantly occur among
5 those living in poverty are the following: Toxo-
6 cariasis, cysticercosis, Chagas disease, toxoplasmosis,
7 trichomoniasis, and Dengue Fever.

8 (12) There is a lack of diagnostic and treat-
9 ment programs, including for early diagnosis and
10 treatment, for neglected diseases of poverty. These
11 programs would be highly cost effective and would
12 significantly reduce the burden of morbidity and
13 mortality of these diseases.

14 (13) Funding for research, preventive strate-
15 gies, and the development of treatments and diag-
16 nostic tests for neglected diseases of poverty in the
17 United States is limited.

18 **SEC. 23003. SENSE OF CONGRESS.**

19 It is the sense of Congress that there is a need to
20 study the prevalence and incidence of neglected diseases
21 of poverty in the United States, identify preventive meth-
22 ods to combat neglected diseases of poverty, conduct re-
23 search that will lead to more treatments and diagnostic
24 tests for neglected diseases of poverty, and supply health
25 care providers, public health professionals, and affected in-

1 dividuals and communities with educational resources on
2 neglected diseases of poverty.

3 **SEC. 23004. DEFINITION OF NEGLECTED DISEASES OF POV-**
4 **ERTY.**

5 In this Act, the term “neglected diseases of poverty”
6 has the meaning given such term in section 39900(e) of
7 the Public Health Service Act, as added by section 23005.

8 **SEC. 23005. PROGRAMS RELATING TO NEGLECTED DIS-**
9 **EASES OF POVERTY.**

10 Title III of the Public Health Service Act (42 U.S.C.
11 241 et seq.) is amended by adding at the end the fol-
12 lowing:

13 **“PART W—PROGRAMS RELATING TO NEGLECTED**
14 **DISEASES OF POVERTY IN THE UNITED STATES**
15 **“SEC. 39900. INTERAGENCY TASK FORCE ON NEGLECTED**
16 **DISEASES OF POVERTY IN THE UNITED**
17 **STATES.**

18 “(a) ESTABLISHMENT.—Not later than 180 days
19 after the date of enactment of the Study, Treat, Observe,
20 and Prevent Neglected Diseases of Poverty Act, the Sec-
21 retary shall establish an Interagency Task Force on Ne-
22 glected Diseases of Poverty in the United States to provide
23 advice and recommendations to the Secretary and Con-
24 gress to prevent, treat, and diagnose neglected diseases
25 of poverty in the United States.

1 “(b) MEMBERS.—The task force shall be comprised
2 of representatives of—

3 “(1) the Department of Health and Human
4 Services, including the Assistant Secretary for
5 Health and representatives from the Centers for
6 Disease Control and Prevention, the Food and Drug
7 Administration, the Health Resources and Services
8 Administration, the National Institutes of Health,
9 and the Biomedical Advanced Research and Devel-
10 opment Authority;

11 “(2) the Department of State;

12 “(3) the United States Agency for International
13 Development;

14 “(4) the Department of Agriculture;

15 “(5) the Department of Housing and Urban
16 Development;

17 “(6) the Environmental Protection Agency; and

18 “(7) any other Federal agency that has juris-
19 diction over, or is affected by, neglected diseases of
20 poverty policies and projects, as determined by the
21 Secretary.

22 “(c) INITIAL REPORT.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of the Study, Treat, Ob-
25 serve, and Prevent Neglected Diseases of Poverty

1 Act, the task force shall submit a report to the Sec-
2 retary based on a review of relevant literature to
3 identify gaps in efforts, and guide future efforts, to
4 prevent, identify, and treat neglected diseases of
5 poverty in the United States, particularly
6 toxocariasis, cysticercosis, Chagas disease, toxoplas-
7 mosis, trichomoniasis, and Dengue Fever. The re-
8 port shall include a summary of findings with re-
9 spect to—

10 “(A) estimated prevalence of neglected dis-
11 eases of poverty in the United States;

12 “(B) geographic distribution and major
13 distribution routes of neglected diseases of pov-
14 erty in the United States;

15 “(C) disparities with respect to the burden
16 of neglected diseases of poverty in the United
17 States;

18 “(D) risk factors for neglected diseases of
19 poverty in the United States;

20 “(E) existing tools for surveillance, preven-
21 tion, diagnosis, and treatment of neglected dis-
22 eases of poverty in the United States;

23 “(F) barriers to access to information and
24 tools for surveillance, prevention, diagnosis, and

1 treatment of neglected diseases of poverty in
2 the United States;

3 “(G) comorbidities associated with ne-
4 glected diseases of poverty in the United States;

5 “(H) awareness among health care pro-
6 viders and public health professionals regarding
7 neglected diseases of poverty in the United
8 States;

9 “(I) public awareness of neglected diseases
10 of poverty in the United States, particularly
11 among high-risk groups;

12 “(J) the economic burden of neglected dis-
13 eases of poverty in the United States; and

14 “(K) strategies and lessons learned from
15 the United States Agency for International De-
16 velopment Neglected Tropical Diseases Pro-
17 gram, particularly those that are most applica-
18 ble to efforts to prevent, diagnose, and treat ne-
19 glected diseases of poverty in the United States.

20 “(2) CONSULTATION.—In developing the initial
21 report under paragraph (1), the task force shall con-
22 sult with appropriate external parties, including
23 States, local communities, scientists, researchers,
24 health care providers and public health professionals,

1 and national and international nongovernmental orga-
2 nizations.

3 “(d) DUTIES.—The task force shall—

4 “(1) review and evaluate the current actions
5 and future plans of each applicable agency rep-
6 resented on the task force as described in subsection
7 (b) to prevent, diagnose, and treat neglected diseases
8 of poverty in the United States;

9 “(2) identify current and potential areas of
10 partnership and coordination between Federal agen-
11 cies and develop a unified implementation plan to
12 prevent, diagnose, and treat neglected diseases of
13 poverty in the United States;

14 “(3) make efforts to apply applicable strategies
15 and lessons learned from the United States Agency
16 for International Development Neglected Tropical
17 Diseases Program when developing the implementa-
18 tion plan under paragraph (2);

19 “(4) establish specific goals within and across
20 Federal agencies to prevent, diagnose, and treat ne-
21 glected diseases of poverty in the United States, in-
22 cluding metrics to assess progress towards reaching
23 those goals;

24 “(5) coordinate plans to communicate research
25 and relevant accomplishments across Federal agen-

1 cies and with States and local communities relating
2 to the prevention, diagnosis, and treatment of ne-
3 glected diseases of poverty;

4 “(6) develop consensus guidelines for health
5 care providers and public health professionals for the
6 prevention, diagnosis, and treatment of toxocariasis,
7 cysticercosis, Chagas disease, toxoplasmosis, tricho-
8 moniasis, Dengue Fever, and other neglected dis-
9 eases of poverty;

10 “(7) biannually make recommendations to Con-
11 gress on strategies for the development of affordable
12 tools to prevent, diagnose, and treat neglected dis-
13 eases of poverty, including drugs, diagnostics, and
14 vaccines; and

15 “(8) in developing the guidelines and rec-
16 ommendations under paragraphs (6) and (7), con-
17 sult with external parties, including States, local
18 communities, scientists, researchers, health care pro-
19 viders and public health professionals, national and
20 international nongovernmental organizations, and
21 centers of excellence with expertise in neglected dis-
22 eases of poverty, including the centers of excellence
23 described in section 39900–5.

1 “(e) DEFINITION OF NEGLECTED DISEASES OF POV-
2 ERTY.—In this part, the term ‘neglected diseases of pov-
3 erty’—

4 “(1) means chronic and disabling diseases that
5 are caused by parasites, bacteria, and other patho-
6 gens and that primarily impact people living in ex-
7 treme poverty; and

8 “(2) includes the following:

9 “(A) Chagas disease.

10 “(B) Cysticercosis.

11 “(C) Toxocariasis.

12 “(D) Toxoplasmosis.

13 “(E) Trichomoniasis.

14 “(F) Dengue Fever.

15 “(G) Other neglected tropical diseases, in-
16 cluding those defined by the World Health Or-
17 ganization, such as the following:

18 “(i) Buruli ulcer.

19 “(ii) Chikungunya.

20 “(iii) Dracunculiasis.

21 “(iv) Echinococcosis.

22 “(v) Foodborne trematodiasis.

23 “(vi) Human African trypanosomiasis.

24 “(vii) Leishmaniasis.

25 “(viii) Leprosy.

1 “(ix) Lymphatic filariasis.

2 “(x) Mycetoma.

3 “(xi) Onchocerciasis.

4 “(xii) Rabies.

5 “(xiii) Schistosomiasis.

6 “(xiv) Soil-transmitted helminthiases.

7 “(xv) Taeniasis and
8 neurocysticercosis.

9 “(xvi) Trachoma.

10 “(xvii) Yaws.

11 **“SEC. 39900-1. SURVEILLANCE REGARDING NEGLECTED**
12 **DISEASES OF POVERTY IN THE UNITED**
13 **STATES.**

14 “(a) IN GENERAL.—The Secretary, acting through
15 the Director of the Centers for Disease Control and Pre-
16 vention, shall award grants to States to carry out activities
17 relating to implementing a surveillance system to deter-
18 mine the prevalence, incidence, and distribution of ne-
19 glected diseases of poverty, particularly those that most
20 impact individuals in the United States, including
21 toxocariasis, cysticercosis, Chagas disease, toxoplasmosis,
22 trichomoniasis, and Dengue Fever.

23 “(b) CONSIDERATIONS.—In awarding grants under
24 subsection (a), the Secretary shall use the findings in the
25 initial report of the Interagency Task Force on Neglected

1 Diseases of Poverty in the United States under section
2 39900(c) to identify and prioritize geographic locations
3 and communities that have the highest estimated preva-
4 lence of, or have populations at greatest risk of acquiring,
5 neglected diseases of poverty, particularly those described
6 in subsection (a).

7 **“SEC. 39900–2. SUPPORT FOR INDIVIDUALS AT RISK FOR**
8 **NEGLECTED DISEASES OF POVERTY.**

9 “(a) IN GENERAL.—The Secretary, acting through
10 the Director of the Centers for Disease Control and Pre-
11 vention, shall award grants or cooperative agreements to
12 Federally qualified health centers to implement and ana-
13 lyze the guidelines developed under section 39900(d)(6).

14 “(b) INITIAL AWARDS.—The Secretary shall—

15 “(1) using the findings in the initial report of
16 the Interagency Task Force on Neglected Diseases
17 of Poverty in the United States under section
18 39900(c), identify the geographic locations in the
19 United States that have the highest estimated preva-
20 lence of, or have populations at greatest risk of ac-
21 quiring, neglected diseases of poverty, particularly
22 those that most impact individuals in the United
23 States, including toxocariasis, cysticercosis, Chagas
24 disease, toxoplasmosis, trichomoniasis, and Dengue
25 Fever; and

1 “(2) prioritize Federally qualified health centers
2 located in such geographic locations in awarding ini-
3 tial grants or cooperative agreements under sub-
4 section (a).

5 “(c) DEFINITION OF FEDERALLY QUALIFIED
6 HEALTH CENTER.—In this section, the term ‘Federally
7 qualified health center’ has the meaning given the term
8 in section 1861(aa) of the Social Security Act.

9 **“SEC. 39900–3. EDUCATION OF MEDICAL AND PUBLIC**
10 **HEALTH PERSONNEL AND THE PUBLIC RE-**
11 **GARDING NEGLECTED DISEASES OF POV-**
12 **ERTY IN THE UNITED STATES.**

13 “The Secretary shall consult with the Assistant Sec-
14 retary for Health, the Director of the Centers for Disease
15 Control and Prevention, and the Administrator of the
16 Health Resources and Services Administration, profes-
17 sional organizations and societies, and such other public
18 health officials as may be necessary, including the centers
19 of excellence described in section 39900–5, to—

20 “(1) develop and implement educational pro-
21 grams to increase the awareness of health care pro-
22 viders and public health professionals with respect to
23 the risk factors, signs, and symptoms of neglected
24 diseases of poverty and strategies to prevent, diag-
25 nose, and treat such diseases; and

1 “(2) develop and implement educational pro-
2 grams to increase the awareness of the public with
3 respect to the risk factors, signs, and symptoms of
4 neglected diseases of poverty and strategies to pre-
5 vent such diseases.

6 **“SEC. 39900–4. RESEARCH AND DEVELOPMENT OF NEW**
7 **DRUGS, VACCINES, AND DIAGNOSTICS.**

8 “Consistent with the recommendations of the Inter-
9 agency Task Force on Neglected Diseases of Poverty in
10 the United States established under section 39900, the
11 Secretary shall, directly or through awards of grants or
12 cooperative agreements to public or private entities, pro-
13 vide for the conduct of research, investigations, experi-
14 ments, demonstrations, and studies, including late-stage
15 and translational research, in the health sciences that are
16 related to—

17 “(1) the development of affordable therapeutics,
18 including vaccines, against neglected diseases of pov-
19 erty; and

20 “(2) the development of affordable medical
21 point-of-care diagnostics to detect neglected diseases
22 of poverty.

1 **“SEC. 39900-5. NEGLECTED DISEASES OF POVERTY CEN-**
2 **TERS OF EXCELLENCE.**

3 “(a) ESTABLISHMENT.—The Secretary, acting jointly
4 through the Director of the National Institutes of Health,
5 may enter into cooperative agreements with, and make
6 grants to, public or private nonprofit entities to pay all
7 or part of the cost of planning, establishing, or strength-
8 ening, and providing basic operating support for, one or
9 more centers of excellence for research into, training in,
10 and development of diagnosis, prevention, control, and
11 treatment methods for neglected diseases of poverty in the
12 United States, including tools to support prevention.

13 “(b) ELIGIBILITY.—To be eligible to receive a cooper-
14 ative agreement or grant under subsection (a), an entity
15 shall have a demonstrated record of research on neglected
16 diseases of poverty.

17 “(c) COORDINATION.—The Secretary shall ensure
18 that activities under this section are coordinated with
19 similar activities of the Federal Government relating to
20 neglected diseases of poverty, including the task force es-
21 tablished under section 39900.

22 “(d) USE OF FUNDS.—A cooperative agreement or
23 grant awarded under subsection (a) may be used for—

24 “(1) staffing, administrative, and other basic
25 operating costs, including such patient care costs as
26 are required for research;

1 “(2) clinical training, including training for al-
2 lied health professionals, continuing education for
3 health professionals and allied health professions
4 personnel, and information programs for the public
5 with respect to neglected diseases of poverty;

6 “(3) research and development programs, in-
7 cluding the end-to-end research and development of
8 new treatments, diagnostics, and vaccines;

9 “(4) epidemiological surveillance and trans-
10 mission studies capabilities; and

11 “(5) health education programs to raise aware-
12 ness and reduce stigma of neglected diseases of pov-
13 erty among high-risk populations.

14 “(e) PERIOD OF SUPPORT; ADDITIONAL PERIODS.—

15 “(1) IN GENERAL.—A cooperative agreement or
16 grant under this section may be provided for a pe-
17 riod of not more than 5 years.

18 “(2) EXTENSIONS.—The period specified in
19 paragraph (1) may be extended by the Secretary for
20 additional periods of not more than 5 years if—

21 “(A) the operations of the center of excel-
22 lence involved have been reviewed by an appro-
23 priate technical and scientific peer review
24 group; and

1 “(B) such group has recommended to the
2 Secretary that such period be extended.

3 **“SEC. 39900–6. AUTHORIZATION OF APPROPRIATIONS.**

4 “To carry out this part, there are authorized to be
5 appropriated such sums as may be necessary for fiscal
6 year 2021 and each fiscal year thereafter.”.

7 **Subtitle DD—Mommies Act**

8 **SEC. 23101. SHORT TITLE.**

9 This Act may be cited as the “Maximizing Outcomes
10 for Moms through Medicaid Improvement and Enhance-
11 ment of Services Act” or the “MOMMIES Act”.

12 **SEC. 23102. ENHANCING MEDICAID AND CHIP BENEFITS**
13 **FOR LOW-INCOME PREGNANT WOMEN.**

14 (a) EXTENDING CONTINUOUS MEDICAID AND CHIP
15 COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—

16 (1) MEDICAID.—Title XIX of the Social Secu-
17 rity Act (42 U.S.C. 1396 et seq.) is amended—

18 (A) in section 1902(l)(1)(A), by striking
19 “60-day period” and inserting “365-day pe-
20 riod”;

21 (B) in section 1902(e)(6), by striking “60-
22 day period” and inserting “365-day period”;

23 (C) in section 1903(v)(4)(A)(i), by striking
24 “60-day period” and inserting “365-day pe-
25 riod”; and

1 (D) in section 1905(a), in the 4th sentence
2 in the matter following paragraph (30), by
3 striking “60-day period” and inserting “365-
4 day period”.

5 (2) CHIP.—Section 2112 of the Social Security
6 Act (42 U.S.C. 1397ll) is amended by striking “60-
7 day period” each place it appears and inserting
8 “365-day period”.

9 (b) REQUIRING FULL BENEFITS FOR PREGNANT
10 AND POSTPARTUM WOMEN.—

11 (1) MEDICAID.—

12 (A) IN GENERAL.—Paragraph (5) of sec-
13 tion 1902(e) of the Social Security Act (24
14 U.S.C. 1396a(e)) is amended to read as follows:

15 “(5) Any woman who is eligible for medical as-
16 sistance under the State plan or a waiver of such
17 plan and who is, or who while so eligible becomes,
18 pregnant, shall continue to be eligible under the plan
19 or waiver for medical assistance through the end of
20 the month in which the 365-day period (beginning
21 on the last day of her pregnancy) ends, regardless
22 of the basis for the woman’s eligibility for medical
23 assistance, including if the woman’s eligibility for
24 medical assistance is on the basis of being preg-
25 nant.”.

1 (B) CONFORMING AMENDMENT.—Section
 2 1902(a)(10) of the Social Security Act (42
 3 U.S.C. 1396a(a)(10)) is amended in the matter
 4 following subparagraph (G) by striking “(VII)
 5 the medical assistance” and all that follows
 6 through “complicate pregnancy,”.

7 (2) CHIP.—Section 2107(e)(1) of the Social Se-
 8 curity Act (42 U.S.C. 1397gg(e)(1)) is amended—

9 (A) by redesignating subparagraphs (H)
 10 through (S) as subparagraphs (I) through (T),
 11 respectively; and

12 (B) by inserting after subparagraph (G),
 13 the following:

14 “(H) Section 1902(e)(5) (requiring 365-
 15 day continuous coverage for pregnant and
 16 postpartum women).”.

17 (c) REQUIRING COVERAGE OF ORAL HEALTH SERV-
 18 ICES FOR PREGNANT AND POSTPARTUM WOMEN.—

19 (1) MEDICAID.—Section 1905 of the Social Se-
 20 curity Act (42 U.S.C. 1396d) is amended—

21 (A) in subsection (a)(4)—

22 (i) by striking “; and (D)” and insert-
 23 ing “; (D)”; and

24 (ii) by inserting “; and (E) oral health
 25 services for pregnant and postpartum

1 women (as defined in subsection (ff))”
2 after “subsection (bb))”; and

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

5 “(ff) ORAL HEALTH SERVICES FOR PREGNANT AND
6 POSTPARTUM WOMEN.—

7 “(1) IN GENERAL.—For purposes of this title,
8 the term ‘oral health services for pregnant and
9 postpartum women’ means dental services necessary
10 to prevent disease and promote oral health, restore
11 oral structures to health and function, and treat
12 emergency conditions that are furnished to a woman
13 during pregnancy (or during the 365-day period be-
14 ginning on the last day of the pregnancy).

15 “(2) COVERAGE REQUIREMENTS.—To satisfy
16 the requirement to provide oral health services for
17 pregnant and postpartum women, a State shall, at
18 a minimum, provide coverage for preventive, diag-
19 nostic, periodontal, and restorative care consistent
20 with recommendations for perinatal oral health care
21 and dental care during pregnancy from the Amer-
22 ican Academy of Pediatric Dentistry and the Amer-
23 ican College of Obstetricians and Gynecologists.”.

24 (2) CHIP.—Section 2103(c)(5)(A) of the Social
25 Security Act (42 U.S.C. 1397cc(c)(5)(A)) is amend-

1 ed by inserting “or a targeted low-income pregnant
2 woman” after “targeted low-income child”.

3 (d) MAINTENANCE OF EFFORT.—

4 (1) MEDICAID.—Section 1902 of the Social Se-
5 curity Act (42 U.S.C. 1396a) is amended—

6 (A) in paragraph (74), by striking “sub-
7 section (gg); and” and inserting “subsections
8 (gg) and (qq);”; and

9 (B) by adding at the end the following new
10 subsection:

11 “(qq) MAINTENANCE OF EFFORT RELATED TO LOW-
12 INCOME PREGNANT WOMEN.—For calendar quarters be-
13 ginning on or after the date of enactment of this sub-
14 section, and before January 1, 2023, no Federal payment
15 shall be made to a State under section 1903(a) for
16 amounts expended under a State plan under this title or
17 a waiver of such plan if the State—

18 “(1) has in effect under such plan eligibility
19 standards, methodologies, or procedures (including
20 any enrollment cap or other numerical limitation on
21 enrollment, any waiting list, any procedures designed
22 to delay the consideration of applications for enroll-
23 ment, or similar limitation with respect to enroll-
24 ment) for individuals described in subsection (l)(1)
25 who are eligible for medical assistance under the

1 State plan or waiver under subsection
2 (a)(10)(A)(ii)(IX) that are more restrictive than the
3 eligibility standards, methodologies, or procedures,
4 respectively, for such individuals under such plan or
5 waiver that are in effect on the date of the enact-
6 ment of the Maximizing Outcomes for Moms
7 through Medicaid Improvement and Enhancement of
8 Services Act; or

9 “(2) provides medical assistance to individuals
10 described in subsection (l)(1) who are eligible for
11 medical assistance under such plan or waiver under
12 subsection (a)(10)(A)(ii)(IX) at a level that is less
13 than the level at which the State provides such as-
14 sistance to such individuals under such plan or waiv-
15 er on the date of the enactment of the Maximizing
16 Outcomes for Moms through Medicaid Improvement
17 and Enhancement of Services Act.”.

18 (2) CHIP.—Section 2112 of the Social Security
19 Act (42 U.S.C. 1397ll), as amended by subsection
20 (b), is further amended by adding at the end the fol-
21 lowing subsection:

22 “(g) MAINTENANCE OF EFFORT.—For calendar
23 quarters beginning on or after January 1, 2021, and be-
24 fore January 1, 2024, no payment may be made under

1 section 2105(a) with respect to a State child health plan
2 if the State—

3 “(1) has in effect under such plan eligibility
4 standards, methodologies, or procedures (including
5 any enrollment cap or other numerical limitation on
6 enrollment, any waiting list, any procedures designed
7 to delay the consideration of applications for enroll-
8 ment, or similar limitation with respect to enroll-
9 ment) for targeted low-income pregnant women that
10 are more restrictive than the eligibility standards,
11 methodologies, or procedures, respectively, under
12 such plan that are in effect on the date of the enact-
13 ment of the Maximizing Outcomes for Moms
14 through Medicaid Improvement and Enhancement of
15 Services Act; or

16 “(2) provides pregnancy-related assistance to
17 targeted low-income pregnant women under such
18 plan at a level that is less than the level at which
19 the State provides such assistance to such women
20 under such plan on the date of the enactment of the
21 Maximizing Outcomes for Moms through Medicaid
22 Improvement and Enhancement of Services Act.”.

23 (e) ENHANCED FMAP.—Section 1905 of the Social
24 Security Act (42 U.S.C. 1396d), as amended by sub-
25 section (c), is further amended—

1 (1) in subsection (b), by striking “and (aa)”
2 and inserting “(aa), and (gg)”; and

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

4 “(gg) INCREASED FMAP FOR ADDITIONAL EXPENDI-
5 TURES FOR LOW-INCOME PREGNANT WOMEN.—For cal-
6 endar quarters beginning on or after January 1, 2021,
7 notwithstanding subsection (b), the Federal medical as-
8 sistance percentage for a State, with respect to the addi-
9 tional amounts expended by such State for medical assist-
10 ance under the State plan under this title or a waiver of
11 such plan that are attributable to requirements imposed
12 by the amendments made by the Maximizing Outcomes
13 for Moms through Medicaid Improvement and Enhance-
14 ment of Services Act (as determined by the Secretary),
15 shall be equal to 100 percent.”.

16 (f) GAO STUDY AND REPORT.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of this Act, the Comp-
19 troller General of the United States shall submit to
20 Congress a report on the gaps in coverage for—

21 (A) pregnant women under the Medicaid
22 program under title XIX of the Social Security
23 Act (42 U.S.C. 1396 et seq.) and the Children’s
24 Health Insurance Program under title XXI of

1 the Social Security Act (42 U.S.C. 1397aa et
2 seq.); and

3 (B) postpartum women under the Medicaid
4 program and the Children's Health Insurance
5 Program who received assistance under either
6 such program during their pregnancy.

7 (2) CONTENT OF REPORT.—The report re-
8 quired under this subsection shall include the fol-
9 lowing:

10 (A) Information about the abilities and
11 successes of State Medicaid agencies in deter-
12 mining whether pregnant and postpartum
13 women are eligible under another insurance af-
14 fordability program, and in transitioning any
15 such women who are so eligible to coverage
16 under such a program, pursuant to section
17 435.1200 of the title 42, Code of Federal Regu-
18 lations (as in effect on September 1, 2018).

19 (B) Information on factors contributing to
20 gaps in coverage that disproportionately impact
21 underserved populations, including low-income
22 women, women of color, women who reside in a
23 health professional shortage area (as defined in
24 section 332(a)(1)(A) of the Public Health Serv-
25 ice Act (42 U.S.C. 254e(a)(1)(A))) or who are

1 members of a medically underserved population
 2 (as defined by section 330(b)(3) of such Act
 3 (42 U.S.C. 254b(b)(3)(A))).

4 (C) Recommendations for addressing and
 5 reducing such gaps in coverage.

6 (D) Such other information as the Comp-
 7 troller General deems necessary.

8 (g) EFFECTIVE DATE.—The amendments made by
 9 subsections (a) and (b) shall take effect January 1, 2021.

10 **SEC. 23103. MATERNITY CARE HOME DEMONSTRATION**
 11 **PROJECT.**

12 Title XIX of the Social Security Act (42 U.S.C. 1396
 13 et seq.) is amended by inserting the following new section
 14 after section 1946:

15 “MATERNITY CARE HOME DEMONSTRATION PROJECT

16 “SEC. 1947.

17 “(a) IN GENERAL.—not later than 1 year after the
 18 date of the enactment of this section, the secretary shall
 19 establish a demonstration project (in this section referred
 20 to as the ‘demonstration project’) under which the sec-
 21 retary shall provide grants to states to enter into arrange-
 22 ments with eligible entities to implement or expand a ma-
 23 ternity care home model for eligible individuals

24 “(b) DEFINITIONS.—In this section:

25 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 26 tity’ means an entity or organization that provides

1 medically accurate, comprehensive maternity services
2 to individuals who are eligible for medical assistance
3 under a State plan under this title or a waiver of
4 such a plan, and may include:

5 “(A) A freestanding birth center.

6 “(B) An entity or organization receiving
7 assistance under section 330 of the Public
8 Health Service Act.

9 “(C) A federally qualified health center.

10 “(D) A rural health clinic.

11 “(E) A health facility operated by an In-
12 dian tribe or tribal organization (as those terms
13 are defined in section 4 of the Indian Health
14 Care Improvement Act).

15 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible
16 individual’ means a pregnant woman or a formerly
17 pregnant woman during the 365-day period begin-
18 ning on the last day of her pregnancy who is—

19 “(A) enrolled in a State plan under this
20 title, a waiver of such a plan, or a State child
21 health plan under title XXI; and

22 “(B) a patient of an eligible entity which
23 has entered into an arrangement with a State
24 under subsection (g).

1 “(c) GOALS OF DEMONSTRATION PROJECT.—The
2 goals of the demonstration project are the following:

3 “(1) To improve—

4 “(A) maternity and infant care outcomes;

5 “(B) health equity;

6 “(C) communication by maternity, infant
7 care, and social services providers;

8 “(D) integration of perinatal support serv-
9 ices, including community health workers,
10 doulas, social workers, public health nurses,
11 peer lactation counselors, childbirth educators,
12 and others, into health care entities and organi-
13 zations;

14 “(E) care coordination between maternity,
15 infant care, oral health care, and social services
16 providers within the community;

17 “(F) the quality and safety of maternity
18 and infant care;

19 “(G) the experience of women receiving
20 maternity care, including by increasing the abil-
21 ity of a woman to develop and follow her own
22 birthing plan; and

23 “(H) access to adequate prenatal and
24 postpartum care, including—

1 “(i) prenatal care that is initiated in
2 a timely manner;

3 “(ii) not fewer than 2 post-pregnancy
4 visits to a maternity care provider; and

5 “(iii) interpregnancy care.

6 “(2) To provide coordinated, evidence-based
7 maternity care management.

8 “(3) To decrease—

9 “(A) severe maternal morbidity and mater-
10 nal mortality;

11 “(B) overall health care spending;

12 “(C) unnecessary emergency department
13 visits;

14 “(D) disparities in maternal and infant
15 care outcomes, including racial, economic, and
16 geographical disparities;

17 “(E) racial bias among health care profes-
18 sionals;

19 “(F) the rate of cesarean deliveries for
20 low-risk pregnancies;

21 “(G) the rate of preterm births and infants
22 born with low birth weight; and

23 “(H) the rate of avoidable maternal and
24 newborn hospitalizations and admissions to in-
25 tensive care units.

1 “(d) CONSULTATION.—In designing and imple-
2 menting the demonstration project the Secretary shall
3 consult with stakeholders, including—

4 “(1) States;

5 “(2) organizations representing relevant health
6 care professionals, including oral health care profes-
7 sionals;

8 “(3) organizations representing consumers, in-
9 cluding consumers that are disproportionately im-
10 pacted by poor maternal health outcomes;

11 “(4) representatives with experience imple-
12 menting other maternity care home models, includ-
13 ing representatives from the Center for Medicare
14 and Medicaid Innovation;

15 “(5) community-based health care professionals,
16 including doulas, and other stakeholders; and

17 “(6) experts in promoting health equity and
18 combating racial bias in health care settings.

19 “(e) APPLICATION AND SELECTION OF STATES.—

20 “(1) IN GENERAL.—A State seeking to partici-
21 pate in the demonstration project shall submit an
22 application to the Secretary at such time and in
23 such manner as the Secretary shall require.

24 “(2) SELECTION OF STATES.—

1 “(A) IN GENERAL.—The Secretary may se-
2 lect 15 States to participate in the demonstra-
3 tion project.

4 “(B) SELECTION REQUIREMENTS.—In se-
5 lecting States to participate in the demonstra-
6 tion project, the Secretary shall—

7 “(i) ensure that there is geographic
8 diversity in the areas in which activities
9 will be carried out under the project; and

10 “(ii) ensure that States with signifi-
11 cant disparities in maternal and infant
12 health outcomes, including severe maternal
13 morbidity, and other disparities based on
14 race, income, or access to maternity care,
15 are included.

16 “(f) GRANTS.—

17 “(1) IN GENERAL.—From amounts appro-
18 priated under subsection (l), the Secretary shall
19 award 1 grant for each year of the demonstration
20 project to each State that is selected to participate
21 in the demonstration project.

22 “(2) USE OF GRANT FUNDS.—A State may use
23 funds received under this section to—

1 “(A) award grants or make payments to
2 eligible entities as part of an arrangement de-
3 scribed in subsection (g)(2);

4 “(B) provide financial incentives to health
5 care professionals, including community health
6 workers and community-based doulas, who par-
7 ticipate in the State’s maternity care home
8 model;

9 “(C) provide adequate training for health
10 care professionals, including community health
11 workers, doulas, and care coordinators, who
12 participate in the State’s maternity care home
13 model, which may include training for cultural
14 competency, racial bias, health equity, reproduc-
15 tive and birth justice, home visiting skills, and
16 respectful communication and listening skills,
17 particularly in regards to maternal health;

18 “(D) pay for personnel and administrative
19 expenses associated with designing, imple-
20 menting, and operating the State’s maternity
21 care home model;

22 “(E) pay for items and services that are
23 furnished under the State’s maternity care
24 home model and for which payment is otherwise
25 unavailable under this title; and

1 “(F) pay for other costs related to the
2 State’s maternity care home model, as deter-
3 mined by the Secretary.

4 “(3) GRANT FOR NATIONAL INDEPENDENT
5 EVALUATOR.—

6 “(A) IN GENERAL.—From the amounts
7 appropriated under subsection (l), prior to
8 awarding any grants under paragraph (1), the
9 Secretary shall enter into a contract with a na-
10 tional external entity to create a single, uniform
11 process to—

12 “(i) ensure that States that receive
13 grants under paragraph (1) comply with
14 the requirements of this section; and

15 “(ii) evaluate the outcomes of the
16 demonstration project in each participating
17 State.

18 “(B) ANNUAL REPORT.—The contract de-
19 scribed in subparagraph (A) shall require the
20 national external entity to submit to the Sec-
21 retary—

22 “(i) a yearly evaluation report for
23 each year of the demonstration project;
24 and

1 “(ii) a final impact report after the
2 demonstration project has concluded.

3 “(C) SECRETARY’S AUTHORITY.—Nothing
4 in this paragraph shall prevent the Secretary
5 from making a determination that a State is
6 not in compliance with the requirements of this
7 section without the national external entity
8 making such a determination.

9 “(g) PARTNERSHIP WITH ELIGIBLE ENTITIES.—

10 “(1) IN GENERAL.—As a condition of receiving
11 a grant under this section, a State shall enter into
12 an arrangement with one or more eligible entities
13 that meets the requirements of paragraph (2).

14 “(2) ARRANGEMENTS WITH ELIGIBLE ENTI-
15 TIES.—Under an arrangement between a State and
16 an eligible entity under this subsection, the eligible
17 entity shall perform the following functions, with re-
18 spect to eligible individuals enrolled with the entity
19 under the State’s maternity care home model—

20 “(A) provide culturally competent care,
21 which may include prenatal care, family plan-
22 ning services, medical care, mental and behav-
23 ioral care, postpartum care, and oral health
24 care to such eligible individuals through a team
25 of health care professionals, which may include

1 obstetrician-gynecologists, maternal-fetal medi-
2 cine specialists, family physicians, primary care
3 providers, oral health providers, physician as-
4 sistants, advanced practice registered nurses
5 such as nurse practitioners and certified nurse
6 midwives, certified midwives, certified profes-
7 sional midwives, social workers, traditional and
8 community-based doulas, lactation consultants,
9 childbirth educators, community health workers,
10 and other health care professionals;

11 “(B) conduct a risk assessment of each
12 such eligible individual to determine if her preg-
13 nancy is high or low risk, and establish a tai-
14 lored pregnancy care plan, which takes into
15 consideration the individual’s own preferences
16 and pregnancy care and birthing plans and de-
17 termines the appropriate support services to re-
18 duce the individual’s medical, social, and envi-
19 ronmental risk factors, for each such eligible in-
20 dividual based on the results of such risk as-
21 sessment;

22 “(C) assign each such eligible individual to
23 a care coordinator, which may be a nurse, social
24 worker, traditional or community-based doula,
25 community health worker, midwife, or other

1 health care provider, who is responsible for en-
2 suring that such eligible individual receives the
3 necessary medical care and connections to es-
4 sential support services;

5 “(D) provide, or arrange for the provision
6 of, essential support services, such as services
7 that address—

8 “(i) nutrition and exercise;

9 “(ii) smoking cessation;

10 “(iii) substance use disorder and ad-
11 diction treatment;

12 “(iv) anxiety, depression, and other
13 mental and behavioral health issues;

14 “(v) breast feeding initiation, continu-
15 ation, and duration;

16 “(vi) housing;

17 “(vii) transportation;

18 “(viii) intimate partner violence;

19 “(ix) home visiting services;

20 “(x) childbirth education;

21 “(xi) oral health education;

22 “(xii) continuous labor support; and

23 “(xiii) group prenatal care;

1 “(E) as appropriate, facilitate connections
2 to a usual primary care provider, which may be
3 a women’s health provider;

4 “(F) refer to guidelines and opinions of
5 medical associations when determining whether
6 an elective delivery should be performed on an
7 eligible individual before 39 weeks of gestation;

8 “(G) provide such eligible individuals with
9 evidence-based education and resources to iden-
10 tify potential warning signs of pregnancy and
11 postpartum complications and when and how to
12 obtain medical attention;

13 “(H) provide, or arrange for the provision
14 of, pregnancy and postpartum health services,
15 including family planning counseling and serv-
16 ices, to eligible individuals;

17 “(I) track and report birth outcomes of
18 such eligible individuals and their children;

19 “(J) ensure that care is patient-led, includ-
20 ing by engaging eligible individuals in their own
21 care, including through communication and
22 education; and

23 “(K) ensure adequate training for appro-
24 priately serving the population of individuals el-
25 igible for medical assistance under the State

1 plan or waiver of such plan, including through
2 reproductive and birth justice frameworks, race
3 equity awareness, home visiting skills, and
4 knowledge of social services.

5 “(h) TERM OF DEMONSTRATION PROJECT.—The
6 Secretary shall conduct the demonstration project for a
7 period of 5 years.

8 “(i) WAIVER AUTHORITY.—To the extent that the
9 Secretary determines necessary in order to carry out the
10 demonstration project, the Secretary may waive section
11 1902(a)(1) (relating to statewideness) and section
12 1902(a)(10)(B) (relating to comparability).

13 “(j) TECHNICAL ASSISTANCE.—The Secretary shall
14 establish a process to provide technical assistance to
15 States that are awarded grants under this section and to
16 eligible entities and other providers participating in a
17 State maternity care home model funded by such a grant.

18 “(k) REPORT.—

19 “(1) IN GENERAL.—Not later than 18 months
20 after the date of the enactment of this section and
21 annually thereafter for each year of the demonstra-
22 tion project term, the Secretary shall submit a re-
23 port to Congress on the results of the demonstration
24 project.

1 “(2) FINAL REPORT.—As part of the final re-
 2 port required under paragraph (1), the Secretary
 3 shall include—

4 “(A) the results of the final report of the
 5 national external entity required under sub-
 6 section (f)(3)(B)(ii); and

7 “(B) recommendations on whether the
 8 model studied in the demonstration project
 9 should be continued or more widely adopted, in-
 10 cluding by private health plans.

11 “(1) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to the Secretary, for
 13 each of fiscal years 2022 through 2029, such sums as may
 14 be necessary to carry out this section.”.

15 **SEC. 23104. REAPPLICATION OF MEDICARE PAYMENT RATE**
 16 **FLOOR TO PRIMARY CARE SERVICES FUR-**
 17 **NISHED UNDER MEDICAID AND INCLUSION**
 18 **OF ADDITIONAL PROVIDERS.**

19 (a) REAPPLICATION OF PAYMENT FLOOR; ADDI-
 20 TIONAL PROVIDERS.—

21 (1) IN GENERAL.—Section 1902(a)(13) of the
 22 Social Security Act (42 U.S.C. 1396a(a)(13)) is
 23 amended—

24 (A) in subparagraph (B), by striking “;
 25 and” and inserting a semicolon;

1 (B) in subparagraph (C), by striking the
2 semicolon and inserting “; and”; and

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

5 “(D) payment for primary care services (as
6 defined in subsection (jj)(1)) furnished in the
7 period that begins on the first day of the first
8 month that begins after the date of enactment
9 of the Maximizing Outcomes for Moms through
10 Medicaid Improvement and Enhancement of
11 Services Act by a provider described in sub-
12 section (jj)(2)—

13 “(i) at a rate that is not less than 100
14 percent of the payment rate that applies to
15 such services and the provider of such
16 services under part B of title XVIII (or, if
17 greater, the payment rate that would be
18 applicable under such part if the conver-
19 sion factor under section 1848(d) for the
20 year were the conversion factor under such
21 section for 2009);

22 “(ii) in the case of items and services
23 that are not items and services provided
24 under such part, at a rate to be established
25 by the Secretary; and

1 “(iii) in the case of items and services
2 that are furnished in rural areas (as de-
3 fined in section 1886(d)(2)(D)), health
4 professional shortage areas (as defined in
5 section 332(a)(1)(A) of the Public Health
6 Service Act (42 U.S.C. 254e(a)(1)(A))), or
7 medically underserved areas (according to
8 a designation under section 330(b)(3)(A)
9 of the Public Health Service Act (42
10 U.S.C. 254b(b)(3)(A))), at the rate other-
11 wise applicable to such items or services
12 under clause (i) or (ii) increased, at the
13 Secretary’s discretion, by not more than 25
14 percent;”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 1902(a)(13)(C) of the Social
17 Security Act (42 U.S.C. 1396a(a)(13)(C)) is
18 amended by striking “subsection (jj)” and in-
19 serting “subsection (jj)(1)”.

20 (B) Section 1905(dd) of the Social Secu-
21 rity Act (42 U.S.C. 1396d(dd)) is amended—

22 (i) by striking “Notwithstanding” and
23 inserting the following:

24 “(1) IN GENERAL.—Notwithstanding”;

1 (ii) by striking “section
2 1902(a)(13)(C)” and inserting “subpara-
3 graph (C) of section 1902(a)(13)”;

4 (iii) by inserting “or for services de-
5 scribed in subparagraph (D) of section
6 1902(a)(13) furnished during an additional
7 period specified in paragraph (2),” after
8 “2015,”;

9 (iv) by striking “under such section”
10 and inserting “under subparagraph (C) or
11 (D) of section 1902(a)(13), as applicable”;
12 and

13 (v) by adding at the end the following:

14 “(2) ADDITIONAL PERIODS.—For purposes of
15 paragraph (1), the following are additional periods:

16 “(A) The period that begins on the first
17 day of the first month that begins after the
18 date of enactment of the Maximizing Outcomes
19 for Moms through Medicaid Improvement and
20 Enhancement of Services Act.”.

21 (b) IMPROVED TARGETING OF PRIMARY CARE.—Sec-
22 tion 1902(jj) of the Social Security Act (42 U.S.C.
23 1396a(jj)) is amended—

1 (1) by redesignating paragraphs (1) and (2) as
2 clauses (i) and (ii), respectively and realigning the
3 left margins accordingly;

4 (2) by striking “For purposes of subsection
5 (a)(13)(C)” and inserting the following:

6 “(1) IN GENERAL.—

7 “(A) DEFINITION.—For purposes of sub-
8 paragraphs (C) and (D) of subsection (a)(13)”;
9 and

10 (3) by inserting after clause (ii) (as so redesign-
11 nated) the following:

12 “(B) EXCLUSIONS.—Such term does not
13 include any services described in subparagraph
14 (A) or (B) of paragraph (1) if such services are
15 provided in an emergency department of a hos-
16 pital.

17 “(2) ADDITIONAL PROVIDERS.—For purposes
18 of subparagraph (D) of subsection (a)(13), a pro-
19 vider described in this paragraph is any of the fol-
20 lowing:

21 “(A) A physician with a primary specialty
22 designation of family medicine, general internal
23 medicine, or pediatric medicine, or obstetrics
24 and gynecology.

1 “(B) An advanced practice clinician, as de-
2 fined by the Secretary, that works under the
3 supervision of—

4 “(i) a physician that satisfies the cri-
5 teria specified in subparagraph (A);

6 “(ii) a nurse practitioner or a physi-
7 cian assistant (as such terms are defined
8 in section 1861(aa)(5)(A)) who is working
9 in accordance with State law; or

10 “(iii) or a certified nurse-midwife (as
11 defined in section 1861(gg)) who is work-
12 ing in accordance with State law.

13 “(C) A rural health clinic, federally quali-
14 fied health center, or other health clinic that re-
15 ceives reimbursement on a fee schedule applica-
16 ble to a physician.

17 “(D) An advanced practice clinician super-
18 vised by a physician described in subparagraph
19 (A), another advanced practice clinician, or a
20 certified nurse-midwife.”.

21 (c) ENSURING PAYMENT BY MANAGED CARE ENTI-
22 TIES.—

23 (1) IN GENERAL.—Section 1903(m)(2)(A) of
24 the Social Security Act (42 U.S.C. 1396b(m)(2)(A))
25 is amended—

1 (A) in clause (xii), by striking “and” after
2 the semicolon;

3 (B) by realigning the left margin of clause
4 (xiii) so as to align with the left margin of
5 clause (xii) and by striking the period at the
6 end of clause (xiii) and inserting “; and”; and

7 (C) by inserting after clause (xiii) the fol-
8 lowing:

9 “(xiv) such contract provides that (I)
10 payments to providers specified in section
11 1902(a)(13)(D) for primary care services
12 defined in section 1902(jj) that are fur-
13 nished during a year or period specified in
14 section 1902(a)(13)(D) and section
15 1905(dd) are at least equal to the amounts
16 set forth and required by the Secretary by
17 regulation, (II) the entity shall, upon re-
18 quest, provide documentation to the State,
19 sufficient to enable the State and the Sec-
20 retary to ensure compliance with subclause
21 (I), and (III) the Secretary shall approve
22 payments described in subclause (I) that
23 are furnished through an agreed upon
24 capitation, partial capitation, or other
25 value-based payment arrangement if the

capitation, partial capitation, or other value-based payment arrangement is based on a reasonable methodology and the entity provides documentation to the State sufficient to enable the State and the Secretary to ensure compliance with subclause (I).”.

(2) CONFORMING AMENDMENT.—Section 1932(f) of the Social Security Act (42 U.S.C. 1396u–2(f)) is amended—

(A) by striking “section 1902(a)(13)(C)” and inserting “subsections (C) and (D) of section 1902(a)(13)”; and

(B) by inserting “and clause (xiv) of section 1903(m)(2)(A)” before the period.

SEC. 23105. MACPAC REPORT AND CMS GUIDANCE ON INCREASING ACCESS TO DOULA CARE FOR MEDICAID BENEFICIARIES.

(a) MACPAC REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Medicaid and CHIP Payment and Access Commission (referred to in this section as “MACPAC”) shall publish a report on the coverage of doula care under

1 State Medicaid programs, which shall at a minimum
2 include the following:

3 (A) Information about coverage for doula
4 care under State Medicaid programs that cur-
5 rently provide coverage for such care, including
6 the type of doula care offered (such as prenatal,
7 labor and delivery, postpartum support, and
8 also community-based and traditional doula
9 care).

10 (B) An analysis of barriers to covering
11 doula care under State Medicaid programs.

12 (C) An identification of effective strategies
13 to increase the use of doula care in order to
14 provide better care and achieve better maternal
15 and infant health outcomes, including strategies
16 that States may use to recruit, train, and cer-
17 tify a diverse doula workforce, particularly from
18 underserved communities, communities of color,
19 and communities facing linguistic or cultural
20 barriers.

21 (D) Recommendations for legislative and
22 administrative actions to increase access to
23 doula care in State Medicaid programs, includ-
24 ing actions that ensure doulas may earn a living

1 wage that accounts for their time and costs as-
2 sociated with providing care.

3 (2) STAKEHOLDER CONSULTATION.—In devel-
4 oping the report required under paragraph (1),
5 MACPAC shall consult with relevant stakeholders,
6 including—

7 (A) States;

8 (B) organizations representing consumers,
9 including those that are disproportionately im-
10 pacted by poor maternal health outcomes;

11 (C) organizations and individuals rep-
12 resenting doula care providers, including com-
13 munity-based doula programs and those who
14 serve underserved communities, including com-
15 munities of color, and communities facing lin-
16 guistic or cultural barriers; and

17 (D) organizations representing health care
18 providers.

19 (b) CMS GUIDANCE.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date that MACPAC publishes the report re-
22 quired under subsection (a)(1), the Administrator of
23 the Centers for Medicare & Medicaid Services shall
24 issue guidance to States on increasing access to

1 doula care under Medicaid. Such guidance shall at
2 a minimum include—

3 (A) options for States to provide medical
4 assistance for doula care services under State
5 Medicaid programs;

6 (B) best practices for ensuring that doulas,
7 including community-based doulas, receive reim-
8 bursement for doula care services provided
9 under a State Medicaid program, at a level that
10 allows doulas to earn a living wage that ac-
11 counts for their time and costs associated with
12 providing care; and

13 (C) best practices for increasing access to
14 doula care services, including services provided
15 by community-based doulas, under State Med-
16 icaid programs.

17 (2) STAKEHOLDER CONSULTATION.—In devel-
18 oping the guidance required under paragraph (1),
19 the Administrator of the Centers for Medicare &
20 Medicaid Services shall consult with MACPAC and
21 other relevant stakeholders, including—

22 (A) State Medicaid officials;

23 (B) organizations representing consumers,
24 including those that are disproportionately im-
25 pacted by poor maternal health outcomes;

1 (C) organizations representing doula care
2 providers, including community-based doulas
3 and those who serve underserved communities,
4 such as communities of color and communities
5 facing linguistic or cultural barriers; and

6 (D) organizations representing health care
7 professionals.

8 **SEC. 23106. GAO REPORT ON STATE MEDICAID PROGRAMS’**
9 **USE OF TELEMEDICINE TO INCREASE AC-**
10 **CESS TO MATERNITY CARE.**

11 Not later than 1 year after the date of the enactment
12 of this Act, the Comptroller General of the United States
13 shall submit a report to Congress on State Medicaid pro-
14 grams’ use of telemedicine to increase access to maternity
15 care. Such report shall include the following:

16 (1) The number of State Medicaid programs
17 that utilize telemedicine to increase access to mater-
18 nity care.

19 (2) With respect to State Medicaid programs
20 that utilize telemedicine to increase access to mater-
21 nity care, information about—

22 (A) common characteristics of such pro-
23 grams’ approaches to utilizing telemedicine to
24 increase access to maternity care; and

25 (B) what is known about—

1 (i) the demographic characteristics of
2 the individuals enrolled in such programs
3 who use telemedicine to access maternity
4 care;

5 (ii) health outcomes for such individ-
6 uals as compared to individuals with simi-
7 lar characteristics who did not use tele-
8 medicine to access maternity care;

9 (iii) the services provided to individ-
10 uals through telemedicine, including family
11 planning services and oral health services;

12 (iv) the quality of maternity care pro-
13 vided through telemedicine, including
14 whether maternity care provided through
15 telemedicine is culturally competent;

16 (v) the level of patient satisfaction
17 with maternity care provided through tele-
18 medicine to individuals enrolled in State
19 Medicaid programs; and

20 (vi) the impact of utilizing telemedi-
21 cine to increase access to maternity care
22 on spending, cost savings, access to care,
23 and utilization of care under State Med-
24 icaid programs.

1 (3) An identification and analysis of the bar-
 2 riers to using telemedicine to increase access to ma-
 3 ternity care under State Medicaid programs.

4 (4) Recommendations for such legislative and
 5 administrative actions related to increasing access to
 6 telemedicine maternity services under Medicaid as
 7 the Comptroller General deems appropriate.

8 **Subtitle EE—Humane Correctional**
 9 **Healthcare Act**

10 **SEC. 23201. SHORT TITLE.**

11 This Act may be cited as the “Humane Correctional
 12 Health Care Act”.

13 **SEC. 23202. REPEAL OF MEDICAID INMATE EXCLUSION.**

14 (a) IN GENERAL.—Section 1905(a) of the Social Se-
 15 curity Act (42 U.S.C. 1396d(a)) is amended, in the matter
 16 following paragraph (30), by striking “such term does not
 17 include—” and all that follows through “patient in an in-
 18 stitution for mental diseases” and inserting “such term
 19 does not include any such payments with respect to care
 20 or services for any individual who is under 65 years of
 21 age and is a patient in an institution for mental diseases”.

22 (b) CONFORMING AMENDMENTS.—Section 1902 of
 23 the Social Security Act (42 U.S.C. 1396a) is amended—

24 (1) in subsection (a)—

25 (A) by striking paragraph (84);

1 (B) by redesignating paragraphs (85) and
2 (86) as paragraphs (84) and (85), respectively;

3 (C) in paragraph (84), as redesignated by
4 subparagraph (B), by striking “(oo)(1)” and in-
5 serting “(nn)(1)”; and

6 (D) in paragraph (85), as redesignated by
7 subparagraph (B), by striking “(pp)” and in-
8 serting “(oo)”;

9 (2) by striking subsection (nn);

10 (3) by redesignating subsections (oo) and (pp)
11 as subsections (nn) and (oo), respectively;

12 (4) in subsection (nn), as redesignated by para-
13 graph (3), by striking “(85)” and inserting “(84)”;
14 and

15 (5) in subsection (oo), as redesignated by para-
16 graph (3), by striking “(86)” and inserting “(85)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to medical assistance
19 provided on or after January 1, 2021.

20 **SEC. 23203. REPORT BY COMPTROLLER GENERAL.**

21 Not later than the date that is three years after the
22 date of the enactment of this Act, and annually thereafter
23 for each of the following five years, the Comptroller Gen-
24 eral of the United States shall submit to Congress a report
25 containing the following information:

1 (1) The percentage of inmates that receive med-
2 ical assistance under a State plan under title XIX
3 of the Social Security Act (42 U.S.C. 1396 et seq.).

4 (2) The access of inmates to health care serv-
5 ices, including specialty care, and health care pro-
6 viders.

7 (3) The quality of health care services provided
8 to inmates.

9 (4) Any impact of coverage under such a State
10 plan on recidivism.

11 (5) The percentage of inmates who, upon re-
12 lease, are—

13 (A) enrolled under such a State plan; and

14 (B) connected to a primary care provider
15 in their community.

16 (6) Trends in the prevalence and incidence of
17 illness and injury among inmates.

18 (7) Any other information the Comptroller Gen-
19 eral determines necessary regarding the health of in-
20 mates.

21 **SEC. 23204. SENSE OF CONGRESS ON INCARCERATION AND**
22 **COMMUNITY-BASED HEALTH SERVICES.**

23 It is the sense of Congress that—

24 (1) no individual in the United States should be
25 incarcerated for the purpose of being provided with

1 health care that is unavailable to the individual in
2 the individual's community;

3 (2) each State and unit of local government
4 should establish programs that offer community-
5 based health services (including mental health and
6 substance use disorder services) commensurate with
7 the principle stated in paragraph (1); and

8 (3) Federal reimbursement for expenditures on
9 medical assistance made available through the
10 amendments made by this Act should not supplant
11 an investment in community-based services.

12 **Subtitle FF—Strengthen Dental**
13 **Coverage**

14 **SEC. 23301. SHORT TITLE.**

15 This Act may be cited as the “Foster Youth Dental
16 Act of 2020”.

17 **SEC. 23302. STRENGTHENING COVERAGE UNDER THE MED-**

18 **ICAID PROGRAM FOR CERTAIN FOSTER**

19 **YOUTH INDIVIDUALS.**

20 (a) EXPANSION OF EPSDT SERVICES TO CERTAIN IN-
21 DIVIDUALS AGED 21–25.—

22 (1) IN GENERAL.—Section 1905(a) of the So-
23 cial Security Act (42 U.S.C. 1396d(a)) is amend-
24 ed—

1 (A) in paragraph (4)(B), by inserting “(or,
2 in the case of a specified individual (as defined
3 in the matter at the end of this subsection),
4 under the age of 26)” after “21”; and

5 (B) by adding at the end the following new
6 sentence: “For purposes of paragraph (4)(B),
7 the term ‘specified individual’ means an indi-
8 vidual who is in foster care under the responsi-
9 bility of a State (or was in foster care under the
10 responsibility of the State on the date of attain-
11 ing 18 years of age or such higher age as the
12 State has elected under section 475(8)(B)(iii)
13 and was enrolled in a State plan under this title
14 or under a waiver of a plan while in such foster
15 care).”.

16 (2) PROVISION OF INFORMATION WITH RE-
17 SPECT TO DENTAL SERVICES.—Section
18 1902(a)(43)(A) of the Social Security Act (42
19 U.S.C. 1396a(a)(43)(A)) is amended—

20 (A) by inserting “(or, in the case of a spec-
21 ified individual (as defined in the matter at the
22 end of section 1905(a)), under the age of 26)”
23 after “21”;

24 (B) by inserting “(including dental serv-
25 ices)” after “treatment services”;

1 (C) by striking “and the need” and insert-
2 ing “, the need”; and

3 (D) by striking the comma at the end and
4 inserting “, and the importance of maintaining
5 good oral health,”.

6 (3) EFFECTIVE DATE.—

7 (A) EXTENSION OF COVERAGE.—The
8 amendments made by paragraph (1) shall apply
9 with respect to medical assistance furnished
10 during calendar quarters beginning on or after
11 the date that is 80 days after the date of the
12 enactment of this Act.

13 (B) PROVISION OF INFORMATION.—The
14 amendment made by paragraph (2) shall apply
15 to information provided under section
16 1902(a)(43)(A) of the Social Security Act (42
17 U.S.C. 1396a(a)(43)(A)) beginning with the
18 first calendar quarter beginning on or after the
19 date that is 80 days after the date of the enact-
20 ment of this Act.

21 (b) INCENTIVE FOR THE PROVISION OF DENTAL
22 SERVICES TO CERTAIN INDIVIDUALS.—

23 (1) IN GENERAL.—Section 1902(a) of the So-
24 cial Security Act (42 U.S.C. 1396a(a)) is amend-
25 ed—

1 (A) in paragraph (13)—

2 (i) in subparagraph (B), by striking

3 “and” at the end;

4 (ii) in subparagraph (C), by adding

5 “and” at the end; and

6 (iii) by adding at the end the fol-

7 lowing new subparagraph:

8 “(D) for payment for dental services fur-

9 nished on or after the first day of the first cal-

10 endar quarter beginning on or after the date

11 that is 80 days after the date of the enactment

12 of this subparagraph by a dentist to a specified

13 individual (as defined in the matter at the end

14 of section 1905(a)) under the age of 26 at a

15 rate not less than the specified average rate (as

16 defined in subsection (tt)) for such services.”;

17 and

18 (B) by adding at the end the following new

19 subsection:

20 “(tt) SPECIFIED AVERAGE RATE DEFINED.—

21 “(1) IN GENERAL.—For purposes of subsection

22 (a)(13)(D), the term ‘specified average rate’ means,

23 with respect to a dental service furnished in a State,

24 the average of the contracted rates (as defined in

1 paragraph (2)) in effect during the 5-year period
2 ending on the date such service is so furnished—

3 “(A) for such service furnished in such
4 State (as determined by the State); or

5 “(B) for such service furnished in the
6 United States (as determined by the Secretary);
7 as selected by such State.

8 “(2) CONTRACTED RATE DEFINED.—

9 “(A) IN GENERAL.—For purposes of para-
10 graph (1), the term ‘contracted rate’ means,
11 with respect to a dental service, a rate in effect
12 between a health insurance issuer offering
13 group or individual health insurance coverage
14 or a group health plan (as such terms are de-
15 fined in section 2791 of the Public Health Serv-
16 ice Act) and a dentist with a contractual rela-
17 tionship in effect with such issuer or plan (as
18 applicable) for furnishing such service under
19 such coverage or plan (as applicable) that rep-
20 resents the total amount payable (including cost
21 sharing) under such coverage or plan (as appli-
22 cable) for such service so furnished.

23 “(B) EXCLUSION OF SELF-INSURED
24 GROUP HEALTH PLAN RATES.—For purposes of
25 subparagraph (A), the term ‘contracted rate’

1 shall not include a rate described in such sub-
2 paragraph that is in effect between a self-in-
3 sured group health plan and a dentist.”.

4 (2) MEDICAID MANAGED CARE PLANS.—Section
5 1932(f) of the Social Security Act (42 U.S.C.
6 1396u–2(f)) is amended—

7 (A) in the header, by striking “PRIMARY
8 CARE SERVICES” and inserting “CERTAIN
9 SERVICES”;

10 (B) by inserting “or dental services” after
11 “primary care services”;

12 (C) by striking “section 1902(a)(13)(C)”
13 and inserting “subparagraph (C) or (D), re-
14 spectively, of section 1902(a)(13)”;

15 (D) by striking “such section” and insert-
16 ing “such subparagraph (C) or (D), as applica-
17 ble”.

18 (3) INCREASED FMAP FOR INCREASED EX-
19 PENSES.—Section 1905 of the Social Security Act
20 (42 U.S.C. 1396d) is amended by adding at the end
21 the following new subsection:

22 “(gg) INCREASED FMAP FOR ADDITIONAL EXPENDI-
23 TURES FOR DENTAL SERVICES.—Notwithstanding sub-
24 section (b), with respect to the portion of the amounts ex-
25 pended for medical assistance for services described in sec-

tion 1902(a)(13)(D) furnished on or after the first day of the first calendar quarter beginning on or after the date that is 80 days after the date of the enactment of this subsection furnished to an individual described in such section by a dentist that is attributable to the amount by which the minimum payment rate required under such section (or, by application, section 1932(f)) exceeds the payment rate applicable to such services under the State plan as of July 1, 2020, the Federal medical assistance percentage for a State that is one of the 50 States or the District of Columbia shall be equal to 100 percent. The preceding sentence does not prohibit the payment of Federal financial participation based on the Federal medical assistance percentage for amounts in excess of those specified in such sentence.”.

(c) OUTREACH EFFORTS FOR ENROLLMENT OF FORMER FOSTER CHILDREN.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (85), by striking “; and” and inserting a semicolon;

(2) in paragraph (86), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (86) the following new paragraph:

1 “(87) not later than 6 months after the date of
2 the enactment of this paragraph—

3 “(A) establish an outreach and enrollment
4 program, in coordination with the State agency
5 responsible for administering the State plan
6 under part E of title IV and any other appro-
7 priate or interested agencies, designed to in-
8 crease the enrollment of individuals who are eli-
9 gible for medical assistance under the State
10 plan under paragraph (10)(A)(i)(IX) in accord-
11 ance with best practices established by the Sec-
12 retary; and

13 “(B) establish an outreach program to
14 dentists practicing in such State to encourage
15 enrollment by such dentists in such plan as par-
16 ticipating providers under such plan.”.

17 (d) PROVIDING FOR IMMEDIATE ELIGIBILITY FOR
18 FORMER FOSTER YOUTH.—Section 1002(a)(2) of the
19 SUPPORT for Patients and Communities Act (Public
20 Law 115–271) is amended by striking “January 1, 2023”
21 and inserting “the date of enactment of the Foster Youth
22 Dental Act of 2020”.

1 **Subtitle GG—Expanded Coverage**
 2 **for Former Foster Youth Act**

3 **SEC. 23401. SHORT TITLE.**

4 This Act may be cited as the “Expanded Coverage
 5 for Former Foster Youth Act”.

6 **SEC. 23402. COVERAGE CONTINUITY FOR FORMER FOSTER**
 7 **CARE CHILDREN UP TO AGE 26.**

8 (a) IN GENERAL.—Section 1002(a)(1)(B) of the
 9 SUPPORT for Patients and Communities Act (Public
 10 Law 115–271) is amended by striking all that follows
 11 after “item (cc),” and inserting the following: “by striking
 12 ‘responsibility of the State’ and all that follows through
 13 ‘475(8)(B)(iii); and’ and inserting ‘responsibility of a
 14 State on the date of attaining 18 years of age (or such
 15 higher age as such State has elected under section
 16 475(8)(B)(iii)), or who were in such care at any age but
 17 subsequently left such care to enter into a legal guardian-
 18 ship with a kinship caregiver (without regard to whether
 19 kinship guardianship payments are being made on behalf
 20 of the child under this part) or were emancipated from
 21 such care prior to attaining age 18;’”.

22 (b) AMENDMENTS TO SOCIAL SECURITY ACT.—

23 (1) IN GENERAL.—Section
 24 1902(a)(10)(A)(i)(IX) of the Social Security Act (42
 25 U.S.C. 1396a(a)(10)(A)(i)(IX)), as amended by sec-

tion 1002(a) of the SUPPORT for Patients and Communities Act (Public Law 115–271), is amended—

(A) in item (bb), by striking the semicolon at the end and inserting “; and”; and

(B) by striking item (dd).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2023.

SEC. 23403. OUTREACH EFFORTS FOR ENROLLMENT OF FORMER FOSTER CHILDREN.

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

(1) in paragraph (85), by striking “; and” and inserting a semicolon;

(2) in paragraph (86), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (86) the following new paragraph:

“(87) not later than January 1, 2021, establish an outreach and enrollment program, in coordination with the State agency responsible for administering the State plan under part E of title IV and any other appropriate or interested agencies, designed to increase the enrollment of individuals who are eligi-

1 ble for medical assistance under the State plan
2 under paragraph (10)(A)(i)(IX) in accordance with
3 best practices established by the Secretary.”.

4 **Subtitle HH—Pandemic Protection** 5 **Act**

6 **SEC. 23501. SHORT TITLE.**

7 This subtitle may be cited as the “Pandemic Protec-
8 tion for Transition-age Foster Youth Act” or the “Pan-
9 demic Protection Act”.

10 **SEC. 23502. TEMPORARY PRESERVATION OF ELIGIBILITY** 11 **FOR FOSTER CARE BENEFITS, AND SUSPEN-** 12 **SION OF CERTAIN EDUCATION AND WORK RE-** 13 **QUIREMENTS, FOR YOUTH WHO WOULD OTH-** 14 **ERWISE AGE OUT OF ELIGIBILITY FOR THE** 15 **BENEFITS DURING A HEALTH EMERGENCY** 16 **OR DISASTER DECLARED WITH RESPECT TO** 17 **THE CORONAVIRUS PANDEMIC.**

18 (a) IN GENERAL.—During the applicable period—

19 (1) a State, Indian tribe, tribal organization, or
20 tribal consortium operating a program under a plan
21 approved under part E of title IV of the Social Secu-
22 rity Act shall not deny a foster care benefit to an
23 eligible youth; and

24 (2) section 475(8)(B)(iv) of such Act shall have
25 no force or effect.

1 (b) FEDERAL PAYMENTS.—For purposes of part E
2 of title IV of the Social Security Act, foster care mainte-
3 nance payments made by such a State, Indian tribe, tribal
4 organization, or tribal consortium for the benefit of an eli-
5 gible child in compliance with subsection (a) of this section
6 shall be considered to be made under section 472 of such
7 Act.

8 (c) DEFINITIONS.—In this section:

9 (1) APPLICABLE PERIOD.—The term “applica-
10 ble period” means the period that begins on the date
11 the Secretary of Health and Human Services de-
12 clared, pursuant to section 319 of the Public Health
13 Service Act, the public health emergency entitled
14 “Determination that a Public Health Emergency
15 Exists Nationwide as the Result of the 2019 Novel
16 Coronavirus”, and ends 3 months after the later
17 of—

18 (A) the date the public health emergency
19 so declared terminates; or

20 (B) the end of the period covered by—

21 (i) the emergency declaration issued
22 by the President on March 13, 2020, pur-
23 suant to section 501(b) of the Robert T.
24 Stafford Disaster Relief and Emergency
25 Assistance Act (42 U.S.C. 5191(b)); and

1 (ii) any subsequent major disaster
2 declaration under section 401 of the Rob-
3 ert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5170)
5 that supersedes the emergency declaration
6 referred to in clause (i) of this subpara-
7 graph.

8 (2) ELIGIBLE YOUTH.—The term “eligible
9 youth” means, with respect to a foster care benefit,
10 a child who, as of January 1, 2021, was in foster
11 care under the responsibility of a State or an Indian
12 tribe or was a youth receiving any benefit under sec-
13 tion 477 of the Social Security Act, and who, in the
14 absence of this section, would become ineligible for
15 the benefit during the applicable period by reason of
16 age.

17 (3) FOSTER CARE BENEFIT.—The term “foster
18 care benefit” means—

19 (A) foster care under the responsibility of
20 a State or an Indian tribe;

21 (B) foster care maintenance payments
22 under section 472 of the Social Security Act;
23 and

24 (C) any benefit under section 477 of such
25 Act.

1 **Subtitle II—Dosha Joi Immediate**
2 **Coverage for Foster Youth Act**
3 **Immediate Coverage for Foster**
4 **Youth Act**

5 **SEC. 23601. SHORT TITLE.**

6 This subtitle may be cited as the “Dosha Joi Imme-
7 diate Coverage for Foster Youth Act”.

8 **SEC. 23602. PROVIDING FOR IMMEDIATE MEDICAID ELIGI-**
9 **BILITY FOR FORMER FOSTER YOUTH.**

10 Section 1002(a)(2) of the SUPPORT for Patients
11 and Communities Act (Public Law 115–271) is amended
12 by striking “January 1, 2023” and inserting “the date
13 of enactment of the Dosha Joi Immediate Coverage for
14 Foster Youth Act”.

15 **Subtitle JJ—Health Providers**
16 **Training Act**

17 **SEC. 23701. SHORT TITLE.**

18 This subtitle may be cited as the “Health Providers
19 Training Act”.

20 **SEC. 23702. ELIGIBILITY OF HOSPITALS FOR HEALTH PRO-**
21 **FESSIONS OPPORTUNITY GRANTS.**

22 Section 2008(a)(4)(A) of the Social Security Act (42
23 U.S.C. 1397g(a)(4)(A)) is amended by striking “or a com-
24 munity-based organization” and inserting “, a community-

1 based organization, or a hospital (as defined in section
2 1861(e))”.

3 **SEC. 23703. EFFECTIVE DATE.**

4 The amendment made by this Act shall take effect
5 on October 1, 2021.

6 **TITLE III—COVID-19**
7 **Subtitle A—Minority Business**
8 **Resiliency**

9 **SEC. 30101. SHORT TITLE.**

10 This subtitle may be cited as the “Minority Business
11 Resiliency Act of 2020”.

12 **SEC. 30102. DEFINITIONS.**

13 In this subtitle:

14 (1) AGENCY.—The term “Agency” means the
15 Minority Business Development Agency of the De-
16 partment of Commerce.

17 (2) ASSISTANT SECRETARY.—The term “Assist-
18 ant Secretary” means the Assistant Secretary of
19 Commerce for Minority Business Development.

20 (3) COVERED ENTITY.—The term “covered en-
21 tity” means a private nonprofit organization that—

22 (A) is described in section 501(c)(3) of the
23 Internal Revenue Code of 1986 and exempt
24 from tax under section 501(a) of such Code;

25 (B) can demonstrate to the Agency that—

1 (i) the primary mission of the organi-
2 zation is to provide services to minority
3 business enterprises, whether through edu-
4 cation, making grants, or other similar ac-
5 tivities; and

6 (ii) the organization is unable to pay
7 financial obligations incurred by the orga-
8 nization, including payroll obligations; and

9 (C) due to the effects of COVID–19, is un-
10 able to engage in the same level of fundraising
11 in the year in which this Act is enacted, as
12 compared with the year preceding the year in
13 which this Act is enacted, including through
14 events or the collection of fees.

15 (4) MINORITY BUSINESS DEVELOPMENT CEN-
16 TER.—The term “minority business development
17 center” means a Business Center of the Agency, in-
18 cluding its Specialty Center Program.

19 (5) MINORITY BUSINESS ENTERPRISE.—The
20 term “minority business enterprise” means a for-
21 profit business enterprise—

22 (A) that is not less than 51 percent-owned
23 by 1 or more socially disadvantaged individuals;
24 and

1 (B) the management and daily business
2 operations of which are controlled by 1 or more
3 socially disadvantaged individuals.

4 (6) SOCIALLY DISADVANTAGED INDIVIDUAL.—

5 (A) IN GENERAL.—The term “socially dis-
6 advantaged individual” means an individual
7 who has been subjected to racial or ethnic prej-
8 udice or cultural bias because of the identity of
9 the individual as a member of a group, without
10 regard to any individual quality of the indi-
11 vidual that is unrelated to that identity.

12 (B) PRESUMPTION.—In carrying out this
13 subtitle, the Agency shall presume that the
14 term “socially disadvantaged individual” in-
15 cludes any individual who is—

- 16 (i) Black or African American;
17 (ii) Hispanic or Latino;
18 (iii) American Indian or Alaska Na-
19 tive;
20 (iv) Asian;
21 (v) Native Hawaiian or other Pacific
22 Islander; or
23 (vi) a member of a group that the
24 Agency determines under part 1400 of title
25 15, Code of Federal Regulations, as in ef-

1 fect on November 23, 1984, is a socially
2 disadvantaged group eligible to receive as-
3 sistance.

4 **SEC. 30103. MINORITY BUSINESS DEVELOPMENT AGENCY.**

5 (a) ESTABLISHMENT.—The Minority Business Devel-
6 opment Agency in the Department of Commerce is hereby
7 established.

8 (b) ASSISTANT SECRETARY.—

9 (1) APPOINTMENT AND DUTIES.—The Agency
10 shall be headed by an Assistant Secretary of Com-
11 merce for Minority Business Development, who shall
12 be—

13 (A) appointed by the President, by and
14 with the advice and consent of the Senate; and

15 (B) except as otherwise expressly provided,
16 responsible for the administration of this sub-
17 title.

18 (2) COMPENSATION.—The Assistant Secretary
19 shall be compensated at an annual rate of basic pay
20 prescribed for level IV of the Executive Schedule
21 under section 5315 of title 5, United States Code.

22 (c) REPORT TO CONGRESS.—Not later than 120 days
23 after the date of enactment of this Act, the Secretary shall
24 submit to Congress a report that describes—

25 (1) the organizational structure of the Agency;

1 (2) the organizational position of the Agency in
2 the Department of Commerce; and

3 (3) a description of how the Agency shall func-
4 tion in relation to the operations carried out by each
5 other component of the Department of Commerce.

6 (d) ADMINISTRATIVE POWERS AND OTHER POWERS
7 OF THE AGENCY; MISCELLANEOUS PROVISIONS.—

8 (1) IN GENERAL.—In carrying out the duties
9 and the responsibilities of the Agency, the Assistant
10 Secretary may—

11 (A) adopt and use a seal for the Agency,
12 which shall be judicially noticed;

13 (B) hold hearings, sit and act, and take
14 testimony as the Assistant Secretary may deter-
15 mine to be necessary or appropriate;

16 (C) acquire, in any lawful manner, any
17 property that the Assistant Secretary may de-
18 termine to be necessary or appropriate;

19 (D) make advance payments under grants,
20 contracts, and cooperative agreements awarded
21 by the Agency;

22 (E) enter into agreements with other Fed-
23 eral agencies;

1 (F) coordinate with the heads of the Of-
2 fices of Small and Disadvantaged Business Uti-
3 lization of Federal agencies;

4 (G) require a coordinated review of all
5 training and technical assistance activities that
6 are proposed to be carried out by Federal agen-
7 cies in direct support of the development of mi-
8 nority business enterprises to—

9 (i) assure consistency with the pur-
10 poses of this subtitle; and

11 (ii) avoid duplication of existing ef-
12 forts; and

13 (H) prescribe such rules, regulations, and
14 procedures as the Agency may determine to be
15 necessary or appropriate.

16 (2) EMPLOYMENT OF CERTAIN EXPERTS AND
17 CONSULTANTS.—

18 (A) IN GENERAL.—The Assistant Sec-
19 retary may employ experts and consultants or
20 organizations that are composed of experts or
21 consultants, as authorized under section 3109
22 of title 5, United States Code.

23 (B) RENEWAL OF CONTRACTS.—The As-
24 sistant Secretary may annually renew a con-

1 tract for employment of an individual employed
2 under subparagraph (A).

3 (3) DONATION OF PROPERTY.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), the Assistant Secretary may, with-
6 out cost (except for costs of care and handling),
7 donate for use by any public sector entity, or by
8 any recipient nonprofit organization, for the
9 purpose of the development of minority business
10 enterprises, any real or tangible personal prop-
11 erty acquired by the Agency.

12 (B) TERMS, CONDITIONS, RESERVATIONS,
13 AND RESTRICTIONS.—The Assistant Secretary
14 may impose reasonable terms, conditions, res-
15 ervations, and restrictions upon the use of any
16 property donated under subparagraph (A).

17 **SEC. 30104. EMERGENCY GRANTS TO NONPROFITS THAT**
18 **SUPPORT MINORITY BUSINESS ENTER-**
19 **PRISES.**

20 (a) PURPOSE.—The purpose of this section is to
21 make grants to covered entities in order to help those cov-
22 ered entities continue the necessary work of supporting
23 minority business enterprises.

24 (b) ESTABLISHMENT.—Not later than 15 days after
25 the date of enactment of this Act, the Agency shall estab-

1 lish a grant program for covered entities in accordance
2 with the requirements of this section, under which the
3 Agency shall make grants to covered entities as expedi-
4 tiously as possible.

5 (c) APPLICATION.—

6 (1) IN GENERAL.—A covered entity desiring a
7 grant under this section shall submit to the Agency
8 an application at such time, in such manner, and
9 containing such information as the Agency may re-
10 quire.

11 (2) PRIORITY.—The Agency shall—

12 (A) establish selection criteria to ensure
13 that, if the amounts made available to carry out
14 this section are not sufficient to make a grant
15 under this section to every covered entity that
16 submits an application under paragraph (1),
17 the covered entities that are the most severely
18 affected by the effects of COVID–19 receive
19 priority with respect to those grants; and

20 (B) give priority with respect to the grants
21 made under this section to a covered entity that
22 proposes to use the grant funds for—

23 (i) providing paid sick leave to em-
24 ployees of the covered entity who are un-

1 able to work due to the direct effects of
2 COVID–19;

3 (ii) continuing to make payroll pay-
4 ments in order to retain employees of the
5 covered entity during an economic disrup-
6 tion with respect to COVID–19;

7 (iii) making rent or mortgage pay-
8 ments with respect to obligations of the
9 covered entity; or

10 (iv) repaying non-Federal obligations
11 that the covered entity cannot satisfy be-
12 cause of revenue losses that are attrib-
13 utable to the effects of COVID–19.

14 (d) AMOUNT OF GRANT.—

15 (1) IN GENERAL.—A grant made under this
16 section shall be in an amount that is not more than
17 \$300,000.

18 (2) SINGLE AWARD.—No covered entity may re-
19 ceive, or directly benefit from, more than 1 grant
20 made under this section.

21 (e) USE OF FUNDS.—A covered entity that receives
22 a grant under this section may use the grant funds to ad-
23 dress the effects of COVID–19 on the covered entity, in-
24 cluding by making payroll payments, making a transition

1 to the provision of online services, and addressing issues
2 raised by an inability to raise funds.

3 (f) PROCEDURES.—The Agency shall establish proce-
4 dures to discourage and prevent waste, fraud, and abuse
5 by applicants for, and recipients of, grants made under
6 this section.

7 (g) PENALTIES FOR FRAUD AND MISAPPLICATION OF
8 FUNDS.—An applicant for, or recipient of, a grant made
9 under this section shall be subject to all applicable provi-
10 sions of Federal law, including section 1001 of title 18,
11 United States Code.

12 (h) NON-DUPLICATION.—The Agency shall ensure
13 that covered entities do not receive grants under both this
14 section and section 1108 of the Coronavirus Aid, Relief,
15 and Economic Security Act.

16 (i) INSPECTOR GENERAL AUDIT.—Not later than
17 180 days after the date on which the Agency begins mak-
18 ing grants under this section, the Inspector General of the
19 Department of Commerce shall—

20 (1) conduct an audit of grants made under this
21 section, which shall seek to identify any discrep-
22 ancies or irregularities with respect to the grants;
23 and

24 (2) submit to Congress a report regarding the
25 audit conducted under paragraph (1).

1 (j) UPDATES TO CONGRESS.—Not later than 30 days
2 after the date of enactment of this Act, and once every
3 30 days thereafter until the date described in subsection
4 (k), the Agency shall submit to Congress a report that
5 contains—

6 (1) the number of grants made under this sec-
7 tion during the period covered by the report; and

8 (2) with respect to the grants described in para-
9 graph (1), the geographic distribution of those
10 grants by State and county.

11 (k) TERMINATION.—The authority to make grants
12 under this section shall terminate on September 30, 2023.

13 **SEC. 30105. OUTREACH TO BUSINESS CENTERS.**

14 (a) IN GENERAL.—Not later than 10 days after the
15 date of enactment of this Act, the Agency shall conduct
16 outreach to the business center network of the Agency to
17 provide guidance to those centers regarding other Federal
18 programs that are available to provide support to minority
19 business enterprises, including programs at the Depart-
20 ment of the Treasury, the Small Business Administration,
21 and the Economic Development Administration of the De-
22 partment of Commerce.

23 (b) ADDITIONAL STAFF.—The Agency may hire addi-
24 tional staff to carry out the responsibilities of the Agency
25 under subsection (a).

1 (c) OUTREACH TO NATIVE COMMUNITIES.—

2 (1) IN GENERAL.—In carrying out this section,
3 the Agency shall ensure that outreach is conducted
4 in American Indian, Alaska Native, and Native Ha-
5 waiian communities.

6 (2) DIRECT OUTREACH TO CERTAIN MINORITY
7 BUSINESS ENTERPRISES.—If the Assistant Secretary
8 determines that a particular American Indian, Alas-
9 ka Native, or Native Hawaiian community does not
10 receive sufficient grant amounts under section
11 30104 of this subtitle or section 1108 of the CARES
12 Act, the Assistant Secretary shall carry out addi-
13 tional outreach directly to minority business enter-
14 prises located in that community to provide guidance
15 regarding Federal programs that are available to
16 provide support to minority business enterprises.

17 (d) USE OF APPROPRIATED FUNDS.—If, after car-
18 rying out this section, there are remaining funds made
19 available to carry out this section from the amount appro-
20 priated under section 30106, the Agency may use those
21 remaining funds to carry out other responsibilities of the
22 Agency under section 30104.

23 **SEC. 30106. DIRECT APPROPRIATION.**

24 (a) IN GENERAL.—There is appropriated to the
25 Agency, in addition to any other amounts previously ap-

1 appropriated for the Agency and out of amounts in the
2 Treasury not otherwise appropriated, for the fiscal year
3 ending September 30, 2021, to remain available until Sep-
4 tember 30, 2024, \$60,000,000, of which—

5 (1) \$10,000,000 shall be for carrying out sec-
6 tion 30104 of this subtitle;

7 (2) \$5,000,000 shall be for carrying out section
8 30105 of this subtitle; and

9 (3) \$10,000,000 shall be allocated to the White
10 House Initiative on Asian Americans and Pacific Is-
11 landers.

12 (b) EMERGENCY DESIGNATION.—

13 (1) IN GENERAL.—The amounts provided by
14 this subtitle are designated as an emergency require-
15 ment pursuant to section 4(g) of the Statutory Pay-
16 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

17 (2) DESIGNATION IN SENATE.—In the Senate,
18 this subtitle is designated as an emergency require-
19 ment pursuant to section 4112(a) of H. Con. Res.
20 71 (115th Congress), the concurrent resolution on
21 the budget for fiscal year 2022.

22 **SEC. 30107. AUDITS.**

23 (a) RECORDKEEPING REQUIREMENT.—Each recipi-
24 ent of assistance under this subtitle shall keep such
25 records as the Assistant Secretary shall prescribe, includ-

1 ing records that fully disclose, with respect to the assist-
2 ance received by the recipient under this subtitle—

3 (1) the amount and nature of that assistance;

4 (2) the disposition by the recipient of the pro-
5 ceeds of that assistance;

6 (3) the total cost of the undertaking for which
7 the assistance is given or used;

8 (4) the amount and nature of the portion of the
9 cost of the undertaking described in paragraph (3)
10 that is supplied by a source other than the Agency;
11 and

12 (5) any other records that will facilitate an ef-
13 fective audit of the assistance.

14 (b) ACCESS BY GOVERNMENT OFFICIALS.—The As-
15 sistant Secretary, the Inspector General of the Depart-
16 ment of Commerce, and the Comptroller General of the
17 United States, or any duly authorized representative of
18 any such individual, shall have access, for the purpose of
19 audit, investigation, and examination, to any book, docu-
20 ment, paper, record, or other material of a recipient of
21 assistance.

1 **SEC. 30108. REVIEW AND REPORT BY COMPTROLLER GEN-**
2 **ERAL.**

3 Not later than 4 years after the date of enactment
4 of this Act, the Comptroller General of the United States
5 shall—

6 (1) conduct a thorough review of the programs
7 carried out under this subtitle; and

8 (2) submit to Congress a detailed report of the
9 findings of the Comptroller General of the United
10 States under the review carried out under paragraph
11 (1), which shall include—

12 (A) an evaluation of the effectiveness of
13 the programs in achieving the purposes of this
14 subtitle;

15 (B) a description of any failure by any re-
16 cipient of assistance under this subtitle to com-
17 ply with the requirements under this subtitle;
18 and

19 (C) recommendations for any legislative or
20 administrative action that should be taken to
21 improve the achievement of the purposes of this
22 subtitle.

23 **SEC. 30109. ANNUAL REPORTS; RECOMMENDATIONS.**

24 (a) ANNUAL REPORT.—Not later than 90 days after
25 the last day of each fiscal year, the Assistant Secretary
26 shall submit to Congress, and publish on the website of

1 the Agency, a report of each activity of the Agency carried
2 out under this subtitle during the fiscal year preceding the
3 date on which the report is submitted.

4 (b) RECOMMENDATIONS.—The Assistant Secretary
5 shall periodically submit to Congress and the President
6 recommendations for legislation or other actions that the
7 Assistant Secretary determines to be necessary or appro-
8 priate to promote the purposes of this subtitle.

9 **SEC. 30110. EXECUTIVE ORDER 11625.**

10 The powers and duties of the Agency shall be deter-
11 mined—

12 (1) in accordance with this subtitle and the re-
13 quirements of this subtitle; and

14 (2) without regard to Executive Order 11625
15 (36 Fed. Reg. 19967; relating to prescribing addi-
16 tional arrangements for developing and coordinating
17 a national program for minority business enter-
18 prise).

19 **SEC. 30111. AMENDMENT TO THE FEDERAL ACQUISITION**
20 **STREAMLINING ACT OF 1994.**

21 Section 7104(c) of the Federal Acquisition Stream-
22 lining Act of 1994 (15 U.S.C. 644a(c)) is amended by
23 striking paragraph (2) and inserting the following:

24 “(2) The Assistant Secretary of Commerce for
25 Minority Business Development.”.

Subtitle B—Health Enterprise Zones

SEC. 30201. SHORT TITLE.

This subtitle may be cited as the “Health Enterprise Zones Act of 2020”.

SEC. 30202. DESIGNATION OF HEALTH ENTERPRISE ZONES.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, pursuant to applications submitted under subsection (c), designate areas as Health Enterprise Zones to reduce health disparities and improve health outcomes in such areas.

(2) ELIGIBILITY OF AREA.—To be designated as a Health Enterprise Zone under this section, an area must—

(A) be a contiguous geographic area in one census tract or ZIP code;

(B) have measurable and documented racial, ethnic, or geographic health disparities and poor health outcomes, demonstrated by—

(i) average income below 150 percent of the Federal poverty line;

(ii) a rate of eligibility in the special supplemental nutrition program under sec-

1 tion 17 of the Child Nutrition Act of 1966
2 (42 U.S.C. 1786) that is higher than the
3 national average rate of eligibility in such
4 program;

5 (iii) lower life expectancy than the na-
6 tional average; or

7 (iv) a higher percentage of instances
8 of low birth weight than the national aver-
9 age; and

10 (C) are part of a Metropolitan Statistical
11 Area or Micropolitan Statistical Area identified
12 by the Office of Management and Budget.

13 (b) SOLICITATION OF APPLICATIONS.—The Sec-
14 retary shall—

15 (1) not later than 12 months after the date of
16 enactment of this Act, solicit applications under sub-
17 section (c); and

18 (2) publish on the website of the Department of
19 Health and Human Services—

20 (A) the names of all applicants, together
21 with the names of each applicant's coalition
22 partners; and

23 (B) a description of all areas proposed to
24 be designated as Health Enterprise Zones.

1 (c) SUBMISSION OF APPLICATIONS.—To seek the
2 designation of an area as a Health Enterprise Zone, a
3 community-based nonprofit organization or local govern-
4 mental agency, in coalition with an array of health care
5 providers, hospitals, nonprofit community health clinics,
6 health centers, social service organizations, and other re-
7 lated organizations shall submit an application to the Sec-
8 retary.

9 (d) CONTENTS.—An application under subsection (c)
10 shall—

11 (1) include an effective and sustainable plan
12 with respect to the area proposed for designation—

13 (A) to reduce health disparities;

14 (B) to reduce the costs of, or to produce
15 savings to, the health care system;

16 (C) to improve health outcomes; and

17 (D) to utilize one or more of the incentives
18 established pursuant to sections 30204, 30205,
19 30206, and 30207 to address health care pro-
20 vider capacity, improve health services delivery,
21 effectuate community improvements, or conduct
22 outreach and education efforts; and

23 (2) identify specific diseases or indicators of
24 health for improvement of health outcomes in such
25 area, including at least one of the following: cardio-

1 vascular disease, asthma, diabetes, dental health, be-
2 havioral health, maternal and birth health, sexually
3 transmitted infections, and obesity.

4 (e) CONSIDERATIONS.—The Secretary—

5 (1) shall consider geographic diversity, among
6 other factors, in selecting areas for designation as
7 Health Enterprise Zones; and

8 (2) may conduct outreach efforts to encourage
9 a geographically diverse pool of applicants, including
10 for designating Health Enterprise Zones in rural
11 areas.

12 (f) PRIORITY.—In selecting areas for designation as
13 Health Enterprise Zones, the Secretary shall give higher
14 priority to applications based on the extent to which they
15 demonstrate the following:

16 (1) Support from, and participation of, key
17 stakeholders in the public and private sectors in the
18 area proposed for designation, including residents
19 and local governments of such area.

20 (2) A plan for long-term funding and sustain-
21 ability.

22 (3) Supporting funds from the private sector.

23 (4) Integration with any applicable State health
24 improvement process or plan.

1 (5) A plan for evaluation of the impact of des-
2 ignation of such area as a Health Enterprise Zone.

3 (6) A plan to utilize existing State tax credits,
4 grants, or other incentives to reduce health dispari-
5 ties and improve health outcomes in the proposed
6 Health Enterprise Zone.

7 (7) Such other factors as the Secretary deter-
8 mines are appropriate to demonstrate a commitment
9 to reduce health disparities and improve health out-
10 comes in such area.

11 (g) PERIOD OF DESIGNATION.—The designation
12 under this section of any area as a Health Enterprise Zone
13 shall expire at the end of the period of 10 fiscal years
14 following the enactment of this Act.

15 **SEC. 30203. CONSULTATION.**

16 The Secretary shall carry out this subtitle in con-
17 sultation with—

18 (1) the Secretary of Housing and Urban Devel-
19 opment; and

20 (2) the Deputy Assistant Secretary for Minority
21 Health.

22 **SEC. 30204. TAX INCENTIVES.**

23 (a) WORK OPPORTUNITY CREDIT FOR HIRING
24 HEALTH ENTERPRISE ZONE WORKERS.—

1 (1) IN GENERAL.—Section 51(d)(1) of the In-
2 ternal Revenue Code of 1986 is amended by striking
3 “or” at the end of subparagraph (I), by striking the
4 period at the end of subparagraph (J) and inserting
5 “, or”, and by adding at the end the following new
6 subparagraph:

7 “(K) a qualified Health Enterprise Zone
8 worker, to the extent that the qualified first-
9 year wages with respect to such worker are paid
10 for qualified Health Enterprise Zone work.”.

11 (2) QUALIFIED HEALTH ENTERPRISE ZONE
12 WORKER.—Section 51(d) of such Code is amended
13 by adding at the end the following new paragraphs:

14 “(16) QUALIFIED HEALTH ENTERPRISE ZONE
15 WORKER.—The term ‘qualified Health Enterprise
16 Zone worker’ means any individual who is certified
17 by the designated local agency as having (as of the
18 hiring date) a principal place of employment within
19 a Health Enterprise Zone (as such term is defined
20 in section 30209 of the Health Enterprise Zones Act
21 of 2020).

22 “(17) QUALIFIED HEALTH ENTERPRISE ZONE
23 WORK.—The term ‘qualified Health Enterprise Zone
24 work’ means employment by a Health Enterprise
25 Zone practitioner (as such term is defined in section

1 30209 of the Health Enterprise Zones Act of 2020),
 2 the primary official duties of which promote access
 3 to healthcare in a Health Enterprise Zone (as such
 4 term is defined in section 30209 of the Health En-
 5 terprise Zones Act of 2020).”.

6 (3) EFFECTIVE DATE.—The amendments made
 7 by this section shall apply to amounts paid or in-
 8 curred after the date of the enactment of this Act
 9 to individuals who begin work for the employer after
 10 such date.

11 (b) CREDIT FOR HEALTH ENTERPRISE ZONE WORK-
 12 ERS.—

13 (1) IN GENERAL.—Subpart A of part IV of sub-
 14 chapter A of chapter 1 of the Internal Revenue Code
 15 of 1986 is amended by inserting after section 25D
 16 the following new section:

17 **“SEC. 25E. CREDIT FOR QUALIFIED HEALTH ENTERPRISE**
 18 **ZONE WORKERS.**

19 “(a) ALLOWANCE OF CREDIT.—In the case of a
 20 qualified Health Enterprise Zone worker, there shall be
 21 allowed as a credit against the tax imposed by this chapter
 22 for a taxable year an amount equal to 40 percent of wages
 23 received for qualified Health Enterprise Zone work.

24 “(b) DEFINITIONS.—For purposes of this section—

1 “(1) The term ‘qualified Health Enterprise
2 Zone worker’ means, with respect to wages, an indi-
3 vidual whose principal place of employment while
4 earning such wages is within a Health Enterprise
5 Zone (as such term is defined in section 30209 of
6 the Health Enterprise Zones Act of 2020).

7 “(2) The term ‘qualified Health Enterprise
8 Zone work’ has the meaning given such term in sec-
9 tion 51.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions for subpart A of part IV of subchapter A of
12 chapter 1 of such Code is amended by inserting
13 after the item relating to section 25D the following
14 new item:

“Sec. 25E. Credit for qualified Health Enterprise Zone workers.”.

15 (3) EFFECTIVE DATE.—The amendments made
16 by this section shall apply to amounts paid or in-
17 curred after the date of the enactment of this Act.

18 **SEC. 30205. GRANTS.**

19 (a) AUTHORIZATION.—For each area designated
20 under section 30202 as a Health Enterprise Zone, the
21 Secretary may award a grant to the community-based
22 nonprofit organization or local governmental agency that
23 applied for such designation to support such applicant and
24 its coalition partners in reducing health disparities and
25 improving health outcomes in such area.

1 (b) USE OF FUNDS.—Programs and activities funded
2 through a grant under this section shall be consistent with
3 the grantee’s plan submitted pursuant to section
4 30202(d)(1) and may include the following:

5 (1) SUBGRANTS TO HEALTH CARE PRACTI-
6 TIONERS.—

7 (A) IN GENERAL.—For the purpose of im-
8 proving or expanding the delivery of health care
9 in the respective Health Enterprise Zone, the
10 grantee may award subgrants to Health Enter-
11 prise Zone practitioners to defray costs related
12 to innovative strategies listed in paragraph (2).

13 (B) ELIGIBILITY.—To be eligible to receive
14 a subgrant pursuant to subparagraph (A), a
15 Health Enterprise Zone practitioner shall—

16 (i) own or lease a health care facility
17 in the Health Enterprise Zone; or

18 (ii) provide health care in such a facil-
19 ity.

20 (C) AMOUNT.—The amount of a subgrant
21 under subparagraph (A) may not exceed the
22 lesser of—

23 (i) \$5,000,000; or

24 (ii) 50 percent of the costs of the
25 equipment, or capital or leasehold improve-

1 ments, to be defrayed using the subgrant
2 to implement innovative strategies listed in
3 paragraph (2).

4 (2) INNOVATIVE STRATEGIES.—A grantee (or
5 subgrantee) may use a grant received under this sec-
6 tion (or a subgrant received under paragraph (1)) to
7 implement innovative public health strategies in the
8 respective Health Enterprise Zone, which strategies
9 may include—

10 (A) internships and volunteer opportunities
11 for students who reside in the Health Enter-
12 prise Zone;

13 (B) funding resources to improve health
14 care provider capacity to serve non-English
15 speakers;

16 (C) operation of medical, mental and be-
17 havioral health, and dental mobile clinics;

18 (D) provision of transportation to and
19 from medical appointments for patients;

20 (E) funding resources to improve access to
21 healthy food, recreation, and high-quality hous-
22 ing;

23 (F) capital or leasehold improvements to a
24 health care facility in the respective Health En-
25 terprise Zone; and

1 (G) medical or dental equipment to be
2 used in such a facility.

3 **SEC. 30206. STUDENT LOAN REPAYMENT PROGRAM.**

4 (a) IN GENERAL.—The Secretary shall carry out a
5 loan repayment program under which the Secretary enters
6 into agreements with eligible Health Enterprise Zone
7 practitioners to make payments on the principal and inter-
8 est of the eligible educational loans of such practitioners
9 for each year such practitioners agree to provide health
10 care services in a Health Enterprise Zone.

11 (b) LIMITATIONS.—In entering into loan repayment
12 agreements under this section, the Secretary may not
13 agree to—

14 (1) make payments for more than 10 years with
15 respect to a practitioner; or

16 (2) pay more than \$10,000 per year, or more
17 than a total of \$100,000, with respect to a practi-
18 tioner.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “eligible educational loan” means
21 any federally funded or guaranteed student loan as
22 determined appropriate by the Secretary in coordina-
23 tion with the Secretary of Education.

1 (2) The term “eligible Health Enterprise Zone
2 practitioner” means a Health Enterprise Zone prac-
3 titioner who agrees—

4 (A) to provide health care services in a
5 Health Enterprise Zone for a specified period
6 that is not less than one year; and

7 (B) has one or more eligible educational
8 loans.

9 **SEC. 30207. TEN PERCENT INCREASE OF PAYMENT FOR**
10 **ITEMS AND SERVICES PAYABLE UNDER MEDI-**
11 **CARE PART B FURNISHED IN HEALTH ENTER-**
12 **PRISE ZONES.**

13 Section 1833(a) of the Social Security Act (42 U.S.C.
14 1395l(a)) is amended by inserting before the period at the
15 end the following: “. With respect to items and services
16 payable under this part that are furnished in a Health
17 Enterprise Zone (as defined in section 30209 of the
18 Health Enterprise Zones Act of 2020) during the period
19 beginning on the first day an area is designated a Health
20 Enterprise Zone under section 30202(a)(1) of such Act
21 and ending on the last day of the fiscal year that is 10
22 fiscal years following the enactment of this Act, the pay-
23 ment rates otherwise established for such items and serv-
24 ices shall be increased by 10 percent”.

1 **SEC. 30208. REPORTING.**

2 (a) IN GENERAL.—Not later than the end of each
3 fiscal year in the period of 10 fiscal years following the
4 date of enactment of this Act, the Secretary shall submit
5 to the Congress a report on the implementation of this
6 subtitle and the results thereof.

7 (b) CONTENTS.—Each report under subsection (a)
8 shall—

9 (1) specify the number and types of incentives
10 provided pursuant to this subtitle in each Health
11 Enterprise Zone designated under section 30202;

12 (2) include evidence of the extent to which the
13 incentives utilized by each Health Enterprise Zone
14 have succeeded—

15 (A) in attracting health care practitioners
16 to practice in Health Enterprise Zones;

17 (B) in reducing health disparities and im-
18 proving health outcomes in Health Enterprise
19 Zones; and

20 (C) in reducing health costs and hospital
21 admissions and readmissions in Health Enter-
22 prise Zones.

23 **SEC. 30209. DEFINITIONS.**

24 In this subtitle:

1 (1) The term “Health Enterprise Zone” means
2 an area designated under section 30202 as a Health
3 Enterprise Zone.

4 (2) The term “Health Enterprise Zone practi-
5 tioner” means a health care practitioner who—

6 (A) is licensed or certified in accordance
7 with applicable State law to treat patients in
8 the respective Health Enterprise Zone;

9 (B) provides—

10 (i) primary care, which may include
11 obstetrics, gynecological services, pediatric
12 services, or geriatric services;

13 (ii) behavioral health services, which
14 may include mental health or substance
15 use disorder services; or

16 (iii) dental services; and

17 (C) is a participating provider of services
18 or supplier under the Medicare program under
19 title XVIII of the Social Security Act (42
20 U.S.C. 1395 et seq.) or a participating provider
21 under a State plan under title XIX of such Act
22 (42 U.S.C. 1396 et seq.).

23 (3) The term “Secretary” means the Secretary
24 of Health and Human Services.

1 **SEC. 30210. AUTHORIZATION OF APPROPRIATIONS.**

2 To carry out this subtitle, there is authorized to be
3 appropriated such sums as may be necessary for the pe-
4 riod of 10 fiscal years following the date of enactment of
5 this Act.

6 **Subtitle C—Coverage for COVID-19**
7 **Treatment**

8 **SEC. 30301. SHORT TITLE.**

9 This subtitle may be cited as the “Coverage for
10 COVID-19 Treatment Act of 2020”.

11 **SEC. 30302. COVERAGE OF COVID-19 RELATED TREATMENT**
12 **AT NO COST SHARING.**

13 (a) IN GENERAL.—A group health plan and a health
14 insurance issuer offering group or individual health insur-
15 ance coverage (including a grandfathered health plan (as
16 defined in section 1251(e) of the Patient Protection and
17 Affordable Care Act)) shall provide coverage, and shall not
18 impose any cost sharing (including deductibles, copay-
19 ments, and coinsurance) requirements, for the following
20 items and services furnished during any portion of the
21 emergency period defined in paragraph (1)(B) of section
22 1135(g) of the Social Security Act (42 U.S.C. 1320b–
23 5(g)) beginning on or after the date of the enactment of
24 this Act:

25 (1) Medically necessary items and services (in-
26 cluding in-person or telehealth visits in which such

1 items and services are furnished) that are furnished
2 to an individual who has been diagnosed with (or
3 after provision of the items and services is diagnosed
4 with) COVID–19 to treat or mitigate the effects of
5 COVID–19.

6 (2) Medically necessary items and services (in-
7 cluding in-person or telehealth visits in which such
8 items and services are furnished) that are furnished
9 to an individual who is presumed to have COVID–
10 19 but is never diagnosed as such, if the following
11 conditions are met:

12 (A) Such items and services are furnished
13 to the individual to treat or mitigate the effects
14 of COVID–19 or to mitigate the impact of
15 COVID–19 on society.

16 (B) Health care providers have taken ap-
17 propriate steps under the circumstances to
18 make a diagnosis, or confirm whether a diag-
19 nosis was made, with respect to such individual,
20 for COVID–19, if possible.

21 (b) ITEMS AND SERVICES RELATED TO COVID–
22 19.—For purposes of this section—

23 (1) not later than one week after the date of
24 the enactment of this section, the Secretary of
25 Health and Human Services, Secretary of Labor,

1 and Secretary of the Treasury shall jointly issue
2 guidance specifying applicable diagnoses and medi-
3 cally necessary items and services related to
4 COVID-19; and

5 (2) such items and services shall include all
6 items or services that are relevant to the treatment
7 or mitigation of COVID-19, regardless of whether
8 such items or services are ordinarily covered under
9 the terms of a group health plan or group or indi-
10 vidual health insurance coverage offered by a health
11 insurance issuer.

12 (c) REIMBURSEMENT TO PLANS AND COVERAGE FOR
13 WAIVING COST SHARING.—

14 (1) IN GENERAL.—A group health plan or a
15 health insurance issuer offering group or individual
16 health insurance coverage (including a grandfathered
17 health plan (as defined in section 1251(e) of the Pa-
18 tient Protection and Affordable Care Act)) that does
19 not impose cost sharing requirements as described in
20 subsection (a) shall notify the Secretary of Health
21 and Human Services, Secretary of Labor, and Sec-
22 retary of the Treasury (through a joint process es-
23 tablished jointly by the Secretaries) of the total dol-
24 lar amount of cost sharing that, but for the applica-
25 tion of subsection (a), would have been required

1 under such plans and coverage for items and serv-
2 ices related to COVID–19 furnished during the pe-
3 riod to which subsection (a) applies to enrollees, par-
4 ticipants, and beneficiaries in the plan or coverage to
5 whom such subsection applies, but which was not
6 imposed for such items and services so furnished
7 pursuant to such subsection and the Secretary of
8 Health and Human Services, in coordination with
9 the Secretary of Labor and the Secretary of the
10 Treasury, shall make payments in accordance with
11 this subsection to the plan or issuer equal to such
12 total dollar amount.

13 (2) METHODOLOGY FOR PAYMENTS.—The Sec-
14 retary of Health and Human Services, in coordina-
15 tion with the Secretary of Labor and the Secretary
16 of the Treasury shall establish a payment system for
17 making payments under this subsection. Any such
18 system shall make payment for the value of cost
19 sharing not imposed by the plan or issuer involved.

20 (3) TIMING OF PAYMENTS.—Payments made
21 under paragraph (1) shall be made no later than
22 May 1, 2023, for amounts of cost sharing waivers
23 with respect to 2021. Payments under this sub-
24 section with respect to such waivers with respect to
25 a year subsequent to 2021 that begins during the

1 period to which subsection (a) applies shall be made
2 no later than May of the year following such subse-
3 quent year.

4 (4) APPROPRIATIONS.—There is authorized to
5 be appropriated, and there is appropriated, out of
6 any monies in the Treasury not otherwise appro-
7 priated, such funds as are necessary to carry out
8 this subsection.

9 (d) ENFORCEMENT.—

10 (1) APPLICATION WITH RESPECT TO PHSA,
11 ERISA, AND IRC.—The provisions of this section
12 shall be applied by the Secretary of Health and
13 Human Services, Secretary of Labor, and Secretary
14 of the Treasury to group health plans and health in-
15 surance issuers offering group or individual health
16 insurance coverage as if included in the provisions of
17 part A of title XXVII of the Public Health Service
18 Act, part 7 of the Employee Retirement Income Se-
19 curity Act of 1974, and subchapter B of chapter 100
20 of the Internal Revenue Code of 1986, as applicable.

21 (2) PRIVATE RIGHT OF ACTION.—An individual
22 with respect to whom an action is taken by a group
23 health plan or health insurance issuer offering group
24 or individual health insurance coverage in violation
25 of subsection (a) may commence a civil action

1 against the plan or issuer for appropriate relief. The
2 previous sentence shall not be construed as limiting
3 any enforcement mechanism otherwise applicable
4 pursuant to paragraph (1).

5 (e) IMPLEMENTATION.—The Secretary of Health and
6 Human Services, Secretary of Labor, and Secretary of the
7 Treasury may implement the provisions of this section
8 through sub-regulatory guidance, program instruction or
9 otherwise.

10 (f) TERMS.—The terms “group health plan”, “health
11 insurance issuer”, “group health insurance coverage”, and
12 “individual health insurance coverage” have the meanings
13 given such terms in section 2791 of the Public Health
14 Service Act (42 U.S.C. 300gg–91), section 733 of the Em-
15 ployee Retirement Income Security Act of 1974 (29
16 U.S.C. 1191b), and section 9832 of the Internal Revenue
17 Code of 1986, as applicable.

18 **Subtitle D—Quit Because of**
19 **COVID–19**

20 **SEC. 30401. SHORT TITLE.**

21 This subtitle may be cited as the “Quit Because of
22 COVID-19 Act”.

1 **SEC. 30402. COVERAGE OF COMPREHENSIVE TOBACCO CES-**
2 **SATION SERVICES IN MEDICAID.**

3 (a) REQUIRING MEDICAID COVERAGE OF COUN-
4 SELING AND PHARMACOTHERAPY FOR CESSATION OF TO-
5 BACCO USE.—Section 1905 of the Social Security Act (42
6 U.S.C. 1396d) is amended—

7 (1) in subsection (a)(4)—

8 (A) in subparagraph (D), by striking
9 “and”; and

10 (B) by inserting before the semicolon the
11 following: “; and (E) counseling and
12 pharmacotherapy for cessation of tobacco use
13 by individuals who are eligible under the State
14 plan (as defined in subsection (gg)) during the
15 period beginning on the first day of the emer-
16 gency period described in section 1135(g)(1)(B)
17 and ending on the last day of the 2-year period
18 after the last day of such emergency period”;

19 (2) by adding at the end the following new sub-
20 section:

21 “(gg) For purposes of this title, the term ‘counseling
22 and pharmacotherapy for cessation of tobacco use’ means
23 diagnostic, therapy, and counseling services and
24 pharmacotherapy (including the coverage of prescription
25 and nonprescription tobacco cessation agents approved by
26 the Food and Drug Administration) for the cessation of

1 tobacco use by individuals who use tobacco products or
2 who are being treated for tobacco use that are furnished—

3 “(1) by or under the supervision of a physician;

4 or

5 “(2) by any other health care professional
6 who—

7 “(A) is legally authorized to furnish such
8 services under State law (or the State regu-
9 latory mechanism provided by State law) of the
10 State in which the services are furnished; and

11 “(B) is authorized to receive payment for
12 other services under this title or is designated
13 by the Secretary for this purpose;

14 which is recommended in the guideline entitled,
15 ‘Treating Tobacco Use and Dependence: 2008 Up-
16 date: A Clinical Practice Guideline’ published by the
17 Public Health Service in May 2008 (or any subse-
18 quent modification of such guideline) or is rec-
19 ommended for the cessation of tobacco use by the
20 U.S. Preventive Services Task Force or any addi-
21 tional intervention approved by the Food and Drug
22 Administration as safe and effective in helping
23 smokers quit.”.

24 (b) No COST SHARING.—

1 (1) IN GENERAL.—Subsections (a)(2) and
2 (b)(2) of section 1916 of the Social Security Act (42
3 U.S.C. 1396o) are each amended—

4 (A) in subparagraph (F), by striking “or”
5 at the end;

6 (B) in subparagraph (G), by striking “;
7 and” and inserting “, or” ; and

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

10 “(H) counseling and pharmacotherapy for
11 cessation of tobacco use (as defined in section
12 1905(gg)) and covered outpatient drugs (as de-
13 fined in subsection (k)(2) of section 1927 and
14 including nonprescription drugs described in
15 subsection (d)(2) of such section) that are pre-
16 scribed for purposes of promoting tobacco ces-
17 sation in accordance with the guideline specified
18 in section 1905(gg)(2)(A) furnished during the
19 period beginning on the first day of the emer-
20 gency period described in section 1135(g)(1)(B)
21 and ending on the last day of the 2-year period
22 after the last day of such emergency period;
23 and”.

24 (2) APPLICATION TO ALTERNATIVE COST SHAR-
25 ING.—Section 1916A(b)(3)(B) of the Social Security

1 Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by
2 adding at the end the following new clause:

3 “(xii) Counseling and
4 pharmacotherapy for cessation of tobacco
5 use (as defined in section 1905(gg)) and
6 covered outpatient drugs (as defined in
7 subsection (k)(2) of section 1927 and in-
8 cluding nonprescription drugs described in
9 subsection (d)(2) of such section) that are
10 prescribed for purposes of promoting to-
11 bacco cessation in accordance with the
12 guideline specified in section
13 1905(gg)(2)(A) furnished during the pe-
14 riod beginning on the first day of the
15 emergency period described in section
16 1135(g)(1)(B) and ending on the last day
17 of the 2-year period after the last day of
18 such emergency period.”.

19 (c) EXCEPTION FROM OPTIONAL RESTRICTION
20 UNDER MEDICAID PRESCRIPTION DRUG COVERAGE.—

21 Section 1927(d)(2)(F) of the Social Security Act (42
22 U.S.C. 1396r–8(d)(2)(F)) is amended to read as follows:

23 “(F) Nonprescription drugs, except, in the
24 case of—

1 “(i) pregnant women when rec-
2 ommended in accordance with the guide-
3 line specified in section 1905(bb)(2)(A),
4 agents approved by the Food and Drug
5 Administration under the over-the-counter
6 monograph process for purposes of pro-
7 moting tobacco cessation; and

8 “(ii) individuals who are eligible under
9 the State plan when recommended in ac-
10 cordance with the Guideline referred to in
11 section 1905(gg)(2)(A), agents approved
12 by the Food and Drug Administration
13 under the over-the-counter monograph
14 process for purposes of promoting tobacco
15 cessation (as defined in subsection (bb))
16 during the period beginning on the first
17 day of the emergency period described in
18 section 1135(g)(1)(B) and ending on the
19 last day of the 2-year period after the last
20 day of such emergency period.”.

21 (d) STATE MONITORING AND PROMOTING OF COM-
22 PREHENSIVE TOBACCO CESSATION SERVICES UNDER
23 MEDICAID.—Section 1902(a) of the Social Security Act
24 (42 U.S.C. 1396a) is amended—

1 (1) in paragraph (85), by striking at the end
2 “and”;

3 (2) in paragraph (86), by striking the period at
4 the end and inserting “; and”; and

5 (3) by inserting after paragraph (86) the fol-
6 lowing new paragraph:

7 “(87) during the period beginning on the first
8 day of the emergency period described in section
9 1135(g)(1)(B) and ending on the last day of the 2-
10 year period after the last day of such emergency pe-
11 riod, provide for the State to monitor and promote
12 the use of comprehensive tobacco cessation services
13 under the State plan (including conducting an out-
14 reach campaign to increase awareness of the benefits
15 of using such services) among—

16 “(A) individuals entitled to medical assist-
17 ance under the State plan who use tobacco
18 products; and

19 “(B) clinicians and others who provide
20 services to individuals entitled to medical assist-
21 ance under the State plan.”.

22 (e) FEDERAL REIMBURSEMENT FOR MEDICAID COV-
23 ERAGE AND OUTREACH CAMPAIGN.—Section 1903(a) of
24 the Social Security Act (42 U.S.C. 1396b(a)) is amend-
25 ed—

1 (1) in paragraph (7), by striking the period at
2 the end and inserting “; plus”; and

3 (2) by inserting after paragraph (7) the fol-
4 lowing new paragraphs:

5 “(8) during the period beginning on the first
6 day of the emergency period described in section
7 1135(g)(1)(B) and ending on the last day of the 2-
8 year period after the last day of such emergency pe-
9 riod, an amount equal to 100 percent of the sums
10 expended during each quarter which are attributable
11 to the cost of furnishing counseling and
12 pharmacotherapy for cessation of tobacco use by in-
13 dividuals who are eligible under the State plan as
14 described in section 1905(a)(4)(E); plus

15 “(9) during the period described in paragraph
16 (8), an amount equal to 100 percent of the sums ex-
17 pended during each quarter which are attributable
18 to the development, implementation, and evaluation
19 of an outreach campaign to—

20 “(A) increase awareness of comprehensive
21 tobacco cessation services covered in the State
22 plan among—

23 “(i) individuals who are likely to be el-
24 igible for medical assistance under the
25 State plan; and

1 “(ii) clinicians and others who provide
2 services to individuals who are likely to be
3 eligible for medical assistance under the
4 State plan; and

5 “(B) increase awareness of the benefits of
6 using comprehensive tobacco cessation services
7 covered in the State plan among—

8 “(i) individuals who are likely to be el-
9 igible for medical assistance under the
10 State plan; and

11 “(ii) clinicians and others who provide
12 services to individuals who are likely to be
13 eligible for medical assistance under the
14 State plan about the benefits of using com-
15 prehensive tobacco cessation services.”.

16 (f) NO PRIOR AUTHORIZATION FOR TOBACCO CES-
17 SATION DRUGS UNDER MEDICAID.—Section 1927(d) of
18 the Social Security Act (42 U.S.C. 1396r–8(d)) is amend-
19 ed—

20 (1) in paragraph (1)(A), by striking “A State”
21 and inserting “Subject to paragraph (8), a State”;
22 and

23 (2) by adding at the end the following new
24 paragraph:

1 “(8) NO PRIOR AUTHORIZATION PROGRAMS FOR
2 TOBACCO CESSATION DRUGS.—During the period be-
3 ginning on the first day of the emergency period de-
4 scribed in section 1135(g)(1)(B) and ending on the
5 last day of the 2-year period after the last day of
6 such emergency period, a State plan may not re-
7 quire, as a condition of coverage or payment for a
8 covered outpatient drug, the approval of an agent to
9 promote smoking cessation (including agents ap-
10 proved by the Food and Drug Administration) or to-
11 bacco cessation.”.

12 **SEC. 30403. COVERAGE OF COMPREHENSIVE TOBACCO CES-**
13 **SATION SERVICES IN CHIP.**

14 (a) REQUIRING CHIP COVERAGE OF COUNSELING
15 AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO
16 USE.—

17 (1) IN GENERAL.—Section 2103(c)(2) of the
18 Social Security Act (42 U.S.C. 1397cc(c)(2)) is
19 amended by adding at the end the following new
20 subparagraph:

21 “(D) Counseling and pharmacotherapy for
22 cessation of tobacco use by individuals who are
23 eligible under the State child health plan during
24 the period beginning on the first day of the
25 emergency period described in section

1 1135(g)(1)(B) and ending on the last day of
2 the 2-year period after the last day of such
3 emergency period.”.

4 (2) COUNSELING AND PHARMACOTHERAPY FOR
5 CESSATION OF TOBACCO USE DEFINED.—Section
6 2110(c) of the Social Security Act (42 U.S.C.
7 1397jj(c)) is amended by adding at the end the fol-
8 lowing new paragraph:

9 “(10) COUNSELING AND PHARMACOTHERAPY
10 FOR CESSATION OF TOBACCO USE.—The term ‘coun-
11 seling and pharmacotherapy for cessation of tobacco
12 use’ means diagnostic, therapy, and counseling serv-
13 ices and pharmacotherapy (including the coverage of
14 prescription and nonprescription tobacco cessation
15 agents approved by the Food and Drug Administra-
16 tion) for the cessation of tobacco use by individuals
17 who use tobacco products or who are being treated
18 for tobacco use that are furnished—

19 “(A) by or under the supervision of a phy-
20 sician; or

21 “(B) by any other health care professional
22 who—

23 “(i) is legally authorized to furnish
24 such services under State law (or the State
25 regulatory mechanism provided by State

1 law) of the State in which the services are
2 furnished; and

3 “(ii) is authorized to receive payment
4 for other services under this title or is des-
5 ignated by the Secretary for this purpose;
6 which is recommended in the guideline entitled,
7 ‘Treating Tobacco Use and Dependence: 2008
8 Update: A Clinical Practice Guideline’ pub-
9 lished by the Public Health Service in May
10 2008 (or any subsequent modification of such
11 guideline) or is recommended for the cessation
12 of tobacco use by the U.S. Preventive Services
13 Task Force or any additional intervention ap-
14 proved by the Food and Drug Administration
15 as safe and effective in helping smokers quit.”.

16 (b) NO COST SHARING.—Section 2103(e) of the So-
17 cial Security Act (42 U.S.C. 1397cc(e)) is amended by
18 adding at the end the following new paragraph:

19 “(5) NO COST SHARING ON BENEFITS FOR
20 COUNSELING AND PHARMACOTHERAPY FOR CES-
21 SATION OF TOBACCO USE.—The State child health
22 plan may not impose deductibles, coinsurance, or
23 other cost sharing with respect to benefits for coun-
24 seling and pharmacotherapy for cessation of tobacco
25 use (as defined in section 2110(c)(10)) and prescrip-

1 tion drugs that are covered under a State child
2 health plan that are prescribed for purposes of pro-
3 moting tobacco cessation in accordance with the
4 guideline specified in section 2110(c)(10)(B) fur-
5 nished during the period beginning on the first day
6 of the emergency period described in section
7 1135(g)(1)(B) and ending on the last day of the 2-
8 year period after the last day of such emergency pe-
9 riod.”.

10 (c) EXCEPTION FROM OPTIONAL RESTRICTION
11 UNDER CHIP PRESCRIPTION DRUG COVERAGE.—Section
12 2103 of the Social Security Act (42 U.S.C. 1397cc) is
13 amended by adding at the end the following new sub-
14 section:

15 “(g) EXCEPTION FROM OPTIONAL RESTRICTION
16 UNDER CHIP PRESCRIPTION DRUG COVERAGE.—The
17 State child health plan may exclude or otherwise restrict
18 nonprescription drugs, except, in the case of—

19 “(1) pregnant women when recommended in ac-
20 cordance with the guideline specified in section
21 2110(c)(10)(B), agents approved by the Food and
22 Drug Administration under the over-the-counter
23 monograph process for purposes of promoting to-
24 bacco cessation; and

1 “(2) individuals who are eligible under the
2 State child health plan when recommended in ac-
3 cordance with the Guideline referred to in section
4 2110(c)(10)(B), agents approved by the Food and
5 Drug Administration under the over-the-counter
6 monograph process for purposes of promoting to-
7 bacco cessation during the period beginning on the
8 first day of the emergency period described in sec-
9 tion 1135(g)(1)(B) and ending on the last day of the
10 2-year period after the last day of such emergency
11 period.”.

12 (d) STATE MONITORING AND PROMOTING OF COM-
13 PREHENSIVE TOBACCO CESSATION SERVICES UNDER
14 CHIP.—Section 2102 of the Social Security Act (42
15 U.S.C. 1397bb) is amended by adding at the end the fol-
16 lowing new subsection:

17 “(d) STATE MONITORING AND PROMOTING OF COM-
18 PREHENSIVE TOBACCO CESSATION SERVICES UNDER
19 CHIP.—A State child health plan shall include a descrip-
20 tion of the procedures to be used by the State during the
21 period beginning on the first day of the emergency period
22 described in section 1135(g)(1)(B) and ending on the last
23 day of the 2-year period after the last day of such emer-
24 gency period to monitor and promote the use of com-
25 prehensive tobacco cessation services under the State plan

1 (including conducting an outreach campaign to increase
2 awareness of the benefits of using such services) among—

3 “(1) individuals entitled to medical assistance
4 under the State child health plan who use tobacco
5 products; and

6 “(2) clinicians and others who provide services
7 to individuals entitled to medical assistance under
8 the State child health plan.”.

9 (e) FEDERAL REIMBURSEMENT FOR CHIP COV-
10 ERAGE AND OUTREACH CAMPAIGN.—Section 2105(a) of
11 the Social Security Act (42 U.S.C. 1397ee(a)) is amended
12 by adding at the end the following new paragraph:

13 “(5) FEDERAL REIMBURSEMENT FOR CHIP
14 COVERAGE OF COMPREHENSIVE TOBACCO CES-
15 SATION SERVICES AND OUTREACH CAMPAIGN.—In
16 addition to the payments made under paragraph (1),
17 during the period beginning on the first day of the
18 emergency period described in section 1135(g)(1)(B)
19 and ending on the last day of the 2-year period after
20 the last day of such emergency period, the Secretary
21 shall pay—

22 “(A) an amount equal to 100 percent of
23 the sums expended during each quarter which
24 are attributable to the cost of furnishing coun-
25 seling and pharmacotherapy for cessation of to-

1 bacco use by individuals who are eligible under
2 the State child health plan; plus

3 “(B) an amount equal to 100 percent of
4 the sums expended during each quarter which
5 are attributable to the development, implemen-
6 tation, and evaluation of an outreach campaign
7 to—

8 “(i) increase awareness of comprehen-
9 sive tobacco cessation services covered in
10 the State child health plan among—

11 “(I) individuals who are likely to
12 be eligible for medical assistance
13 under the State child health plan; and

14 “(II) clinicians and others who
15 provide services to individuals who are
16 likely to be eligible for medical assist-
17 ance under the State child health
18 plan; and

19 “(ii) increase awareness of the bene-
20 fits of using comprehensive tobacco ces-
21 sation services covered in the State child
22 health plan among—

23 “(I) individuals who are likely to
24 be eligible for medical assistance
25 under the State child health plan; and

1 “(II) clinicians and others who
2 provide services to individuals who are
3 likely to be eligible for medical assist-
4 ance under the State child health plan
5 about the benefits of using com-
6 prehensive tobacco cessation serv-
7 ices.”.

8 (f) NO PRIOR AUTHORIZATION FOR TOBACCO CES-
9 SATION DRUGS UNDER CHIP.—Section 2103 of the So-
10 cial Security Act (42 U.S.C. 1397cc), as amended by sub-
11 section (c), is further amended—

12 (1) in subsection (c)(2)(A), by inserting “(in ac-
13 cordance with subsection (h))” after “Coverage of
14 prescription drugs”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(h) NO PRIOR AUTHORIZATION PROGRAMS FOR TO-
18 BACCO CESSATION DRUGS.—During the period beginning
19 on the first day of the emergency period described in sec-
20 tion 1135(g)(1)(B) and ending on the last day of the 2-
21 year period after the last day of such emergency period,
22 a State child health plan may not require, as a condition
23 of coverage or payment for a prescription drugs, the ap-
24 proval of an agent to promote smoking cessation (includ-

1 ing agents approved by the Food and Drug Administra-
2 tion) or tobacco cessation.”.

3 **SEC. 30404. RULE OF CONSTRUCTION.**

4 None of the amendments made by this subtitle shall
5 be construed to limit coverage of any counseling or
6 pharmacotherapy for individuals under 18 years of age.

7 **Subtitle E—Food for Working**
8 **Families**

9 **SEC. 30501. SHORT TITLE.**

10 This subtitle may be cited as the “Food for Working
11 Families Act of 2020”.

12 **SEC. 30502. FEDERAL PANDEMIC UNEMPLOYMENT COM-**
13 **PENSATION INCOME AND RESOURCES DIS-**
14 **REGARD FOR SNAP.**

15 The monthly equivalent of any Federal pandemic un-
16 employment compensation paid to an individual under sec-
17 tion 2104 of the CARES Act (Public Law 116–136) shall
18 be excluded for the purpose of determining income and
19 resources under the Food and Nutrition Act of 2008 (7
20 U.S.C. 2011 et seq.).

1 **Subtitle F—Reducing COVID-19**
2 **Disparities by Investing in Pub-**
3 **lic Health**

4 **SEC. 30601. SHORT TITLE.**

5 This subtitle may be cited as the “Reducing COVID–
6 19 Disparities by Investing in Public Health Act”.

7 **SEC. 30602. FINDINGS.**

8 The Congress finds the following:

9 (1) Funding under this subtitle is essential to
10 core efforts at the Department of Health and
11 Human Services and in local and State health de-
12 partments to prevent and control the spread of
13 chronic disease and conditions. The National Center
14 for Chronic Disease Prevention and Health Pro-
15 motion works to raise awareness of health disparities
16 faced by minority populations of the United States
17 such as American Indians, Alaska Natives, Asian
18 Americans, African Americans, Latino Americans,
19 and Native Hawaiians or other Pacific Islanders.
20 One of the primary functions of the Center is to re-
21 duce risk factors for groups affected by health dis-
22 parities.

23 (2) Six in ten Americans live with at least one
24 chronic disease, like heart disease and stroke, can-
25 cer, or diabetes. These and other chronic diseases

1 are the leading causes of death and disability in
2 America. Specifically, chronic diseases are respon-
3 sible for 7 in 10 deaths each year. According to the
4 Centers for Disease Control and Prevention
5 (“CDC”), individuals who are at high risk for severe
6 illness from COVID–19 are people with chronic lung
7 disease or moderate to severe asthma, people with
8 serious heart conditions, people who are immuno-
9 compromised—sometimes because of cancer or HIV/
10 AIDS, people with diabetes, people with liver dis-
11 ease, people with severe obesity, and people with
12 chronic kidney disease undergoing dialysis.

13 (3) According to hospital data from the first
14 month of the COVID–19 epidemic in the United
15 States released by the CDC, roughly 1 in 3 people
16 who required hospitalizations from COVID–19 were
17 African American. While 33 percent of total hos-
18 pitalized patients are Black, African Americans con-
19 stitute just 13 percent of the entire American popu-
20 lation. Early data released by States and municipali-
21 ties show that African Americans suffer higher mor-
22 tality rates from COVID–19. Socioeconomic factors
23 further contribute to racial disparities seen in both
24 prevalence of chronic conditions and exposure to
25 COVID–19. Individuals in low-income communities

1 and people of color are more likely to have many of
2 the chronic health conditions that have been identi-
3 fied as risk factors for complications from COVID-
4 19, yet suffer decreased access to care, compounded
5 by a decreased likelihood of undergoing appropriate
6 treatment.

7 (4) According to the American Diabetes Asso-
8 ciation, 12.1 percent of Hispanic Americans, 12.7
9 percent of African Americans, 8 percent of Asian
10 Americans, and 15.1 percent of American Indians/
11 Alaska Natives have been diagnosed with diabetes,
12 compared to just 7.4 percent of White Americans.
13 The CDC calculated that compared to non-Hispanic
14 Whites, Hispanics are 40 percent more likely to die
15 from diabetes, African Americans are twice as likely
16 to die from diabetes, and American Indians/Alaska
17 Natives are almost twice as likely to die from the
18 disease.

19 (5) According to the National Institutes of
20 Health, African Americans are more than 30 percent
21 more likely to die from heart disease, are twice as
22 likely to have a stroke—which tends to be more se-
23 vere with a higher morbidity and results in higher
24 mortality, are 40 percent more likely to have high
25 blood pressure, and have a higher rate of hyper-

1 tension and heart failure than their White counter-
2 parts.

3 (6) Minority groups suffer from asthma at a
4 disproportionate rate, have the highest number of
5 emergency room visits and hospital stays due to
6 asthma, and have higher mortality rates from asth-
7 ma than their White counterparts. The prevalence of
8 childhood asthma for African Americans is 12.7 per-
9 cent compared to 8 percent for White Americans,
10 while mortality rates in children and adults are
11 eightfold and threefold higher, respectively, for Afri-
12 can Americans compared to White Americans.

13 (7) President Trump has consistently proposed
14 budgets that would cut the Chronic Disease Preven-
15 tion and Health Promotion Fund. In fiscal year
16 2021, the President proposed to consolidate the
17 CDC's primary chronic disease prevention activities,
18 including tobacco, diabetes, heart disease, and
19 stroke, and nutrition and physical activity, into a
20 single block grant to States, while proposing a
21 \$427,000,000 cut to the account. In fiscal year
22 2020, the President proposed a \$236,500,000 cut to
23 the account. In fiscal year 2019, the President pro-
24 posed a \$138,300,000 cut to the account. In fiscal

1 year 2018, the President proposed a \$222,300,000
2 cut to the account.

3 (8) Cuts to this Fund and other public health
4 prevention efforts undermine efforts to create an af-
5 fordable and accessible health care system, and a
6 better quality of life for Americans of all ethnic, ra-
7 cial, and socioeconomic backgrounds. Cuts to this
8 Fund would also exacerbate existing disparities and
9 underlying health conditions that have created seem-
10 ingly vast disparities in hospitalization and mortality
11 rates due to COVID–19.

12 (9) Prevention efforts have proven to be effec-
13 tive. Funding increases for community-based public
14 health programs reduce preventable disease caused
15 by diabetes, cancer, and cardiovascular disease. Im-
16 proved access to intervention, treatment, and afford-
17 able care is also proven to mitigate the development
18 of associated chronic diseases and mortality rates.

19 (10) Increasing the Chronic Disease Prevention
20 and Health Promotion Fund funding to
21 \$2,400,000,000 annually will allow the Fund to in-
22 vest in more innovative, evidence-based public health
23 programs, maintain and expand investments in pro-
24 grams with demonstrated success, and help reduce
25 racial health disparities and rates of chronic disease

1 that can put persons of color at greater risk of hos-
2 pitalization or death from COVID–19.

3 (11) Further, the Office of Minority Health in
4 the Office of the Secretary of Health and Human
5 Services (established by section 1707 of the Public
6 Health Service Act (42 U.S.C. 300u–6)) was de-
7 signed for the purpose of “improving minority health
8 and the quality of health care minorities receive, and
9 eliminating racial and ethnic disparities”. The Office
10 of Minority Health and Health Equity at the CDC
11 serves to decrease health disparities, address social
12 determinants of health, and promote access to high-
13 quality preventative health care. The Office of Mi-
14 nority Health and Health Equity at the Food and
15 Drug Administration promotes and protects the
16 health of diverse populations through research and
17 communication of science that addresses health dis-
18 parities. The National Institute on Minority Health
19 and Health Disparities leads scientific research that
20 advances understanding of minority health and
21 health disparities.

22 (12) Increasing funding for these and other
23 critical health programs will enable the United
24 States and State departments of public health to

1 better combat disparities that have emerged during
2 the COVID–19 crisis and beyond.

3 **SEC. 30603. REDUCING COVID–19 DISPARITIES BY INVEST-**
4 **ING IN PUBLIC HEALTH.**

5 (a) CHRONIC DISEASE PREVENTION AND HEALTH
6 PROMOTION.—There is authorized to be appropriated, and
7 there is hereby appropriated, out of any money in the
8 Treasury not otherwise appropriated, for “Centers for
9 Disease Control and Prevention—Chronic Disease Preven-
10 tion and Health Promotion”, for fiscal year 2022 and each
11 subsequent fiscal year, \$2,400,000,000.

12 (b) NATIONAL INSTITUTE ON MINORITY HEALTH
13 AND HEALTH DISPARITIES.—There is authorized to be
14 appropriated, and there is hereby appropriated, out of any
15 money in the Treasury not otherwise appropriated, to the
16 National Institute on Minority Health and Health Dis-
17 parities, for fiscal year 2022 and each subsequent fiscal
18 year, \$672,000,000.

19 (c) OFFICE OF MINORITY HEALTH.—There is au-
20 thorized to be appropriated, and there is hereby appro-
21 priated, out of any money in the Treasury not otherwise
22 appropriated, to the Office of Minority Health in the Of-
23 fice of the Secretary of Health and Human Services (es-
24 tablished by section 1707 of the Public Health Service Act
25 (42 U.S.C. 300u–6)), for fiscal year 2022 and each subse-

1 quent fiscal year, the amount that is twice the amount
2 of funds made available to such Office of Minority Health
3 for fiscal year 2022.

4 (d) OTHER OFFICES OF MINORITY HEALTH WITHIN
5 THE DEPARTMENT OF HEALTH AND HUMAN SERV-
6 ICES.—There is authorized to be appropriated, and there
7 is hereby appropriated, out of any money in the Treasury
8 not otherwise appropriated, to the Office of Minority
9 Health of the Agency for Healthcare Research and Qual-
10 ity, the Office of Minority Health of the Centers for Dis-
11 ease Control and Prevention, the Office of Minority
12 Health of the Centers for Medicare & Medicaid Services,
13 the Office of Minority Health of the Food and Drug Ad-
14 ministration, the Office of Minority Health of the Health
15 Resources and Services Administration, and the Office of
16 Minority Health of Substance Abuse and Mental Health
17 Services Administration (as established pursuant to sec-
18 tion 1707A of the Public Health Service Act (42 U.S.C.
19 300u–6a)), for fiscal year 2023 and each subsequent fiscal
20 year, the amount that is twice the amount of funds made
21 available to the respective Office of Minority Health for
22 fiscal year 2022.

1 **Subtitle G—Increasing Access to**
2 **SNAP Delivery During COVID–19**

3 **SEC. 30701. SHORT TITLE.**

4 This subtitle may be cited as the “Increasing Access
5 to SNAP Delivery During COVID–19 Act of 2020”.

6 **SEC. 30702. FOOD DELIVERY UNDER SUPPLEMENTAL NU-**
7 **TRITION ASSISTANCE PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) EMPLOYEE.—The term “employee” has the
10 meaning given the term in section 3 of the Fair
11 Labor Standards Act of 1938 (29 U.S.C. 203).

12 (2) PROGRAM.—The term “program” means
13 the supplemental nutrition assistance program es-
14 tablished under the Food and Nutrition Act of 2008
15 (7 U.S.C. 2011 et seq.).

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture.

18 (b) PROGRAM MODIFICATIONS.—

19 (1) IN GENERAL.—In carrying out the program,
20 the Secretary shall—

21 (A) notify authorized program retailers of
22 existing opportunities through which retailers
23 can deliver food to program participants, in-
24 cluding by—

1 (i) allowing an EBT card (as defined
2 in section 3 of the Food and Nutrition Act
3 of 2008 (7 U.S.C. 2012)) to be swiped on
4 delivery of food to the home (with a mobile
5 device); and

6 (ii) preparing food for pick-up;

7 (B) authorize public-private partnerships
8 between the Department of Agriculture, author-
9 ized program retailers, and community-based
10 organizations to support food delivery, including
11 through the use of private funds;

12 (C) in the case of an authorized program
13 retailer that is unable to cover the cost of food
14 delivery for program participants, use funds
15 made available under paragraph (3)(B) to sup-
16 port food delivery for program participants who
17 are seniors, immunocompromised individuals, or
18 other individuals who are unable to travel safely
19 to an authorized program retailer, in accord-
20 ance with paragraph (3)(A); and

21 (D) require each State to submit to the
22 Secretary a State plan that describes how the
23 State will—

24 (i) work with authorized program re-
25 tailers and other community-based part-

ners to establish a process for food delivery
for program participants;

(ii) administer the reimbursements described in paragraph (3)(A)(i), including timing, eligibility, and distribution processes; and

(iii) ensure that authorized program retailers that are reimbursed for delivery costs under paragraph (3)(A)(i) adhere to the requirements described in paragraph (3)(A)(ii).

(2) STATE PLANS.—Not later than 10 days after the date on which the Secretary receives a State plan under paragraph (1)(D), the Secretary shall—

(A) approve or deny the State plan; and

(B) make publicly available on the website of the Department of Agriculture—

(i) the State plan;

(ii) the determination made under subparagraph (A) with respect to that plan; and

(iii) any guidance issued to the State with respect to that plan.

(3) FOOD DELIVERY.—

1 (A) REIMBURSEMENT OF RETAILERS.—

2 (i) IN GENERAL.—Notwithstanding
3 any other provision of law, a State agency
4 shall reimburse an authorized program re-
5 tailer described in paragraph (1)(C) for the
6 cost of food delivery to program partici-
7 pants described in that paragraph if—

8 (I) the authorized program re-
9 tailer is eligible for reimbursement
10 under clause (ii); and

11 (II) the majority of the food
12 items delivered by the retailer are eli-
13 gible for redemption using benefits
14 under the program.

15 (ii) ELIGIBILITY.—An authorized pro-
16 gram retailer described in paragraph
17 (1)(C) is eligible for reimbursement for the
18 cost of food delivery to program partici-
19 pants described in that paragraph if—

20 (I) that food delivery is per-
21 formed by employees of the retailer or
22 employees of an entity contracted by
23 the retailer to perform deliveries;

24 (II) before any employee de-
25 scribed in subclause (I) begins making

1 that food delivery, that employee re-
2 ceives employer-provided health and
3 safety training that reflects the most
4 recent guidelines of the Centers for
5 Disease Control and Prevention and
6 the Occupational Safety and Health
7 Administration relating to worker
8 safety and health during the
9 Coronavirus Disease 2019 (COVID-
10 19) pandemic;

11 (III) the retailer remains neutral
12 in any union organizing effort that oc-
13 curs during the period in which deliv-
14 eries described in paragraph (1)(C)
15 are made; and

16 (IV) all employees described in
17 subclause (I) performing deliveries are
18 paid at a rate that is not less than the
19 greater of—

20 (aa) the minimum wage rate
21 established under section 6(a)(1)
22 of the Fair Labor Standards Act
23 of 1938 (29 U.S.C. 206(a)(1));
24 and

1 (bb) the minimum wage rate
2 established by the applicable
3 State or locality in which the em-
4 ployee works.

5 (iii) COVERED COSTS.—

6 (I) IN GENERAL.—Reimbursable
7 costs under clause (i) include costs as-
8 sociated with—

9 (aa) purchasing point-of-sale
10 devices or receiving technical as-
11 sistance relating to point-of-sale
12 devices; and

13 (bb) purchasing or reimburs-
14 ing employees for personal pro-
15 tective equipment used during
16 food delivery.

17 (II) PPE COSTS.—An authorized
18 program retailer shall use not more
19 than 10 percent of amounts received
20 under clause (i) to pay for the costs
21 described in subclause (I)(bb).

22 (iv) MAXIMUM REIMBURSEMENT PER
23 DELIVERY.—The maximum amount of re-
24 imbursement under clause (i) for a food
25 delivery fee shall be \$10 per delivery.

1 (B) FUNDING.—

2 (i) IN GENERAL.—There is appro-
3 priated to the Secretary, out of funds of
4 the Treasury not otherwise appropriated,
5 \$500,000,000 to cover the cost of food de-
6 livery described in paragraph (1)(C), to be
7 distributed among the States to fund reim-
8 bursements by States under subparagraph
9 (A)(i).

10 (ii) EMERGENCY REQUIREMENT.—The
11 amount made available under clause (i) is
12 designated by the Congress as being for an
13 emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget
15 and Emergency Deficit Control Act of
16 1985 (2 U.S.C. 901(b)(2)(A)(i)).

17 (iii) AUTHORIZATION OF APPROPRIA-
18 TIONS.—In addition to the amount appro-
19 priated under clause (i), there are author-
20 ized to be appropriated to the Secretary
21 such sums as are necessary to cover the
22 cost of food delivery under paragraph
23 (1)(C).

24 (4) TERMINATION OF AUTHORITY.—

1 (A) IN GENERAL.—The authority of the
2 Secretary to carry out paragraphs (1) through
3 (3) with respect to each State shall terminate
4 on the later of—

5 (i) the date on which the national
6 emergency declared by the President under
7 the National Emergencies Act (50 U.S.C.
8 1601 et seq.) with respect to the
9 Coronavirus Disease 2019 (COVID–19) is
10 terminated; and

11 (ii) the date on which the State emer-
12 gency declared in that State with respect
13 to the Coronavirus Disease 2019 (COVID–
14 19) is terminated.

15 (B) RETURN OF FUNDS.—The Secretary
16 shall return to the Treasury any funds appro-
17 priated under paragraph (3)(B)(i) that have not
18 been used or obligated by the date described in
19 subparagraph (A).

20 (5) REPORT.—Not later than 3 months after
21 the date on which the authority of the Secretary is
22 terminated under paragraph (4), the Secretary shall
23 submit to the Committee on Agriculture, Nutrition,
24 and Forestry of the Senate and the Committee on

1 Agriculture of the House of Representatives a report
2 that describes—

3 (A) the use of that authority to address
4 food security needs of affected populations dur-
5 ing the national emergency described in sub-
6 paragraph (A)(i) of that paragraph;

7 (B) the authorized program retailers that
8 were reimbursed under paragraph (3)(A);

9 (C) any complications or difficulties experi-
10 enced by States in administering reimburse-
11 ments under paragraph (3)(A); and

12 (D) recommendations for changes to the
13 authority of the Secretary under the Food and
14 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)
15 to assist the Secretary, States, and units of
16 local government to prepare plans for food de-
17 livery to program recipients in future health
18 emergencies.

19 **Subtitle H—Safe Line Speeds in**
20 **COVID–19**

21 **SEC. 30801. SHORT TITLE.**

22 This subtitle may be cited as the “Safe Line Speeds
23 in COVID–19 Act”.

1 **SEC. 30802. SUSPENDING AUTHORITY TO INCREASE LINE**
2 **SPEEDS AT MEAT AND POULTRY ESTABLISH-**
3 **MENTS.**

4 (a) IN GENERAL.—The Secretary of Agriculture, act-
5 ing through the Administrator of the Food Safety and In-
6 spection Service, for the duration of the COVID–19 emer-
7 gency period, shall—

8 (1) suspend any waivers related to line speeds
9 in covered establishments and inspection staffing re-
10 quirements for covered establishments issued before
11 the date of the enactment of this Act, and not issue
12 any new waivers to such establishments, including
13 under sections 303.1(h) and 381.3(b) of title 9,
14 Code of Federal Regulations (or successor regula-
15 tions); and

16 (2) suspend implementation of, and conversion
17 to, the New Swine Slaughter Inspection System as
18 described in the final rule entitled “Modernization of
19 Swine Slaughter Inspection” issued by the Depart-
20 ment of Agriculture in the Federal Register on Octo-
21 ber 1, 2019 (84 Fed. Reg. 52300 et seq.).

22 (b) LIMITATION ON AUTHORITY WITH RESPECT TO
23 LINE SPEEDS.—None of the funds made available to the
24 Department of Agriculture during the COVID–19 emer-
25 gency period shall be used to develop, propose, finalize,
26 issue, amend, or implement any policy, regulation, direc-

1 tive, constituent update, or any other agency program that
2 would increase line speeds at covered establishments.

3 (c) EFFECT ON STATE LAW.—The provisions of this
4 section are in addition to, and not in lieu of, any other
5 laws protecting worker safety and animal welfare. This
6 section shall not be construed to preempt or limit any law
7 or regulation of a State or a political subdivision of a State
8 containing requirements that are more protective of work-
9 er safety or animal welfare than the requirements of this
10 section, or which create penalties for conduct regulated by
11 this section.

12 (d) GAO REPORT.—Upon termination of the
13 COVID–19 emergency period, the Comptroller General of
14 the United States shall conduct a review of actions taken
15 by the Secretary of Agriculture, the Secretary of Labor,
16 and the Secretary of Health and Human Services in re-
17 sponse to the COVID–19 pandemic to determine the effec-
18 tiveness of such actions in protecting animal, food, and
19 worker safety. Such review shall include an analysis of,
20 with respect to covered establishments—

21 (1) all policies and regulations relating to in-
22 spections of such establishments implemented by the
23 Secretary of Agriculture, the Secretary of Labor,
24 and the Secretary of Health and Human Services re-
25 lating to COVID–19;

1 (2) the pandemic emergency preparedness plans
2 of such establishments;

3 (3) the extent to which such facilities have im-
4 plemented guidance and recommendations to space
5 workers six feet apart on production lines, break
6 rooms, locker rooms, and all other workspaces;

7 (4) the quantity and usage of personal protec-
8 tive equipment by workers at such establishments;

9 (5) any guidance provided to inspectors of such
10 establishments by the Secretary of Agriculture, Sec-
11 retary of Labor, and the Secretary of Health and
12 Human Services during the COVID–19 emergency
13 period;

14 (6) actions taken by the Secretary of Agri-
15 culture, the Secretary of Labor, and the Secretary of
16 Health and Human Services to protect animals,
17 food, and workers at covered establishments with re-
18 ported cases of COVID–19;

19 (7) all humane handling reports issued, and en-
20 forcement actions taken, by the Department of Agri-
21 culture in accordance with the Humane Methods of
22 Slaughter Act (7 U.S.C. 1901 et seq.) and the good
23 commercial practices regulations under the Poultry
24 Products Inspection Act (21 U.S.C. 451 et seq.)
25 during the COVID–19 emergency period;

1 (8) the impact of faster line speeds on the abil-
2 ity of such establishments to maintain protections
3 for employees; and

4 (9) any interference by any other Federal agen-
5 cy with reviews of any such establishments experi-
6 encing outbreaks of COVID–19 conducted by per-
7 sonnel of the Centers for Disease Control and Pre-
8 vention.

9 (e) REPORTS TO CONGRESS.—Not later than Decem-
10 ber 31, 2021, the Secretary of Agriculture, the Secretary
11 of Labor, and the Secretary of Health and Human Serv-
12 ices shall each submit to the Committee on Agriculture
13 and the Committee on Education and Labor of the House
14 of Representatives and the Committee on Health, Edu-
15 cation, Labor, and Pensions and the Committee on Agri-
16 culture, Nutrition, and Forestry of the Senate a report
17 on the actions taken by the Secretary of Agriculture, the
18 Secretary of Labor, and the Secretary of Health and
19 Human Services, respectively, in response to the COVID–
20 19 pandemic to protect animal, food, and worker safety.
21 Each such report shall include the respective Secretary’s
22 analysis of, with respect to facilities operated by covered
23 processors, the matters specified in each (as applicable)
24 of paragraphs (1) through (8) of subsection (d).

25 (f) DEFINITIONS.—In this section:

1 (1) The term “covered establishment” means
 2 an official meat or poultry establishment that is sub-
 3 ject to inspection under the Federal Meat Inspection
 4 Act (21 U.S.C. 601 et seq.) or the Poultry Products
 5 Inspection Act (21 U.S.C. 451 et seq.).

6 (2) The term “COVID–19 emergency period”
 7 means—

8 (A) the emergency period, as defined in
 9 section 1135(g)(1)(B) of the Social Security
 10 Act (42 U.S.C. 1320b–5(g)(1)(B)); and

11 (B) the 90-day period that follows the end
 12 of such emergency period.

13 **Subtitle I—Increasing Access to** 14 **Snap Delivery During COVID–19**

15 **SEC. 30901. SHORT TITLE.**

16 This subtitle may be cited as the “Increasing Access
 17 to SNAP Delivery During COVID–19 Act of 2020”.

18 **SEC. 30902. FOOD DELIVERY UNDER SUPPLEMENTAL NU-** 19 **TRITION ASSISTANCE PROGRAM.**

20 (a) DEFINITIONS.—In this section:

21 (1) EMPLOYEE.—The term “employee” has the
 22 meaning given the term in section 3 of the Fair
 23 Labor Standards Act of 1938 (29 U.S.C. 203).

24 (2) PROGRAM.—The term “program” means
 25 the supplemental nutrition assistance program es-

1 tablished under the Food and Nutrition Act of 2008
2 (7 U.S.C. 2011 et seq.).

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

5 (b) PROGRAM MODIFICATIONS.—

6 (1) IN GENERAL.—In carrying out the program,
7 the Secretary shall—

8 (A) notify authorized program retailers of
9 existing opportunities through which retailers
10 can deliver food to program participants, in-
11 cluding by—

12 (i) allowing an EBT card (as defined
13 in section 3 of the Food and Nutrition Act
14 of 2008 (7 U.S.C. 2012)) to be swiped on
15 delivery of food to the home (with a mobile
16 device); and

17 (ii) preparing food for pick-up;

18 (B) authorize public-private partnerships
19 between the Department of Agriculture, author-
20 ized program retailers, and community-based
21 organizations to support food delivery, including
22 through the use of private funds;

23 (C) in the case of an authorized program
24 retailer that is unable to cover the cost of food
25 delivery for program participants, use funds

1 made available under paragraph (3)(B) to sup-
2 port food delivery for program participants who
3 are seniors, immunocompromised individuals, or
4 other individuals who are unable to travel safely
5 to an authorized program retailer, in accord-
6 ance with paragraph (3)(A); and

7 (D) require each State to submit to the
8 Secretary a State plan that describes how the
9 State will—

10 (i) work with authorized program re-
11 tailers and other community-based part-
12 ners to establish a process for food delivery
13 for program participants;

14 (ii) administer the reimbursements de-
15 scribed in paragraph (3)(A)(i), including
16 timing, eligibility, and distribution proc-
17 esses; and

18 (iii) ensure that authorized program
19 retailers that are reimbursed for delivery
20 costs under paragraph (3)(A)(i) adhere to
21 the requirements described in paragraph
22 (3)(A)(ii).

23 (2) STATE PLANS.—Not later than 10 days
24 after the date on which the Secretary receives a

1 State plan under paragraph (1)(D), the Secretary
2 shall—

3 (A) approve or deny the State plan; and

4 (B) make publicly available on the website
5 of the Department of Agriculture—

6 (i) the State plan;

7 (ii) the determination made under
8 subparagraph (A) with respect to that
9 plan; and

10 (iii) any guidance issued to the State
11 with respect to that plan.

12 (3) FOOD DELIVERY.—

13 (A) REIMBURSEMENT OF RETAILERS.—

14 (i) IN GENERAL.—Notwithstanding
15 any other provision of law, a State agency
16 shall reimburse an authorized program re-
17 tailer described in paragraph (1)(C) for the
18 cost of food delivery to program partici-
19 pants described in that paragraph if—

20 (I) the authorized program re-
21 tailer is eligible for reimbursement
22 under clause (ii); and

23 (II) the majority of the food
24 items delivered by the retailer are eli-

1 gible for redemption using benefits
2 under the program.

3 (ii) ELIGIBILITY.—An authorized pro-
4 gram retailer described in paragraph
5 (1)(C) is eligible for reimbursement for the
6 cost of food delivery to program partici-
7 pants described in that paragraph if—

8 (I) that food delivery is per-
9 formed by employees of the retailer or
10 employees of an entity contracted by
11 the retailer to perform deliveries;

12 (II) before any employee de-
13 scribed in subclause (I) begins making
14 that food delivery, that employee re-
15 ceives employer-provided health and
16 safety training that reflects the most
17 recent guidelines of the Centers for
18 Disease Control and Prevention and
19 the Occupational Safety and Health
20 Administration relating to worker
21 safety and health during the
22 Coronavirus Disease 2019 (COVID-
23 19) pandemic;

24 (III) the retailer remains neutral
25 in any union organizing effort that oc-

1 curs during the period in which deliv-
2 eries described in paragraph (1)(C)
3 are made; and

4 (IV) all employees described in
5 subclause (I) performing deliveries are
6 paid at a rate that is not less than the
7 greater of—

8 (aa) the minimum wage rate
9 established under section 6(a)(1)
10 of the Fair Labor Standards Act
11 of 1938 (29 U.S.C. 206(a)(1));
12 and

13 (bb) the minimum wage rate
14 established by the applicable
15 State or locality in which the em-
16 ployee works.

17 (iii) COVERED COSTS.—

18 (I) IN GENERAL.—Reimbursable
19 costs under clause (i) include costs as-
20 sociated with—

21 (aa) purchasing point-of-sale
22 devices or receiving technical as-
23 sistance relating to point-of-sale
24 devices; and

1 (bb) purchasing or reimburs-
2 ing employees for personal pro-
3 tective equipment used during
4 food delivery.

5 (II) PPE COSTS.—An authorized
6 program retailer shall use not more
7 than 10 percent of amounts received
8 under clause (i) to pay for the costs
9 described in subclause (I)(bb).

10 (iv) MAXIMUM REIMBURSEMENT PER
11 DELIVERY.—The maximum amount of re-
12 imbursement under clause (i) for a food
13 delivery fee shall be \$10 per delivery.

14 (B) FUNDING.—

15 (i) IN GENERAL.—There is appro-
16 priated to the Secretary, out of funds of
17 the Treasury not otherwise appropriated,
18 \$500,000,000 to cover the cost of food de-
19 livery described in paragraph (1)(C), to be
20 distributed among the States to fund reim-
21 bursements by States under subparagraph
22 (A)(i).

23 (ii) EMERGENCY REQUIREMENT.—The
24 amount made available under clause (i) is
25 designated by the Congress as being for an

1 emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget
3 and Emergency Deficit Control Act of
4 1985 (2 U.S.C. 901(b)(2)(A)(i)).

5 (iii) AUTHORIZATION OF APPROPRIA-
6 TIONS.—In addition to the amount appro-
7 priated under clause (i), there are author-
8 ized to be appropriated to the Secretary
9 such sums as are necessary to cover the
10 cost of food delivery under paragraph
11 (1)(C).

12 (4) TERMINATION OF AUTHORITY.—

13 (A) IN GENERAL.—The authority of the
14 Secretary to carry out paragraphs (1) through
15 (3) with respect to each State shall terminate
16 on the later of—

17 (i) the date on which the national
18 emergency declared by the President under
19 the National Emergencies Act (50 U.S.C.
20 1601 et seq.) with respect to the
21 Coronavirus Disease 2019 (COVID–19) is
22 terminated; and

23 (ii) the date on which the State emer-
24 gency declared in that State with respect

1 to the Coronavirus Disease 2019 (COVID–
2 19) is terminated.

3 (B) RETURN OF FUNDS.—The Secretary
4 shall return to the Treasury any funds appro-
5 priated under paragraph (3)(B)(i) that have not
6 been used or obligated by the date described in
7 subparagraph (A).

8 (5) REPORT.—Not later than 3 months after
9 the date on which the authority of the Secretary is
10 terminated under paragraph (4), the Secretary shall
11 submit to the Committee on Agriculture, Nutrition,
12 and Forestry of the Senate and the Committee on
13 Agriculture of the House of Representatives a report
14 that describes—

15 (A) the use of that authority to address
16 food security needs of affected populations dur-
17 ing the national emergency described in sub-
18 paragraph (A)(i) of that paragraph;

19 (B) the authorized program retailers that
20 were reimbursed under paragraph (3)(A);

21 (C) any complications or difficulties experi-
22 enced by States in administering reimburse-
23 ments under paragraph (3)(A); and

24 (D) recommendations for changes to the
25 authority of the Secretary under the Food and

1 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)
2 to assist the Secretary, States, and units of
3 local government to prepare plans for food de-
4 livery to program recipients in future health
5 emergencies.

6 **Subtitle J—Safe Line Speeds in**
7 **COVID–19**

8 **SEC. 31001. SHORT TITLE.**

9 This subtitle may be cited as the “Safe Line Speeds
10 in COVID–19 Act”.

11 **SEC. 31002. SUSPENDING AUTHORITY TO INCREASE LINE**
12 **SPEEDS AT MEAT AND POULTRY ESTABLISH-**
13 **MENTS.**

14 (a) IN GENERAL.—The Secretary of Agriculture, act-
15 ing through the Administrator of the Food Safety and In-
16 spection Service, for the duration of the COVID–19 emer-
17 gency period, shall—

18 (1) suspend any waivers related to line speeds
19 in covered establishments and inspection staffing re-
20 quirements for covered establishments issued before
21 the date of the enactment of this Act, and not issue
22 any new waivers to such establishments, including
23 under sections 303.1(h) and 381.3(b) of title 9,
24 Code of Federal Regulations (or successor regula-
25 tions); and

1 (2) suspend implementation of, and conversion
2 to, the New Swine Slaughter Inspection System as
3 described in the final rule entitled “Modernization of
4 Swine Slaughter Inspection” issued by the Depart-
5 ment of Agriculture in the Federal Register on Octo-
6 ber 1, 2019 (84 Fed. Reg. 52300 et seq.).

7 (b) LIMITATION ON AUTHORITY WITH RESPECT TO
8 LINE SPEEDS.—None of the funds made available to the
9 Department of Agriculture during the COVID–19 emer-
10 gency period shall be used to develop, propose, finalize,
11 issue, amend, or implement any policy, regulation, direc-
12 tive, constituent update, or any other agency program that
13 would increase line speeds at covered establishments.

14 (c) EFFECT ON STATE LAW.—The provisions of this
15 section are in addition to, and not in lieu of, any other
16 laws protecting worker safety and animal welfare. This
17 section shall not be construed to preempt or limit any law
18 or regulation of a State or a political subdivision of a State
19 containing requirements that are more protective of work-
20 er safety or animal welfare than the requirements of this
21 section, or which create penalties for conduct regulated by
22 this section.

23 (d) GAO REPORT.—Upon termination of the
24 COVID–19 emergency period, the Comptroller General of
25 the United States shall conduct a review of actions taken

1 by the Secretary of Agriculture, the Secretary of Labor,
2 and the Secretary of Health and Human Services in re-
3 sponse to the COVID–19 pandemic to determine the effec-
4 tiveness of such actions in protecting animal, food, and
5 worker safety. Such review shall include an analysis of,
6 with respect to covered establishments—

7 (1) all policies and regulations relating to in-
8 spections of such establishments implemented by the
9 Secretary of Agriculture, the Secretary of Labor,
10 and the Secretary of Health and Human Services re-
11 lating to COVID–19;

12 (2) the pandemic emergency preparedness plans
13 of such establishments;

14 (3) the extent to which such facilities have im-
15 plemented guidance and recommendations to space
16 workers six feet apart on production lines, break
17 rooms, locker rooms, and all other workspaces;

18 (4) the quantity and usage of personal protec-
19 tive equipment by workers at such establishments;

20 (5) any guidance provided to inspectors of such
21 establishments by the Secretary of Agriculture, Sec-
22 retary of Labor, and the Secretary of Health and
23 Human Services during the COVID–19 emergency
24 period;

1 (6) actions taken by the Secretary of Agri-
2 culture, the Secretary of Labor, and the Secretary of
3 Health and Human Services to protect animals,
4 food, and workers at covered establishments with re-
5 ported cases of COVID–19;

6 (7) all humane handling reports issued, and en-
7 forcement actions taken, by the Department of Agri-
8 culture in accordance with the Humane Methods of
9 Slaughter Act (7 U.S.C. 1901 et seq.) and the good
10 commercial practices regulations under the Poultry
11 Products Inspection Act (21 U.S.C. 451 et seq.)
12 during the COVID–19 emergency period;

13 (8) the impact of faster line speeds on the abil-
14 ity of such establishments to maintain protections
15 for employees; and

16 (9) any interference by any other Federal agen-
17 cy with reviews of any such establishments experi-
18 encing outbreaks of COVID–19 conducted by per-
19 sonnel of the Centers for Disease Control and Pre-
20 vention.

21 (e) REPORTS TO CONGRESS.—Not later than Decem-
22 ber 31, 2022, the Secretary of Agriculture, the Secretary
23 of Labor, and the Secretary of Health and Human Serv-
24 ices shall each submit to the Committee on Agriculture
25 and the Committee on Education and Labor of the House

1 of Representatives and the Committee on Health, Edu-
2 cation, Labor, and Pensions and the Committee on Agri-
3 culture, Nutrition, and Forestry of the Senate a report
4 on the actions taken by the Secretary of Agriculture, the
5 Secretary of Labor, and the Secretary of Health and
6 Human Services, respectively, in response to the COVID-
7 19 pandemic to protect animal, food, and worker safety.
8 Each such report shall include the respective Secretary's
9 analysis of, with respect to facilities operated by covered
10 processors, the matters specified in each (as applicable)
11 of paragraphs (1) through (8) of subsection (d).

12 (f) DEFINITIONS.—In this section:

13 (1) The term “covered establishment” means
14 an official meat or poultry establishment that is sub-
15 ject to inspection under the Federal Meat Inspection
16 Act (21 U.S.C. 601 et seq.) or the Poultry Products
17 Inspection Act (21 U.S.C. 451 et seq.).

18 (2) The term “COVID-19 emergency period”
19 means—

20 (A) the emergency period, as defined in
21 section 1135(g)(1)(B) of the Social Security
22 Act (42 U.S.C. 1320b-5(g)(1)(B)); and

23 (B) the 90-day period that follows the end
24 of such emergency period.

**Subtitle K—Emergency Snap
Flexibilities Extension**

SEC. 31101. SHORT TITLE.

This subtitle may be cited as the “Emergency SNAP Flexibilities Extension Act”.

**SEC. 31102. EXTENSION OF EXISTING SNAP FLEXIBILITIES
FOR COVID-19.**

(a) STATE OPTIONS.—

(1) A State agency (as defined in section 3(s) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(s))) shall have the option—

(A) to extend certification periods under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)) for not more than 6 months and adjust periodic report requirements under section 6(c)(1)(D)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(c)(1)(D)(i)) for some or all participating households with certification periods set to expire or periodic reports due on or before June 30, 2023, consistent with the extensions and adjustments provided in the Food and Nutrition Service’s April 22, 2020, blanket approval for extending certification and adjusting periodic

1 reports, unless otherwise provided in this para-
2 graph;

3 (B) to allow household reporting require-
4 ments under section 273.12(a)(5)(iii) of title 7
5 of the Code of Federal Regulations to satisfy
6 the recertification requirements under section
7 273.14 of title 7 of the Code of Federal Regula-
8 tions for some or all participating households
9 with recertification periods set to expire on or
10 before December 31, 2023; and

11 (C) to adjust the interview requirements
12 under sections 273.2 and 273.14(b) of title 7 of
13 the Code of Federal Regulations for some or all
14 household applications or recertifications
15 through June 30, 2023, consistent with the ad-
16 justments provided in the Food and Nutrition
17 Service's March 26, 2020, blanket approval for
18 adjusting interview requirements, unless other-
19 wise provided in this paragraph.

20 (2) Not later than 5 days after exercising an
21 option under paragraph (1), a State agency shall no-
22 tify the Secretary of Agriculture in writing of the
23 option exercised, the categories of households af-
24 fected by the option, and the duration of such op-
25 tion.

1 (b) ADJUSTMENT.—The Secretary of Agriculture
2 shall allow a State agency to suspend the requirements
3 under sections 275.11(b)(1) and (2), 275.12, and 275.13
4 of title 7 of the Code of Federal Regulations from June
5 1, 2023, through June 30, 2024, consistent with the waiv-
6 ers provided in the Food and Nutrition Service’s April 30,
7 2020, blanket approval for waiver of quality control re-
8 views, unless otherwise provided in this subsection.

9 (c) REPORT.—Section 2302 of the Families First
10 Coronavirus Response Act (Public Law 116–127; 7 U.S.C.
11 2011 note) is amended by striking subsection (c) and in-
12 serting the following:

13 “(c) REPORT.—Not later than June 30, 2024, the
14 Secretary of Agriculture shall submit, to the Committee
15 on Agriculture of the House of Representatives and the
16 Committee on Agriculture, Nutrition, and Forestry of the
17 Senate, a report containing the following information:

18 “(1) A description of any information or data
19 supporting State agency requests under this section
20 and any additional measures that State agencies re-
21 quested that were not approved by the Secretary of
22 Agriculture.

23 “(2) An evaluation of the use of all waivers, ad-
24 justments, and other flexibilities in the operation of
25 the supplemental nutrition assistance program (as

1 defined in section 3 of the Food and Nutrition Act
2 of 2008 (7 U.S.C. 2012)), in effect under this Act,
3 the Food and Nutrition Act of 2008 (7 U.S.C. 2011
4 et seq.), or any other Act, to respond to the
5 COVID–19 public health emergency.

6 “(3) A recommendation of any additional waiv-
7 ers or flexibilities needed in the operation of the sup-
8 plemental nutrition assistance program to respond to
9 public health emergencies with pandemic potential.”.

10 **Subtitle L—Nursing Facility** 11 **Quality Reporting**

12 **SEC. 31201. SHORT TITLE.**

13 This subtitle may be cited as the “Nursing Facility
14 Quality Reporting Act of 2020”.

15 **SEC. 31202. REQUIRING LONG TERM CARE FACILITIES TO** 16 **REPORT CERTAIN INFORMATION RELATING** 17 **TO COVID–19 CASES AND DEATHS.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services (in this section referred to as the “Sec-
20 retary”) shall, as soon as practicable, require that the in-
21 formation described in paragraph (1) of section 483.80(g)
22 of title 42, Code of Federal Regulations, or a successor
23 regulation, be reported by a facility (as defined for pur-
24 poses of such section).

1 (b) DEMOGRAPHIC INFORMATION.—The Secretary
2 shall post the following information with respect to skilled
3 nursing facilities (as defined in section 1819(a) of the So-
4 cial Security Act (42 U.S.C. 1395i–3(a))) and nursing fa-
5 cilities (as defined in section 1919(a) of such Act (42
6 U.S.C. 1396r(a))) on the Nursing Home Compare website
7 (as described in section 1819(i) of the Social Security Act
8 (42 U.S.C. 1395i–3(i))), or a successor website, aggre-
9 gated by State:

10 (1) The age, race/ethnicity, and preferred lan-
11 guage of the residents of such skilled nursing facili-
12 ties and nursing facilities with suspected or con-
13 firmed COVID–19 infections, including residents
14 previously treated for COVID–19.

15 (2) The age, race/ethnicity, and preferred lan-
16 guage relating to total deaths and COVID–19
17 deaths among residents of such skilled nursing facili-
18 ties and nursing facilities.

19 (c) CONFIDENTIALITY.—Any information reported
20 under this section that is made available to the public shall
21 be made so available in a manner that protects the identity
22 of residents of skilled nursing facilities and nursing facili-
23 ties.

1 (d) IMPLEMENTATION.—The Secretary may imple-
 2 ment the provisions of this section by program instruction
 3 or otherwise.

4 **Subtitle M—Care for COVID-19**

5 **SEC. 31301. SHORT TITLE.**

6 This subtitle may be cited as the “Care for COVID-
 7 19 Act”.

8 **SEC. 31302. COVERAGE OF SERVICES RELATED TO COVID-** 9 **19.**

10 (a) IN GENERAL.—Title XXVII of the Public Health
 11 Service Act is amended by inserting after section 2719A
 12 (42 U.S.C. 300gg-19a) the following:

13 **“SEC. 2720. COVERAGE OF SERVICES RELATED TO COVID-** 14 **19.**

15 “A group health plan, and a health insurance issuer
 16 offering group or individual health insurance coverage,
 17 shall provide coverage for and shall not impose any cost-
 18 sharing requirements for outpatient and inpatient services
 19 related to the diagnosis, care, and treatment of COVID-
 20 19, including—

21 “(1) diagnostic services related to COVID-19;

22 “(2) supportive care for COVID-19;

23 “(3) vaccines for the prevention of COVID-19;

24 “(4) treatment services, including prescription
 25 drugs and medical devices, for the treatment of

1 COVID–19 and of complications related to COVID–
2 19;

3 “(5) inpatient and outpatient physician and
4 hospital services related to COVID–19; and

5 “(6) any other service the Secretary determines
6 appropriate.”.

7 (b) APPLICATION.—The amendment made by sub-
8 section (a) shall apply with respect to plan years beginning
9 on or after January 1, 2022.

10 **SEC. 31303. SPECIAL ENROLLMENT PERIOD.**

11 (a) PUBLIC HEALTH SERVICE ACT.—Section
12 2702(b)(2) of the Public Health Service Act (42 U.S.C.
13 300gg–1(b)(2)) is amended by inserting “, including a
14 special enrollment period for individuals who are diag-
15 nosed with or have a presumptive positive diagnosis of
16 COVID–19, beginning on the date on which the diagnosis
17 or presumptive positive diagnosis is reported to the health
18 insurance issuer” before the period at the end.

19 (b) PATIENT PROTECTION AND AFFORDABLE CARE
20 ACT.—Section 1311(c)(6) of the Patient Protection and
21 Affordable Care Act (42 U.S.C. 18031(c)(6)) is amend-
22 ed—

23 (1) in subparagraph (C), by striking “and” at
24 the end;

1 (2) by redesignating subparagraph (D) as sub-
2 paragraph (E); and

3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph:

5 “(D) a special enrollment period for indi-
6 viduals who are diagnosed with or have a pre-
7 sumptive positive diagnosis of COVID–19, be-
8 ginning on the date on which the diagnosis or
9 presumptive positive diagnosis is reported to the
10 Exchange; and”.

11 (c) SPECIAL ENROLLMENT PERIODS.—Section
12 9801(f) of the Internal Revenue Code of 1986 (26 U.S.C.
13 9801(f)) is amended by adding at the end the following
14 new paragraph:

15 “(4) FOR INDIVIDUALS WHO ARE DIAGNOSED
16 WITH OR HAVE A PRESUMPTIVE POSITIVE DIAGNOSIS
17 OF COVID–19.—

18 “(A) IN GENERAL.—A group health plan
19 shall permit an employee who is eligible, but
20 not enrolled, for coverage under the terms of
21 the plan (or a dependent of such an employee
22 if the dependent is eligible, but not enrolled, for
23 coverage under such terms) to enroll for cov-
24 erage under the terms of the plan upon a diag-
25 nosis or a presumptive positive diagnosis of

1 COVID–19, with the special enrollment period
2 beginning on the date on which the diagnosis or
3 presumptive positive diagnosis is reported to the
4 group health plan.

5 “(B) ENROLLMENT PERIOD.—The Sec-
6 retary shall promulgate regulations with respect
7 to the special enrollment period under subpara-
8 graph (A), including establishing a time period
9 for individuals who are diagnosed with or have
10 a presumptive positive diagnosis of COVID–19
11 to enroll in coverage or change coverage, and
12 effective date of such coverage.”.

13 (d) ERISA.—Section 701(f) of the Employee Retire-
14 ment Income Security Act of 1974 (29 U.S.C. 1181(f))
15 is amended by adding at the end the following:

16 “(4) FOR INDIVIDUALS WHO ARE DIAGNOSED
17 WITH OR HAVE A PRESUMPTIVE POSITIVE DIAGNOSIS
18 OF COVID–19.—

19 “(A) IN GENERAL.—A group health plan
20 or health insurance issuer in connection with a
21 group health plan shall permit an employee who
22 is eligible, but not enrolled, for coverage under
23 the terms of the plan (or a dependent of such
24 an employee if the dependent is eligible, but not
25 enrolled, for coverage under such terms) to en-

1 roll for coverage under the terms of the plan
2 upon a diagnosis or presumptive positive diag-
3 nosis of COVID–19, with the special enrollment
4 period beginning on the date on which the diag-
5 nosis or presumptive positive diagnosis is re-
6 ported to the group health plan or health insur-
7 ance issuer or the diagnosis or presumptive
8 positive diagnosis is confirmed by a health care
9 provider.

10 “(B) ENROLLMENT PERIOD.—The Sec-
11 retary shall promulgate regulations with respect
12 to the special enrollment period under subpara-
13 graph (A), including establishing a time period
14 for individuals who are diagnosed with or have
15 a presumptive positive diagnosis of COVID–19
16 to enroll in coverage and effective date of such
17 coverage.”.

18 **Subtitle N—Community Solutions** 19 **for COVID–19**

20 **SEC. 31401. SHORT TITLE.**

21 This subtitle may be cited as the “Community Solu-
22 tions for COVID–19 Act”.

1 **SEC. 31402. ADDRESSING COVID-19 HEALTH INEQUITIES**
2 **AND IMPROVING HEALTH EQUITY.**

3 (a) IN GENERAL.—Not later than 60 days after the
4 date of enactment of this Act, the Secretary of Health and
5 Human Services (referred to in this section as the “Sec-
6 retary”), acting through the Director of the Centers for
7 Disease Control and Prevention, shall award grants to eli-
8 gible entities to establish or expand programs to improve
9 health equity regarding COVID-19 and reduce or elimi-
10 nate inequities, including racial and ethnic inequities, in
11 the incidence, prevalence, and health outcomes of COVID-
12 19.

13 (b) ELIGIBILITY.—To be eligible to receive a grant
14 under subsection (a), an entity shall—

15 (1) be a nongovernmental entity or consortium
16 of entities that works to improve health and health
17 equity in populations or communities disproportion-
18 ately affected by adverse health outcomes, includ-
19 ing—

20 (A) racial and ethnic minority commu-
21 nities;

22 (B) Indian Tribes, Tribal organizations,
23 and urban Indian organizations;

24 (C) people with disabilities;

25 (D) English language learners;

26 (E) older adults;

1 (F) low-income communities;

2 (G) justice-involved communities;

3 (H) immigrant communities; and

4 (I) communities on the basis of their sex-
5 ual orientation or gender identity;

6 (2) have demonstrated experience in success-
7 fully working in and partnering with such commu-
8 nities, and have an established record of accomplish-
9 ment in improving health outcomes or preventing,
10 reducing or eliminating health inequities, including
11 racial and ethnic inequities, in those communities;

12 (3) communicate with State, local, and Tribal
13 health departments to coordinate grant activities, as
14 appropriate; and

15 (4) submit to the Secretary an application at
16 such time, in such manner, and containing such in-
17 formation as the Secretary may require.

18 (c) USE OF FUNDS.—An entity shall use amounts re-
19 ceived under grant under this section to establish, improve
20 upon, or expand programs to improve health equity re-
21 garding COVID–19 and reduce or eliminate inequities, in-
22 cluding racial and ethnic inequities, in the incidence, prev-
23 alence, and health outcomes of COVID–19. Such uses may
24 include—

- 1 (1) acquiring and distributing medical supplies,
2 such as personal protective equipment, to commu-
3 nities that are at an increased risk of COVID-19;
- 4 (2) helping people enroll in a health insurance
5 plan that meets minimum essential coverage;
- 6 (3) increasing the availability of COVID-19
7 testing and any future COVID-19 treatments or
8 vaccines in communities that are at an increased
9 risk of COVID-19;
- 10 (4) aiding communities and individuals in fol-
11 lowing guidelines and best practices in regards to
12 COVID-19, including physical distancing guidelines;
- 13 (5) helping communities and COVID-19 sur-
14 vivors recover and cope with the long-term health
15 impacts of COVID-19;
- 16 (6) addressing social determinants of health,
17 such as transportation, nutrition, housing, discrimi-
18 nation, health care access, including mental health
19 care and substance use disorder prevention, treat-
20 ment, and recovery, health literacy, employment sta-
21 tus, and working conditions, education, income, and
22 stress, that impact COVID-19 incidence, prevalence,
23 and health outcomes, and facilitating or providing
24 access to needed services;

1 (7) the provision of anti-racism and implicit
2 and explicit bias training for health care providers
3 and other relevant professionals;

4 (8) creating and disseminating culturally in-
5 formed, linguistically appropriate, accessible, and
6 medically accurate outreach and education regarding
7 COVID–19;

8 (9) acquiring, retaining, and training a diverse
9 workforce; and

10 (10) improving the accessibility to health care,
11 including accessibility to health care providers, men-
12 tal health care, and COVID–19 testing for people
13 with disabilities.

14 (d) ADMINISTRATION.—

15 (1) PRIORITY.—In awarding grants under this
16 section, the Secretary shall give priority to eligible
17 entities that are a community-based organization or
18 have an established history of successfully working
19 in and partnering with the community or with popu-
20 lations which the entity intends to provide services
21 under the grant. The Secretary shall also utilize
22 available demographic data to give priority to eligible
23 entities working with populations or communities
24 disproportionately affected by COVID–19.

1 (2) GEOGRAPHICAL DIVERSITY.—The Secretary
2 shall seek to ensure geographical diversity among
3 grant recipients.

4 (3) REDUCTION OF BURDENS.—In admin-
5 istering the grant program under this section, the
6 Secretary shall make every effort to minimize unnec-
7 essary administrative burdens on eligible entities re-
8 ceiving such grants.

9 (4) TECHNICAL ASSISTANCE.—The Secretary
10 shall provide technical assistance to eligible entities
11 on best practices for applying grants under this sec-
12 tion.

13 (e) DURATION.—A grant awarded under this section
14 shall be for a period of 3 years.

15 (f) REPORTING.—

16 (1) BY GRANTEE.—Not later than 180 days
17 after the end of a grant period under this section,
18 the grantee shall submit to the Secretary a report on
19 the activities conducted under the grant, including—

20 (A) a description of the impact of grant
21 activities, including on—

22 (i) outreach and education related to
23 COVID–19; and

1 (ii) improving public health activities
2 related to COVID–19, including physical
3 distancing;

4 (B) the number of individuals reached by
5 the activities under the grant and, to the extent
6 known, the disaggregated demographic data of
7 such individuals, such as by race, ethnicity, sex
8 (including sexual orientation and gender iden-
9 tity), income, disability status, or primary lan-
10 guage; and

11 (C) any other information the Secretary
12 determines is necessary.

13 (2) BY SECRETARY.—Not later than 1 year
14 after the end of the grant program under this sec-
15 tion, the Secretary shall submit to Congress a report
16 on the grant program, including a summary of the
17 information gathered under paragraph (1).

18 (g) SUPPLEMENT, NOT SUPPLANT.—Grants awarded
19 under this Act shall be used to supplement and not sup-
20 plant any other Federal funds made available to carry out
21 the activities described in this Act.

22 (h) FUNDING.—Out of funds in the Treasury not oth-
23 erwise appropriated, there are appropriated to carry out
24 this section, \$500,000,000 for each of fiscal years 2022
25 through 2024.

1 **Subtitle O—Recharge and Em-**
2 **power Local Innovation and En-**
3 **trepreneurs Fund for Main**
4 **Street**

5 **SEC. 31501. SHORT TITLE.**

6 This subtitle may be cited as the “Recharge and Em-
7 power Local Innovation and Entrepreneurs Fund for Main
8 Street Act” or the “RELIEF for Main Street Act”.

9 **SEC. 31502. SMALL BUSINESS LOCAL RELIEF PROGRAM.**

10 (a) DEFINITIONS.—In this section:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Small Busi-
13 ness Administration.

14 (2) ELIGIBLE ENTITY.—The term “eligible enti-
15 ty”—

16 (A) means a privately held business entity
17 or nonprofit organization that—

18 (i) employs—

19 (I) not more than 20 full-time
20 equivalent employees; or

21 (II) if the entity or organization
22 is located in a low-income community,
23 not more than 50 full-time equivalent
24 employees;

1 (ii) has experienced a loss of revenue
2 as a result of the COVID–19 pandemic,
3 according to criteria established by the
4 Secretary; and

5 (iii) with respect to such an entity or
6 organization that receives assistance from
7 a small business emergency fund, satisfies
8 additional requirements, as determined by
9 the State, unit of general local government,
10 Indian Tribe, or other entity that has es-
11 tablished the small business emergency
12 fund; and

13 (B) includes an individual who operates
14 under a sole proprietorship, an individual who
15 operates as an independent contractor, and an
16 eligible self-employed individual if such an indi-
17 vidual has experienced a loss of revenue as a re-
18 sult of the COVID–19 pandemic, according to
19 criteria established by the Secretary.

20 (3) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—

21 The term “eligible self-employed individual” has the
22 meaning given the term in section 7(a)(36)(A) of the
23 Small Business Act (15 U.S.C. 636(a)(36)(A)).

24 (4) ENTITLEMENT COMMUNITY.—The term
25 “entitlement community” means a metropolitan city

1 or urban county, as those terms are defined in sec-
2 tion 102 of the Housing and Community Develop-
3 ment Act of 1974 (42 U.S.C. 5302).

4 (5) FULL-TIME EQUIVALENT EMPLOYEES.—

5 (A) IN GENERAL.—The term “full-time
6 equivalent employees” means a number of em-
7 ployees equal to the number determined by di-
8 viding—

9 (i) the total number of hours of serv-
10 ice for which wages were paid by the em-
11 ployer to employees during the taxable
12 year; by

13 (ii) 2,080.—

14 (B) ROUNDING.—The number determined
15 under subparagraph (A) shall be rounded to the
16 next lowest whole number if not otherwise a
17 whole number.

18 (C) EXCESS HOURS NOT COUNTED.—If an
19 employee works in excess of 2,080 hours of
20 service during any taxable year, such excess
21 shall not be taken into account under subpara-
22 graph (A).

23 (D) HOURS OF SERVICE.—The Secretary,
24 in consultation with the Secretary of Labor,
25 shall prescribe such regulations, rules, and

1 guidance as may be necessary to determine the
2 hours of service of an employee, including rules
3 for the application of this paragraph to employ-
4 ees who are not compensated on an hourly
5 basis.

6 (6) INDIAN TRIBE.—The term “Indian Tribe”
7 has the meaning given the term “Indian tribe” in
8 section 102 of the Housing and Community Devel-
9 opment Act of 1974 (42 U.S.C. 5302).

10 (7) LOW-INCOME COMMUNITY.—The term “low-
11 income community” has the meaning given the term
12 in section 45D(e) of the Internal Revenue Code of
13 1986.

14 (8) MINORITY.—The term “minority” has the
15 meaning given the term in section 1204(c)(3) of the
16 Financial Institutions Reform, Recovery, and En-
17 forcement Act of 1989 (12 U.S.C. 1811 note).

18 (9) MINORITY-OWNED ENTITY.—The term “mi-
19 nority-owned entity” means an entity—

20 (A) more than 50 percent of the ownership
21 or control of which is held by not less than 1
22 minority; and

23 (B) more than 50 percent of the net profit
24 or loss of which accrues to not less than 1 mi-
25 nority.

1 (10) NONENTITLEMENT AREA; STATE; UNIT OF
2 GENERAL LOCAL GOVERNMENT.—

3 (A) IN GENERAL.—Except as provided in
4 subparagraph (B), the terms “nonentitlement
5 area”, “State”, and “unit of general local gov-
6 ernment” have the meanings given those terms
7 in section 102 of the Housing and Community
8 Development Act of 1974 (42 U.S.C. 5302).

9 (B) STATE.—For purposes of subpara-
10 graphs (A)(ii) and (B)(ii) of subsection (c)(1),
11 the term “State” means any State of the
12 United States.

13 (11) PROGRAM.—The term “Program” means
14 the Small Business Local Relief Program established
15 under this section.

16 (12) SECRETARY.—The term “Secretary”
17 means the Secretary of the Treasury.

18 (13) SMALL BUSINESS EMERGENCY FUND.—
19 The term “small business emergency fund” means a
20 fund or program—

21 (A) established by a State, a unit of gen-
22 eral local government, an Indian Tribe, or an
23 entity designated by a State, unit of general
24 local government, or Indian Tribe; and

1 (B) that provides or administers financing
2 to eligible entities in the form of grants, loans,
3 or other means in accordance with the needs of
4 eligible entities and the capacity of the fund or
5 program.

6 (14) WOMEN-OWNED ENTITY.—The term
7 “women-owned entity” means an entity—

8 (A) more than 50 percent of the ownership
9 or control of which is held by not less than 1
10 woman; and

11 (B) more than 50 percent of the net profit
12 or loss of which accrues to not less than 1
13 woman.

14 (b) ESTABLISHMENT.—There is established in the
15 Department of the Treasury the Small Business Local Re-
16 lief Program, the purpose of which is to allocate resources
17 to States, units of general local government, and Indian
18 Tribes to provide assistance to eligible entities and organi-
19 zations that assist eligible entities.

20 (c) FUNDING.—

21 (1) FUNDING TO STATES, LOCALITIES, AND IN-
22 DIAN TRIBES.—

23 (A) IN GENERAL.—Of the amounts made
24 available to carry out the Program under sub-
25 section (h), the Secretary shall allocate—

1 (i) \$35,000,000,000 to States and
2 units of general local government in ac-
3 cordance with subparagraph (B)(i);

4 (ii) \$15,000,000,000 to States in ac-
5 cordance with subparagraph (B)(ii); and

6 (iii) \$500,000,000 to the Secretary of
7 Housing and Urban Development for allo-
8 cations to Indian Tribes in accordance with
9 subparagraph (B)(iii).

10 (B) ALLOCATIONS.—

11 (i) FORMULA FOR STATES AND UNITS
12 OF GENERAL LOCAL GOVERNMENT.—Of
13 the amount allocated under subparagraph
14 (A)(i)—

15 (I) 70 percent shall be allocated
16 to entitlement communities in accord-
17 ance with the formula under section
18 106(b) of the Housing and Commu-
19 nity Development Act of 1974 (42
20 U.S.C. 5306(b)); and

21 (II) 30 percent shall be allocated
22 to States, for use in nonentitlement
23 areas, in accordance with the formula
24 under section 106(d)(1) of the Hous-

1 ing and Community Development Act
2 of 1974 (42 U.S.C. 5306(d)(1)).

3 (ii) RURAL BONUS FORMULA FOR
4 STATES.—The Secretary shall allocate the
5 amount allocated under subparagraph
6 (A)(ii) to States, for use in nonentitlement
7 areas, in accordance with the formula
8 under section 106(d)(1) of the Housing
9 and Community Development Act of 1974
10 (42 U.S.C. 5306(d)(1)).

11 (iii) COMPETITIVE AWARDS TO INDIAN
12 TRIBES.—

13 (I) IN GENERAL.—The Secretary
14 of Housing and Urban Development
15 shall allocate to Indian Tribes on a
16 competitive basis the amount allocated
17 under subparagraph (A)(iii).

18 (II) REQUIREMENTS.—In making
19 allocations under subclause (I), the
20 Secretary of Housing and Urban De-
21 velopment shall, to the greatest extent
22 practicable, ensure that each Indian
23 Tribe that satisfies requirements es-
24 tablished by the Secretary of Housing

1 and Urban Development receives such
2 an allocation.

3 (C) STATE ALLOCATIONS FOR NON-
4 ENTITLEMENT AREAS.—

5 (i) EQUITABLE ALLOCATION.—To the
6 greatest extent practicable, a State shall
7 allocate amounts for nonentitlement areas
8 under clauses (i)(II) and (ii) of subpara-
9 graph (B) on an equitable basis.

10 (ii) DISTRIBUTION OF AMOUNTS.—

11 (I) DISCRETION.—Not later than
12 14 days after the date on which a
13 State receives amounts for use in a
14 nonentitlement area under clause
15 (i)(II) or (ii) of subparagraph (B), the
16 State shall—

17 (aa) distribute the amounts,
18 or a portion thereof, to a unit of
19 general local government located
20 in the nonentitlement area, or an
21 entity designated thereby, that
22 has established or will establish a
23 small business emergency fund,
24 for use under paragraph (2); or

1 (bb) elect to reserve the
2 amounts, or a portion thereof, for
3 use by the State under paragraph
4 (2) for the benefit of eligible enti-
5 ties located in the nonentitlement
6 area.

7 (II) SENSE OF CONGRESS.—It is
8 the sense of Congress that, in distrib-
9 uting amounts under subclause (I), in
10 the case of amounts allocated for a
11 nonentitlement area in which a unit of
12 general local government or an entity
13 designated thereby has established a
14 small business emergency fund, a
15 State should, as quickly as is prac-
16 ticable, distribute amounts to that
17 unit of general local government or
18 entity, respectively, as described in
19 item (aa) of that subclause.

20 (iii) TREATMENT OF STATES NOT
21 ACTING AS PASS-THROUGH AGENTS UNDER
22 CDBG.—The Secretary shall allocate
23 amounts to a State under this paragraph
24 without regard to whether the State has
25 elected to distribute amounts allocated

1 under section 106(d)(1) of the Housing
2 and Community Development Act of 1974
3 (42 U.S.C. 5306(d)(1)).

4 (2) USE OF FUNDS.—

5 (A) IN GENERAL.—A State, unit of general
6 local government, entity designated by a unit of
7 general local government, or Indian Tribe that
8 receives an allocation under paragraph (1),
9 whether directly or indirectly, may use that al-
10 location—

11 (i) to provide funding to a small busi-
12 ness emergency fund established by that
13 State (or entity designated thereby), that
14 unit of general local government (or entity
15 designated thereby), that entity designated
16 by a unit of general local government, or
17 that Indian Tribe (or entity designated
18 thereby), respectively;

19 (ii) to provide funding to support or-
20 ganizations that provide technical assist-
21 ance to eligible entities; or

22 (iii) subject to subparagraph (B), to
23 pay for administrative costs incurred by
24 that State (or entity designated thereby),
25 that unit of general local government (or

1 entity designated thereby), that entity des-
2 ignated by a unit of general local govern-
3 ment, or that Indian Tribe (or entity des-
4 ignated thereby), respectively, in estab-
5 lishing and administering a small business
6 emergency fund.

7 (B) LIMITATION.—A State, unit of general
8 local government, entity designated by a unit of
9 general local government, or Indian Tribe may
10 not use more than 3 percent of an allocation re-
11 ceived under paragraph (1) for a purpose de-
12 scribed in subparagraph (A)(iii) of this para-
13 graph.

14 (C) OBLIGATION DEADLINES.—

15 (i) STATES.—Of the amounts that a
16 State elects under paragraph
17 (1)(C)(ii)(I)(bb) to reserve for use by the
18 State under this paragraph—

19 (I) any amounts that the State
20 provides to a small business emer-
21 gency fund under subparagraph (A)(i)
22 of this paragraph shall be obligated by
23 the small business emergency fund for
24 expenditure not later than 74 days
25 after the date on which the State re-

1 ceived the amounts from the Sec-
2 retary under clause (i) or (ii) of para-
3 graph (1)(A); and

4 (II) any amounts that the State
5 chooses to provide to an organization
6 under subparagraph (A)(ii) of this
7 paragraph, or to use to pay for ad-
8 ministrative costs under subparagraph
9 (A)(iii) of this paragraph, shall be ob-
10 ligated by the State for expenditure
11 not later than 74 days after the date
12 on which the State received the
13 amounts from the Secretary under
14 clause (i) or (ii) of paragraph (1)(A).

15 (ii) ENTITLEMENT COMMUNITIES.—

16 Of the amounts that an entitlement com-
17 munity receives from the Secretary under
18 paragraph (1)(B)(i)(I)—

19 (I) any amounts that the entitle-
20 ment community provides to a small
21 business emergency fund under sub-
22 paragraph (A)(i) of this paragraph
23 shall be obligated by the small busi-
24 ness emergency fund for expenditure
25 not later than 74 days after the date

1 on which the entitlement community
2 received the amounts; and

3 (II) any amounts that the entitle-
4 ment community chooses to provide to
5 an organization under subparagraph
6 (A)(ii) of this paragraph, or to use to
7 pay for administrative costs under
8 subparagraph (A)(iii) of this para-
9 graph, shall be obligated by the enti-
10 tlement community for expenditure
11 not later than 74 days after the date
12 on which the entitlement community
13 received the amounts.

14 (iii) NONENTITLEMENT COMMU-
15 NITIES.—Of the amounts that a unit of
16 general local government, or an entity des-
17 ignated thereby, located in a nonentitle-
18 ment area receives from a State under
19 paragraph (1)(C)(ii)(I)(aa)—

20 (I) any amounts that the unit of
21 general local government or entity
22 provides to a small business emer-
23 gency fund under subparagraph (A)(i)
24 of this paragraph shall be obligated by
25 the small business emergency fund for

1 expenditure not later than 60 days
2 after the date on which the unit of
3 general local government or entity re-
4 ceived the amounts; and

5 (II) any amounts that the unit of
6 general local government or entity
7 chooses to provide to a support orga-
8 nization under subparagraph (A)(ii) of
9 this paragraph or to use to pay for
10 administrative costs under subpara-
11 graph (A)(iii) of this paragraph shall
12 be obligated by the unit of general
13 local government or entity for expend-
14 iture not later than 60 days after the
15 date on which the unit of general local
16 government or entity received the
17 amounts.

18 (D) RECOVERY OF UNOBLIGATED
19 FUNDS.—If a State, entitlement community,
20 other unit of general local government, entity
21 designated by a unit of general local govern-
22 ment, or small business emergency fund fails to
23 obligate amounts by the applicable deadline
24 under subparagraph (C), the Secretary shall re-

1 cover the amount of those amounts that remain
2 unobligated, as of that deadline.

3 (E) COLLABORATION.—It is the sense of
4 Congress that—

5 (i) an entitlement community that re-
6 ceives amounts allocated under paragraph
7 (1)(B)(i)(I) should collaborate with the ap-
8 plicable local entity responsible for eco-
9 nomic development and small business de-
10 velopment in establishing and admin-
11 istering a small business emergency fund;
12 and

13 (ii) States, units of general local gov-
14 ernment (including units of general local
15 government located inside and outside non-
16 entitlement areas), and Indian Tribes that
17 receive amounts under paragraph (1) and
18 are located in the same region should col-
19 laborate in establishing and administering
20 small business emergency funds.

21 (d) SMALL BUSINESS EMERGENCY FUNDS.—With
22 respect to a small business emergency fund that receives
23 funds from an allocation made under subsection (c)—

24 (1) if the small business emergency fund makes
25 a loan to an eligible entity with those funds, the

1 small business emergency fund may use amounts re-
2 turned to the small business emergency fund from
3 the repayment of the loan to provide further assist-
4 ance to eligible entities, without regard to the termi-
5 nation date described in subsection (i); and

6 (2) the small business emergency fund shall
7 conduct outreach to eligible entities that are less
8 likely to participate in programs established under
9 the CARES Act (Public Law 116–136; 134 Stat.
10 281) and the amendments made by that Act, includ-
11 ing minority-owned entities, businesses in low-in-
12 come communities, businesses in rural and Tribal
13 areas, and other businesses that are underserved by
14 the traditional banking system.

15 (e) INFORMATION GATHERING.—

16 (1) IN GENERAL.—When providing assistance
17 to an eligible entity with funds received from an allo-
18 cation made under subsection (c), the entity pro-
19 viding assistance shall—

20 (A) inquire whether the eligible entity is—

21 (i) in the case of an eligible entity
22 that is a business entity or a nonprofit or-
23 ganization, a women-owned entity or a mi-
24 nority-owned entity; and

1 (ii) in the case of an eligible entity
2 who is an individual, a woman or a minor-
3 ity; and

4 (B) maintain a record of the responses to
5 each inquiry conducted under subparagraph
6 (A), which the entity shall promptly submit to
7 the applicable State, unit of general local gov-
8 ernment, or Indian Tribe.

9 (2) RIGHT TO REFUSE.—An eligible entity may
10 refuse to provide any information requested under
11 paragraph (1)(A).

12 (f) REPORTING.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the date on which a State, unit of general local gov-
15 ernment, or Indian Tribe initially receives an alloca-
16 tion made under subsection (c), and not later than
17 14 days after the date on which that State, unit of
18 local government, or Indian Tribe completes the full
19 expenditure of that allocation, that State, unit of
20 general local government, or Indian Tribe shall sub-
21 mit to the Secretary a report that includes—

22 (A) the number of recipients of assistance
23 made available from the allocation;

24 (B) the total amount, and type, of assist-
25 ance made available from the allocation;

1 (C) to the extent applicable, with respect
2 to each recipient described in subparagraph
3 (A), information regarding the industry of the
4 recipient, the amount of assistance received by
5 the recipient, the annual sales of the recipient,
6 and the number of employees of the recipient;

7 (D) to the extent available from informa-
8 tion collected under subsection (e), information
9 regarding the number of recipients described in
10 subparagraph (A) that are minority-owned enti-
11 ties, minorities, women, and women-owned enti-
12 ties;

13 (E) the zip code of each recipient described
14 in subparagraph (A); and

15 (F) any other information that the Sec-
16 retary, in the sole discretion of the Secretary,
17 determines to be necessary to carry out the
18 Program.

19 (2) PUBLIC AVAILABILITY.—As soon as is prac-
20 ticable after receiving each report submitted under
21 paragraph (1), the Secretary shall make the infor-
22 mation contained in the report, including all of the
23 information described in subparagraphs (A) through
24 (F) of that paragraph, publicly available.

1 (g) RULES AND GUIDANCE.—The Secretary, in con-
2 sultation with the Administrator, shall issue any rules and
3 guidance that are necessary to carry out the Program, in-
4 cluding by establishing appropriate compliance and report-
5 ing requirements, in addition to the reporting require-
6 ments under subsection (f).

7 (h) APPROPRIATION.—There are appropriated to the
8 Secretary for fiscal year 2020, out of amounts in the
9 Treasury not otherwise appropriated, \$50,500,000,000 to
10 carry out the Program, which shall remain available until
11 the termination date described in subsection (i).

12 (i) TERMINATION.—The Program, and any rules and
13 guidance issued under subsection (g) with respect to the
14 Program, shall terminate on the date that is 1 year after
15 the date of enactment of this Act.

16 **Subtitle P—COVID Community**
17 **Care**

18 **SEC. 31601. SHORT TITLE.**

19 This subtitle may be cited as the “COVID Commu-
20 nity Care Act”.

1 **PART 1—DEPARTMENT OF HEALTH AND HUMAN**
2 **SERVICES**

3 OFFICE OF THE SECRETARY

4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

5 FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Public Health and So-
8 cial Services Emergency Fund”, \$8,000,000,000, to re-
9 main available until September 30, 2024, for the imple-
10 mentation of the comprehensive program to prevent and
11 respond to COVID–19 in medically underserved commu-
12 nities, as authorized by section 31601: *Provided*, That of
13 such amounts, \$60,000,000 shall be transferred to “Gen-
14 eral Departmental Management” and made available to
15 the “Office of Minority Health” for the implementation
16 of such program: *Provided further*, That the amounts
17 made available (including amounts transferred) under this
18 heading shall be in addition to amounts otherwise avail-
19 able for such purposes: *Provided further*, That such
20 amounts are designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 INDIAN HEALTH SERVICE

2 INDIAN HEALTH SERVICES

3 For an additional amount for “Indian Health Serv-
4 ices”, \$400,000,000, to remain available until September
5 30, 2024, for the implementation of a comprehensive pro-
6 gram to prevent and respond to COVID–19 through pro-
7 grams and services administered by the Indian Health
8 Service and Indian Tribes, Tribal organizations, and
9 Urban Indian organizations pursuant to a contract or
10 compact under the Indian Self-Determination and Edu-
11 cation Assistance Act (25 U.S.C. 5301 et seq.) or the In-
12 dian Health Care Improvement Act (25 U.S.C. 1601 et
13 seq.), as authorized by section 31602 of this subtitle: *Pro-*
14 *vided*, That such amounts shall be in addition to amounts
15 otherwise available for such purposes: *Provided further*,
16 That such funds shall be allocated at the discretion of the
17 Director of the Indian Health Service: *Provided further*,
18 That the amount provided under this heading in this sub-
19 title shall be distributed through Indian Health Service di-
20 rectly operated programs and to Tribes and Tribal organi-
21 zations under the Indian Self-Determination and Edu-
22 cation Assistance Act (25 U.S.C. 5301 et seq.) and
23 through contracts or grants with Urban Indian Organiza-
24 tions under title V of the Indian Health Care Improvement
25 Act (25 U.S.C. 1651 et seq.): *Provided further*, That any

1 amounts made available under this heading and trans-
2 ferred to Tribes or Tribal organizations shall be trans-
3 ferred on a one-time basis, and that these non-recurring
4 funds are not part of the amount required by section 106
5 of the Indian Self-Determination and Education Assist-
6 ance Act (25 U.S.C. 5325), and that such amounts may
7 only be used for the purposes authorized by section 31602
8 of this subtitle, notwithstanding any other provision of
9 law: *Provided further*, That such amount is designated by
10 the Congress as being for an emergency requirement pur-
11 suant to section 251(b)(2)(A)(i) of the Balanced Budget
12 and Emergency Deficit Control Act of 1985.

13 **SEC. 31602. COVID-19 PREVENTION IN MEDICALLY UNDER-**
14 **SERVED COMMUNITIES.**

15 (a) IN GENERAL.—The Secretary of Health and
16 Human Services, in consultation with the Deputy Assist-
17 ant Secretary for Minority Health, shall implement a com-
18 prehensive program to—

19 (1) prevent and respond to COVID–19 in medi-
20 cally underserved communities; and

21 (2) ensure that such program is designed to
22 complement the efforts of State and local public
23 health agencies.

24 (b) COMPONENTS.—The comprehensive program
25 under subsection (a) shall include the following:

1 (1) The provision of diagnostic tests for the
2 virus that causes COVID–19, including rapid re-
3 sponse tests and testing through the use of mobile
4 health units.

5 (2) The provision of serological tests for the
6 virus that causes COVID–19.

7 (3) Contact tracing to monitor the contacts of
8 individuals who are or were infected with the virus
9 that causes COVID–19.

10 (4) The provision of personal protective equip-
11 ment to essential workers.

12 (5) The facilitation of—

13 (A) voluntary isolation and quarantine of
14 individuals presumed or confirmed to be in-
15 fected with, or exposed to individuals presumed
16 or confirmed to be infected with, the virus that
17 causes COVID–19; and

18 (B) the provision of social services and
19 support for such individuals.

20 (6) A culturally diverse and multilingual social
21 marketing campaign carried out by trusted members
22 of the community involved to increase public aware-
23 ness of—

24 (A) health precautions to prevent exposure
25 to the virus that causes COVID–19;

1 (B) the benefits of monitoring and testing
2 for COVID–19;

3 (C) health care assistance programs and
4 entities that provide treatment for such virus;
5 and

6 (D) public assistance and unemployment
7 programs for individuals affected by the spread
8 of COVID–19.

9 (c) GRANTS TO PARTNERS.—To carry out the compo-
10 nents of the comprehensive program under subsection (b),
11 the Secretary shall provide grants to—

12 (1) faith-based, community, and nonprofit orga-
13 nizations; and

14 (2) eligible institutions of higher education de-
15 scribed in section 371(a) of the Higher Education
16 Act of 1965 (20 U.S.C. 1067q(a)) that have part-
17 nerships with one or more faith-based, community,
18 or nonprofit organizations.

19 (d) CONTACT TRACING.—

20 (1) LOCATION OF PERSONNEL.—The individ-
21 uals hired and trained to perform contact tracing
22 pursuant to the comprehensive program under sub-
23 section (a) shall have—

24 (A) experience in medically underserved
25 communities; and

1 (B) relationships with individuals who re-
2 side in medically underserved communities.

3 (2) PROTECTION OF PERSONAL INFORMA-
4 TION.—The Secretary shall ensure that the individ-
5 ually identifiable information collected to perform
6 contact tracing pursuant to the comprehensive pro-
7 gram under subsection (a) is secure from unauthor-
8 ized access and disclosure.

9 (e) STRATEGY.—

10 (1) IN GENERAL.—Not later than 14 days after
11 the date of the enactment of this Act, the Secretary
12 shall develop and publish a comprehensive strategy
13 with respect to the comprehensive program under
14 subsection (a) for the purpose of addressing health
15 and health disparities, taking into consideration the
16 following:

17 (A) Race and ethnicity.

18 (B) Sex.

19 (C) Age.

20 (D) Limited English proficiency.

21 (E) Socioeconomic status.

22 (F) Disability.

23 (G) Census tract.

24 (H) Status as a member of the lesbian,
25 gay, bisexual, and transgender community.

1 (I) Occupation.

2 (J) Other demographic data.

3 (2) CONSULTATION.—In developing the strat-
4 egy under paragraph (1), the Secretary shall consult
5 with health officials who represent the following:

6 (A) State and territorial governments.

7 (B) Local governments.

8 (C) Tribal governments.

9 **SEC. 31603. COVID-19 PREVENTION IN INDIAN TRIBES.**

10 (a) IN GENERAL.—The Secretary of Health and
11 Human Services, acting through the Director of the In-
12 dian Health Service, shall implement a comprehensive pro-
13 gram to prevent and respond to COVID–19 through pro-
14 grams and services administered by—

15 (1) the Indian Health Service; and

16 (2) Indian Tribes, Tribal organizations, and
17 Urban Indian organizations pursuant to a contract
18 or compact under—

19 (A) the Indian Self-Determination and
20 Education Assistance Act (25 U.S.C. 5301 et
21 seq.); or

22 (B) the Indian Health Care Improvement
23 Act (25 U.S.C. 1601 et seq.).

24 (b) COMPONENTS.—The comprehensive program
25 under subsection (a) shall include the following:

1 (1) The provision of diagnostic tests for the
2 virus that causes COVID–19, including rapid re-
3 sponse tests and testing through the use of mobile
4 health units.

5 (2) The provision of serological tests for the
6 virus that causes COVID–19.

7 (3) Contact tracing to monitor the contacts of
8 individuals who are or were infected with the virus
9 that causes COVID–19, including hiring and train-
10 ing culturally and linguistically competent contact
11 tracers.

12 (4) The provision of personal protective equip-
13 ment to essential workers, including—

14 (A) community health representatives em-
15 ployed under section 516 of the Indian Health
16 Care Improvement Act (25 U.S.C. 1616f); and

17 (B) community health aides employed
18 under section 119 of the Indian Health Care
19 Improvement Act (25 U.S.C. 1616l).

20 (5) The facilitation of—

21 (A) voluntary isolation and quarantine of
22 individuals presumed or confirmed to be in-
23 fected with, or exposed to individuals presumed
24 or confirmed to be infected with, the virus that
25 causes COVID–19; and

1 (B) the provision of social services and
2 support for such individuals.

3 (6) A culturally and linguistically appropriate
4 social marketing campaign carried out by trusted
5 members of the community involved to increase pub-
6 lic awareness of—

7 (A) health precautions to prevent exposure
8 to, and the spread of, the virus that causes
9 COVID-19;

10 (B) the benefits of monitoring and testing
11 for such virus; and

12 (C) other public awareness priorities.

13 (7) Awarding grants or cooperative agreements
14 to epidemiology centers established under section
15 214 of the Indian Health Care Improvement Act (25
16 U.S.C. 1621m).

17 (c) CONSULTATION.—Before implementing the pro-
18 gram under subsection (a), the Secretary shall—

19 (1) consult with Indian Tribes and Tribal orga-
20 nizations; and

21 (2) confer with Urban Indian organizations.

22 **SEC. 31604. DEFINITIONS.**

23 In this subtitle:

24 (1) The term “essential worker” means—

25 (A) a health sector employee;

1 (B) an emergency response worker;

2 (C) a sanitation worker;

3 (D) a worker at a business which a State
4 or local government official has determined
5 must remain open to serve the public during a
6 public health emergency (as declared pursuant
7 to section 319 of the Public Health Service Act
8 (42 U.S.C. 247d)) with respect to COVID-19;
9 and

10 (E) any other worker who cannot telework,
11 and whom the State deems to be essential dur-
12 ing a public health emergency with respect to
13 COVID-19.

14 (2) The term “Indian Tribe” means an “Indian
15 tribe” as defined in section 4 of the Indian Self-De-
16 termination and Education Assistance Act (25
17 U.S.C. 5304).

18 (3) The term “medically underserved commu-
19 nities” means communities that each—

20 (A) have a rate of infection, hospitaliza-
21 tion, or death with respect to COVID-19 that
22 is higher than the national average;

23 (B) have a high percentage of racial and
24 ethnic minorities; or

1 (C) are above the 90th percentile according
2 to the area deprivation index developed by the
3 Administrator of the Health Resources and
4 Services Administration.

5 (4) The term “Secretary” means the Secretary
6 of Health and Human Services.

7 (5) The term “Tribal organization” means a
8 “tribal organization” as defined in section 4 of the
9 Indian Self-Determination and Education Assistance
10 Act (25 U.S.C. 5304).

11 (6) The term “Urban Indian organization” has
12 the meaning given such term in section 4 of the In-
13 dian Health Care Improvement Act (25 U.S.C.
14 1603).

15 **SEC. 31605. ADDITIONAL APPROPRIATIONS.**

16 Unless otherwise provided for by this subtitle, the ad-
17 ditional amounts appropriated by this subtitle to appro-
18 priations accounts shall be available under the authorities
19 and conditions applicable to such appropriations accounts
20 for fiscal year 2022.

21 **SEC. 31606. SUPPLEMENTAL APPROPRIATIONS.**

22 Each amount designated in this subtitle by the Con-
23 gress as being for an emergency requirement pursuant to
24 section 251(b)(2)(A)(i) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985 shall be available

1 (or transferred, as applicable) only if the President subse-
2 quently so designates all such amounts and transmits such
3 designations to the Congress.

4 **Subtitle Q—To Improve the Health**
5 **of Minority Individuals During**
6 **the COVID-19 Pandemic and for**
7 **Other Purposes**

8 **SEC. 31701. SHORT TITLE.**

9 This subtitle may be cited as the “Ending Health
10 Disparities During COVID–19 Act of 2021” or the
11 “EHDC Act of 2020”.

12 **PART 1—RACIAL AND ETHNICITY DATA**
13 **COLLECTION**

14 **Subpart A—Collection and Reporting**

15 **SEC. 317101. EQUITABLE DATA COLLECTION AND DISCLO-**
16 **SURE ON COVID–19 ACT.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) The World Health Organization (WHO) de-
20 clared COVID–19 a “Public Health Emergency of
21 International Concern” on January 30, 2020. By
22 late March 2020, there have been over 470,000 con-
23 firmed cases of, and 20,000 deaths associated with,
24 COVID–19 worldwide.

1 (2) In the United States, cases of COVID–19
2 have quickly surpassed those across the world, and
3 as of April 12, 2020, over 500,000 cases and 20,000
4 deaths have been reported in the United States
5 alone.

6 (3) Early reporting on racial inequities in
7 COVID–19 testing and treatment have renewed calls
8 for the Centers for Disease Control and Prevention
9 and other relevant subagencies within the Depart-
10 ment of Health and Human Services to publicly re-
11 lease racial and demographic information to better
12 inform the pandemic response, specifically in com-
13 munities of color and in Limited English Proficient
14 (LEP) communities.

15 (4) The burden of morbidity and mortality in
16 the United States has historically fallen dispropor-
17 tionately on marginalized communities (those who
18 suffer the most from great public health needs and
19 are the most medically underserved).

20 (5) Historically, structures and systems, such
21 as racism, ableism and class oppression, have ren-
22 dered affected individuals more vulnerable to inequi-
23 ties and have prevented people from achieving their
24 optimal health even when there is not a crisis of
25 pandemic proportions.

1 (6) Significant differences in access to health
2 care, specifically to primary health care providers,
3 health care information, and greater perceived dis-
4 crimination in health care place communities of
5 color, individuals with disabilities, and LEP individ-
6 uals at greater risk of receiving delayed, and per-
7 haps poorer, health care.

8 (7) Stark racial inequities across the United
9 States, including unequal access to stable housing,
10 quality education, and decent employment signifi-
11 cantly impact the ability of individuals to take care
12 of their most basic health needs. Communities of
13 color are more likely to experience homelessness and
14 struggle with low-paying jobs or unemployment. To
15 date, experts have cited that 2 in 5 Latino residents
16 in New York City, the current epicenter of the
17 COVID–19 pandemic, are recently unemployed as a
18 direct consequence of COVID–19. And at a time
19 when sheltering in place will save lives, less than 1
20 in 5 Black workers and roughly 1 in 6 Latino work-
21 ers are able to work from home.

22 (8) Communities of color experience higher
23 rates of chronic disease and disabilities, such as dia-
24 betes, hypertension, and asthma, than non-Hispanic
25 White communities, which predisposes them to

1 greater risk of complications and mortality should
2 they contract COVID–19.

3 (9) Such communities are made even more vul-
4 nerable to the uncertainty of the preparation, re-
5 sponse, and events surrounding the pandemic public
6 health crisis, COVID–19. For instance, in the recent
7 past, multiple epidemiologic studies and reviews have
8 reported higher rates of hospitalization due to the
9 2009 H1N1 pandemic among the poor, individuals
10 with disabilities and preexisting conditions, those liv-
11 ing in impoverished neighborhoods, and individuals
12 of color and ethnic backgrounds in the United
13 States. These findings highlight the urgency to
14 adapt the COVID–19 response to monitor and act
15 on these inequities via data collection and research
16 by race and ethnicity.

17 (10) Research experts recognize that there are
18 underlying differences in illness and death when
19 each of these factors are examined through socio-
20 economic and racial or ethnic lenses. These socially
21 determinant factors of health accelerate disease and
22 degradation.

23 (11) Language barriers are highly correlated
24 with medication noncompliance and inconsistent en-
25 gagement with health systems. Without language ac-

1 cessibility data and research around COVID–19,
2 these communities are less likely to receive critical
3 testing and preventive health services. Yet, to date,
4 the Centers for Disease Control and Prevention do
5 not disseminate COVID–19 messaging in critical
6 languages, including Mandarin Chinese, Spanish,
7 and Korean within the same timeframe as informa-
8 tion in English despite requirements to ensure lim-
9 ited English proficient populations are not discrimi-
10 nated against under title VI of the Civil Rights Act
11 of 1964 and subsequent laws and Federal policies.

12 (12) Further, it is critical to disaggregate data
13 further by ancestry to address disparities among
14 Asian American, Native Hawaiian, and Pacific Is-
15 lander groups. According to the National Equity
16 Atlas, while 13 percent of the Asian population over-
17 all lived in poverty in 2015, 39 percent of Burmese
18 people, 29 percent of Hmong people, and 21 percent
19 of Pacific Islanders lived in poverty.

20 (13) Utilizing disaggregation of enrollment in
21 Affordable Care Act-sponsored health insurance, the
22 Asian and Pacific Islander American Health Forum
23 found that prior to the passage of the Patient Pro-
24 tection and Affordable Care Act (Public Law 111–
25 148), Korean Americans had a high uninsured rate

1 of 23 percent, compared to just 12 percent for all
2 Asian Americans. Developing targeted outreach ef-
3 forts assisted 1,000,000 people and resulted in a 56-
4 percent decrease in the uninsured among the Asian,
5 Native Hawaiian, and Pacific Islander population.
6 Such efforts show that disaggregated data is essen-
7 tial to public health mobilizations efforts.

8 (14) Without clear understanding of how
9 COVID–19 impacts marginalized racial and ethnic
10 communities, there will be exacerbated risk of en-
11 dangering the most historically vulnerable of our
12 Nation.

13 (15) The consequences of misunderstanding the
14 racial and ethnic impact of COVID–19 expound be-
15 yond communities of color such that it would impact
16 all.

17 (16) Race and ethnicity are valuable research
18 and practice variables when used and interpreted ap-
19 propriately. Health data collected on patients by
20 race and ethnicity will boost and more efficiently di-
21 rect critical resources and inform risk communica-
22 tion development in languages and at appropriate
23 health literacy levels, which resonate with historically
24 vulnerable communities of color.

1 (17) To date, there is no public standardized
2 and comprehensive race and ethnicity data reposi-
3 tory of COVID–19 testing, hospitalizations, or mor-
4 tality. The inconsistency of data collection by Fed-
5 eral, State, and local health authorities, and the in-
6 ability to access data by public research institutions
7 and academic organizations, poses a threat to anal-
8 ysis and synthesis of the pandemic impact on com-
9 munities of color. However, research and medical ex-
10 perts of Historically Black Colleges and Universities,
11 academic health care institutions which are histori-
12 cally and geographically embedded in minoritized
13 and marginalized communities, generally also pos-
14 sess rapport with the communities they serve. They
15 are well-positioned, as trusted thought leaders and
16 health care service providers, to collect data and con-
17 duct research toward creating holistic solutions to
18 remedy the inequitable impact of this and future
19 public health crises.

20 (18) Well-designed, ethically sound research
21 aligns with the goals of medicine, addresses ques-
22 tions relevant to the population among whom the
23 study will be carried out, balances the potential for
24 benefit against the potential for harm, employs

1 study designs that will yield scientifically valid and
2 significant data, and generates useful knowledge.

3 (19) The dearth of racially and ethnically
4 disaggregated data reflecting the health of commu-
5 nities of color underlies the challenges of a fully in-
6 formed public health response.

7 (20) Without collecting race and ethnicity data
8 associated with COVID–19 testing, hospitalizations,
9 morbidities, and mortalities, as well as publicly dis-
10 closing it, communities of color will remain at great-
11 er risk of disease and death.

12 (b) EMERGENCY FUNDING FOR FEDERAL DATA COL-
13 LECTION ON THE RACIAL, ETHNIC, AND OTHER DEMO-
14 GRAPHIC DISPARITIES OF COVID–19.—To conduct or
15 support data collection on the racial, ethnic, and other de-
16 mographic implications of COVID–19 in the United States
17 and its territories, including support to assist in the capac-
18 ity building for State and local public health departments
19 to collect and transmit racial, ethnic, and other demo-
20 graphic data to the relevant Department of Health and
21 Human Services agencies, there is authorized to be appro-
22 priated—

23 (1) to the Centers for Disease Control and Pre-
24 vention, \$12,000,000;

1 (2) to State, territorial, and Tribal public
2 health agencies, distributed proportionally based on
3 the total population of their residents who are en-
4 rolled in Medicaid or who have no health insurance,
5 \$15,000,000;

6 (3) to the Indian Health Service, Indian Tribes
7 and Tribal organizations (as defined in section 4 of
8 the Indian Self-Determination and Education Assist-
9 ance Act), and urban Indian organizations (as de-
10 fined in section 4 of the Indian Health Care Im-
11 provement Act), \$3,000,000;

12 (4) to the Centers for Medicare & Medicaid
13 Services, \$5,000,000;

14 (5) to the Food and Drug Administration,
15 \$5,000,000;

16 (6) to the Agency for Healthcare Research and
17 Quality, \$5,000,000; and

18 (7) to the Office of the National Coordinator
19 for Health Information Technology, \$5,000,000.

20 (c) COVID–19 DATA COLLECTION AND DISCLO-
21 SURE.—

22 (1) DATA COLLECTION.—The Secretary of
23 Health and Human Services (referred to in this sec-
24 tion as the “Secretary”), acting through the Direc-
25 tor of the Centers for Disease Control and Preven-

tion and the Administrator of the Centers for Medicare & Medicaid Services, shall make publicly available on the website of the Centers for Disease Control and Prevention data collected across all surveillance systems relating to COVID–19, disaggregated by race, ethnicity, sex, age, primary language, socioeconomic status, disability status, and county, including the following:

(A) Data related to all COVID–19 testing, including the number of individuals tested and the number of tests that were positive.

(B) Data related to treatment for COVID–19, including hospitalizations and intensive care unit admissions.

(C) Data related to COVID–19 outcomes, including total fatalities and case fatality rates (expressed as the proportion of individuals who were infected with COVID–19 and died from the virus).

(2) APPLICATION OF STANDARDS.—To the extent practicable, data collection under this subsection shall follow standards developed by the Department of Health and Human Services Office of Minority Health and be collected, analyzed, and reported in accordance with the standards promul-

1 gated by the Assistant Secretary for Planning and
2 Evaluation under title XXXI of the Public Health
3 Service Act (42 U.S.C. 300kk et seq.).

4 (3) TIMELINE.—The data made available under
5 this subsection shall be updated on a daily basis
6 throughout the public health emergency.

7 (4) PRIVACY.—In publishing data under this
8 subsection, the Secretary shall take all necessary
9 steps to protect the privacy of individuals whose in-
10 formation is included in such data, including—

11 (A) complying with privacy protections
12 provided under the regulations promulgated
13 under section 264(c) of the Health Insurance
14 Portability and Accountability Act of 1996; and

15 (B) protections from all inappropriate in-
16 ternal use by an entity that collects, stores, or
17 receives the data, including use of such data in
18 determinations of eligibility (or continued eligi-
19 bility) in health plans, and from inappropriate
20 uses.

21 (5) CONSULTATION WITH TRIBES.—The Indian
22 Health Service shall consult with Indian Tribes and
23 confer with urban Indian organizations on data col-
24 lection and reporting.

1 (6) REPORT.—Not later than 60 days after the
2 date on which the Secretary certifies that the public
3 health emergency related to COVID–19 has ended,
4 the Secretary shall make publicly available a sum-
5 mary of the final statistics related to COVID–19.

6 (7) REPORT.—Not later than 60 days after the
7 date on which the Secretary certifies that the public
8 health emergency related to COVID–19 has ended,
9 the Department of Health and Human Services shall
10 compile and submit to the Committee on Health,
11 Education, Labor, and Pensions and the Committee
12 on Finance of the Senate and the Committee on En-
13 ergy and Commerce and the Committee on Ways
14 and Means of the House of Representatives a pre-
15 liminary report—

16 (A) describing the testing, hospitalization,
17 mortality rates, and preferred language of pa-
18 tients associated with COVID–19 by race and
19 ethnicity; and

20 (B) proposing evidenced-based response
21 strategies to safeguard the health of these com-
22 munities in future pandemics.

23 (d) COMMISSION ON ENSURING HEALTH EQUITY
24 DURING THE COVID–19 PUBLIC HEALTH EMER-
25 GENCY.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of enactment of this Act, the Secretary
3 shall establish a commission, to be known as the
4 “Commission on Ensuring Health Equity During
5 the COVID–19 Public Health Emergency” (referred
6 to in this subsection as the “Commission”) to pro-
7 vide clear and robust guidance on how to improve
8 the collection, analysis, and use of demographic data
9 in responding to future waves of the coronavirus.

10 (2) MEMBERSHIP AND CHAIRPERSON.—

11 (A) MEMBERSHIP.—The Commission shall
12 be composed of—

13 (i) the Director of the Centers for
14 Disease Control and Prevention;

15 (ii) the Director of the National Insti-
16 tutes of Health;

17 (iii) the Commissioner of Food and
18 Drugs;

19 (iv) the Administrator of the Federal
20 Emergency Management Agency;

21 (v) the Director of the National Insti-
22 tute on Minority Health and Health Dis-
23 parities;

24 (vi) the Director of the Indian Health
25 Service;

- 1 (vii) the Administrator of the Centers
2 for Medicare & Medicaid Services;
- 3 (viii) the Director of the Agency for
4 Healthcare Research and Quality;
- 5 (ix) the Surgeon General;
- 6 (x) the Administrator of the Health
7 Resources and Services Administration;
- 8 (xi) the Director of the Office of Mi-
9 nority Health;
- 10 (xii) the Director of the Office of
11 Women's Health;
- 12 (xiii) the Chairperson of the National
13 Council on Disability;
- 14 (xiv) at least 4 State, local, territorial,
15 and Tribal public health officials rep-
16 resenting departments of public health,
17 who shall represent jurisdictions from dif-
18 ferent regions of the United States with
19 relatively high concentrations of histori-
20 cally marginalized populations, to be ap-
21 pointed by the Secretary; and
- 22 (xv) racially and ethnically diverse
23 representation from at least 3 independent
24 experts with knowledge or field experience

1 with racial and ethnic disparities in public
2 health appointed by the Secretary.

3 (B) CHAIRPERSON.—The President of the
4 National Academies of Sciences, Engineering,
5 and Medicine, or designee, shall serve as the
6 chairperson of the Commission.

7 (3) DUTIES.—The Commission shall—

8 (A) examine barriers to collecting, ana-
9 lyzing, and using demographic data;

10 (B) determine how to best use such data
11 to promote health equity across the United
12 States and reduce racial, Tribal, and other de-
13 mographic disparities in COVID–19 prevalence
14 and outcomes;

15 (C) gather available data related to
16 COVID–19 treatment of individuals with dis-
17 abilities, including denial of treatment for pre-
18 existing conditions, removal or denial of dis-
19 ability related equipment (including ventilators
20 and CPAP), and data on completion of DNR
21 orders, and identify barriers to obtaining accu-
22 rate and timely data related to COVID–19
23 treatment of such individuals;

24 (D) solicit input from public health offi-
25 cials, community-connected organizations,

1 health care providers, State and local agency of-
2 ficials, and other experts on barriers to, and
3 best practices for, collecting demographic data;
4 and

5 (E) recommend policy changes that the
6 data indicates are necessary to reduce dispari-
7 ties.

8 (4) REPORT.—Not later than 60 days after the
9 date of enactment of this Act, and every 180 days
10 thereafter until the Secretary certifies that the pub-
11 lic health emergency related to COVID–19 has
12 ended, the Commission shall submit a written report
13 of its findings and recommendations to Congress
14 and post such report on a website of the Department
15 of Health and Human Services. Such reports shall
16 contain information concerning—

17 (A) how to enhance State, local, territorial,
18 and Tribal capacity to conduct public health re-
19 search on COVID–19, with a focus on expanded
20 capacity to analyze data on disparities cor-
21 related with race, ethnicity, income, sex, age,
22 disability status, specific geographic areas, and
23 other relevant demographic characteristics, and
24 an analysis of what demographic data is cur-
25 rently being collected about COVID–19, the ac-

1 accuracy of that data and any gaps, how this data
2 is currently being used to inform efforts to com-
3 bat COVID–19, and what resources are needed
4 to supplement existing public health data collec-
5 tion;

6 (B) how to collect, process, and disclose to
7 the public the data described in subparagraph
8 (A) in a way that maintains individual privacy
9 while helping direct the State and local re-
10 sponse to the virus;

11 (C) how to improve demographic data col-
12 lection related to COVID–19 in the short- and
13 long-term, including how to continue to grow
14 and value the Tribal sovereignty of data and in-
15 formation concerning Tribal communities;

16 (D) to the extent possible, a preliminary
17 analysis of racial and other demographic dis-
18 parities in COVID–19 mortality, including an
19 analysis of comorbidities and case fatality rates;

20 (E) to the extent possible, a preliminary
21 analysis of sex, gender, sexual orientation, and
22 gender identity disparities in COVID–19 treat-
23 ment and mortality;

24 (F) an analysis of COVID–19 treatment of
25 individuals with disabilities, including equity of

1 access to treatment and equipment and inter-
2 sections of disability status with other demo-
3 graphic factors, including race, and rec-
4 ommendations for how to improve transparency
5 and equity of treatment for such individuals
6 during the COVID–19 public health emergency
7 and future emergencies;

8 (G) how to support State, local, and Tribal
9 capacity to eliminate barriers to COVID–19
10 testing and treatment; and

11 (H) to the extent possible, a preliminary
12 analysis of Federal Government policies that
13 disparately exacerbate the COVID–19 impact,
14 and recommendations to improve racial and
15 other demographic disparities in health out-
16 comes.

17 (5) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated such sums as
19 may be necessary to carry out this subsection.

20 **SEC. 317102. COVID–19 REPORTING PORTAL.**

21 (a) IN GENERAL.—Not later than 15 days after the
22 date of enactment of this Act, the Secretary of Health and
23 Human Services (referred to in this section as the “Sec-
24 retary”) shall establish and maintain an online portal for
25 use by eligible health care entities to track and transmit

1 data regarding their personal protective equipment and
2 medical supply inventory and capacity related to COVID–
3 19.

4 (b) ELIGIBLE HEALTH CARE ENTITIES.—In this sec-
5 tion, the term “eligible health care entity” means a li-
6 censed acute care hospital, hospital system, or long-term
7 care facility with confirmed cases of COVID–19.

8 (c) SUBMISSION.—An eligible health care entity shall
9 report using the portal under this section on a biweekly
10 basis in order to assist the Secretary in tracking usage
11 and need of COVID–related supplies and personnel in a
12 regular and real-time manner.

13 (d) INCLUDED INFORMATION.—The Secretary shall
14 design the portal under this section to include information
15 on personal protective equipment and medical supply in-
16 ventory and capacity related to COVID–19, including with
17 respect to the following:

18 (1) PERSONAL PROTECTIVE EQUIPMENT.—
19 Total personal protective equipment inventory, in-
20 cluding, in units, the numbers of N95 masks and
21 authorized equivalent respirator masks, surgical
22 masks, exam gloves, face shields, isolation gowns,
23 and coveralls.

24 (2) MEDICAL SUPPLY.—

1 (A) Total ventilator inventory, including, in
2 units, the number of universal, adult, pediatric,
3 and infant ventilators.

4 (B) Total diagnostic and serological test
5 inventory, including, in units, the number of
6 test platforms, tests, test kits, reagents, trans-
7 port media, swabs, and other materials or sup-
8 plies determined necessary by the Secretary.

9 (3) CAPACITY.—

10 (A) Case count measurements, including
11 confirmed positive cases and persons under in-
12 vestigation.

13 (B) Total number of staffed beds, includ-
14 ing medical surgical beds, intensive care beds,
15 and critical care beds.

16 (C) Available beds, including medical sur-
17 gical beds, intensive care beds, and critical care
18 beds.

19 (D) Total number of COVID–19 patients
20 currently utilizing a ventilator.

21 (E) Average number of days a COVID–19
22 patient is utilizing a ventilator.

23 (F) Total number of additionally needed
24 professionals in each of the following categories:
25 intensivists, critical care physicians, respiratory

1 therapists, registered nurses, certified registered
2 nurse anesthetists, and laboratory personnel.

3 (G) Total number of hospital personnel
4 currently not working due to self-isolation fol-
5 lowing a known or presumed COVID–19 expo-
6 sure.

7 (e) ACCESS TO INFORMATION RELATED TO INVEN-
8 TORY AND CAPACITY.—The Secretary shall ensure that
9 relevant agencies and officials, including the Centers for
10 Disease Control and Prevention, the Assistant Secretary
11 for Preparedness and Response, and the Federal Emer-
12 gency Management Agency, have access to information re-
13 lated to inventory and capacity submitted under this sec-
14 tion.

15 (f) WEEKLY REPORT TO CONGRESS.—On a weekly
16 basis, the Secretary shall transmit information related to
17 inventory and capacity submitted under this section to the
18 appropriate committees of the House and Senate.

19 **SEC. 317103. REGULAR CDC REPORTING ON DEMOGRAPHIC**
20 **DATA.**

21 Not later than 14 days after the date of enactment
22 of this Act, the Secretary of Health and Human Services,
23 in coordination with the Director of the Centers for Dis-
24 ease Control and Prevention, shall amend the reporting
25 under the heading “Department of Health and Human

1 Services—Office of the Secretary—Public Health and So-
2 cial Service Emergency Fund” in title I of division B of
3 the Paycheck Protection Program and Health Care En-
4 hancement Act (Public Law 116–139; 134 Stat. 620, 626)
5 on the demographic characteristics, including race, eth-
6 nicity (including breakdowns of major ethnic groups and
7 Tribal affiliations within minority populations), age, sex,
8 gender, geographic region, primary written and spoken
9 language, disability status, sexual orientation, socio-
10 economic status, occupation, and other relevant factors of
11 individuals tested for or diagnosed with COVID–19, to in-
12 clude—

13 (1) providing technical assistance to State,
14 local, Tribal, and territorial health departments to
15 improve the collection and reporting of such demo-
16 graphic data;

17 (2) if such data is not so collected or reported,
18 the reason why the State, local, Tribal, or territorial
19 department of health has not been able to collect or
20 provide such information; and

21 (3) making a copy of such report available pub-
22 licly on the website of the Centers for Disease Con-
23 trol and Prevention.

1 **SEC. 317104. AMENDMENT TO THE PUBLIC HEALTH SERV-**
2 **ICE ACT.**

3 (a) PURPOSE.—It is the purpose of the amendment
4 made by this section to promote data collection, analysis,
5 and reporting by race, ethnicity, sex, primary language,
6 sexual orientation, disability status, gender identity, age,
7 and socioeconomic status among federally supported
8 health programs.

9 (b) AMENDMENT.—The Public Health Service Act is
10 amended by adding at the end the following:

11 **“TITLE XXXIV—STRENGTHENING**
12 **DATA COLLECTION, IMPROV-**
13 **ING DATA ANALYSIS, AND EX-**
14 **PANDING DATA REPORTING**

15 **“SEC. 3400. HEALTH DISPARITY DATA.**

16 “(a) REQUIREMENTS.—

17 “(1) IN GENERAL.—Each health-related pro-
18 gram shall—

19 “(A) require the collection, by the agency
20 or program involved, of data on the race, eth-
21 nicity, sex, primary language, sexual orienta-
22 tion, disability status, gender identity, age, and
23 socioeconomic status of each applicant for and
24 recipient of health-related assistance under such
25 program, including—

1 “(i) using, at a minimum, standards
2 for data collection on race, ethnicity, sex,
3 primary language, sexual orientation, gen-
4 der identity, age, socioeconomic status, and
5 disability status as each are developed
6 under section 3101;

7 “(ii) collecting data for additional
8 population groups if such groups can be
9 aggregated into the race and ethnicity cat-
10 egories outlined by standards developed
11 under section 3101;

12 “(iii) using, where practicable, the
13 standards developed by the Health and
14 Medicine Division of the National Acad-
15 emies of Sciences, Engineering, and Medi-
16 cine (formerly known as the ‘Institute of
17 Medicine’) in the 2009 publication, entitled
18 ‘Race, Ethnicity, and Language Data:
19 Standardization for Health Care Quality
20 Improvement’; and

21 “(iv) where practicable, collecting
22 such data through self-reporting;

23 “(B) with respect to the collection of the
24 data described in subparagraph (A), for appli-
25 cants and recipients who are minors, require

1 communication assistance in speech or writing,
2 and for applicants and recipients who are other-
3 wise legally incapacitated, require that—

4 “(i) such data be collected from the
5 parent or legal guardian of such an appli-
6 cant or recipient; and

7 “(ii) the primary language of the par-
8 ent or legal guardian of such an applicant
9 or recipient be collected;

10 “(C) systematically analyze such data
11 using the smallest appropriate units of analysis
12 feasible to detect racial and ethnic disparities,
13 as well as disparities along the lines of primary
14 language, sex, disability status, sexual orienta-
15 tion, gender identity, age, and socioeconomic
16 status in health and health care, and report the
17 results of such analysis to the Secretary, the
18 Director of the Office for Civil Rights, each
19 agency listed in section 3101(c)(1), the Com-
20 mittee on Health, Education, Labor, and Pen-
21 sions and the Committee on Finance of the
22 Senate, and the Committee on Energy and
23 Commerce and the Committee on Ways and
24 Means of the House of Representatives;

1 “(D) provide such data to the Secretary on
2 at least an annual basis; and

3 “(E) ensure that the provision of assist-
4 ance to an applicant or recipient of assistance
5 is not denied or otherwise adversely affected be-
6 cause of the failure of the applicant or recipient
7 to provide race, ethnicity, primary language,
8 sex, sexual orientation, disability status, gender
9 identity, age, and socioeconomic status data.

10 “(2) RULES OF CONSTRUCTION.—Nothing in
11 this subsection shall be construed to—

12 “(A) permit the use of information col-
13 lected under this subsection in a manner that
14 would adversely affect any individual providing
15 any such information; or

16 “(B) diminish any requirements, including
17 such requirements in effect on or after the date
18 of enactment of this section, on health care pro-
19 viders to collect data.

20 “(3) NO COMPELLED DISCLOSURE OF DATA.—
21 This title does not authorize any health care pro-
22 vider, Federal official, or other entity to compel the
23 disclosure of any data collected under this title. The
24 disclosure of any such data by an individual pursu-
25 ant to this title shall be strictly voluntary.

1 “(b) PROTECTION OF DATA.—The Secretary shall
2 ensure (through the promulgation of regulations or other-
3 wise) that all data collected pursuant to subsection (a) are
4 protected—

5 “(1) under the same privacy protections as the
6 Secretary applies to other health data under the reg-
7 ulations promulgated under section 264(c) of the
8 Health Insurance Portability and Accountability Act
9 of 1996 relating to the privacy of individually identi-
10 fiable health information and other protections; and

11 “(2) from all inappropriate internal use by any
12 entity that collects, stores, or receives the data, in-
13 cluding use of such data in determinations of eligi-
14 bility (or continued eligibility) in health plans, and
15 from other inappropriate uses, as defined by the
16 Secretary.

17 “(c) NATIONAL PLAN OF THE DATA COUNCIL.—The
18 Secretary shall develop and implement a national plan to
19 ensure the collection of data in a culturally and linguis-
20 tically appropriate manner, to improve the collection, anal-
21 ysis, and reporting of racial, ethnic, sex, primary lan-
22 guage, sexual orientation, disability status, gender iden-
23 tity, age, and socioeconomic status data at the Federal,
24 State, territorial, Tribal, and local levels, including data
25 to be collected under subsection (a), and to ensure that

1 data collection activities carried out under this section are
2 in compliance with standards developed under section
3 3101. The Data Council of the Department of Health and
4 Human Services, in consultation with the National Com-
5 mittee on Vital Health Statistics, the Office of Minority
6 Health, Office on Women’s Health, and other appropriate
7 public and private entities, shall make recommendations
8 to the Secretary concerning the development, implementa-
9 tion, and revision of the national plan. Such plan shall
10 include recommendations on how to—

11 “(1) implement subsection (a) while minimizing
12 the cost and administrative burdens of data collec-
13 tion and reporting;

14 “(2) expand knowledge among Federal agen-
15 cies, States, territories, Indian Tribes, counties, mu-
16 nicipalities, health providers, health plans, and the
17 general public that data collection, analysis, and re-
18 porting by race, ethnicity, sex, primary language,
19 sexual orientation, gender identity, age, socio-
20 economic status, and disability status is legal and
21 necessary to assure equity and nondiscrimination in
22 the quality of health care services;

23 “(3) ensure that future patient record systems
24 follow Federal standards promulgated under the
25 Health Information Technology for Economic and

1 Clinical Health Act for the collection and meaningful
2 use of electronic health data on race, ethnicity, sex,
3 primary language, sexual orientation, gender identity,
4 age, socioeconomic status, and disability status;

5 “(4) improve health and health care data collection
6 and analysis for more population groups if such
7 groups can be aggregated into the minimum race
8 and ethnicity categories, including exploring the feasibility
9 of enhancing collection efforts in States,
10 counties, and municipalities for racial and ethnic
11 groups that comprise a significant proportion of the
12 population of the State, county, or municipality;

13 “(5) provide researchers with greater access to
14 racial, ethnic, primary language, sex, sexual orientation,
15 gender identity, age, socioeconomic status data,
16 and disability status data, subject to all applicable
17 privacy and confidentiality requirements, including
18 HIPAA privacy and security law as defined in section
19 3009; and

20 “(6) safeguard and prevent the misuse of data
21 collected under subsection (a).

22 “(d) COMPLIANCE WITH STANDARDS.—Data collected
23 under subsection (a) shall be obtained, maintained,
24 and presented (including for reporting purposes) in accordance
25 with standards developed under section 3101.

1 “(e) ANALYSIS OF HEALTH DISPARITY DATA.—The
2 Secretary, acting through the Director of the Agency for
3 Healthcare Research and Quality and in coordination with
4 the Assistant Secretary for Planning and Evaluation, the
5 Administrator of the Centers for Medicare & Medicaid
6 Services, the Director of the National Center for Health
7 Statistics, and the Director of the National Institutes of
8 Health, shall provide technical assistance to agencies of
9 the Department of Health and Human Services in meeting
10 Federal standards for health disparity data collection and
11 for analysis of racial, ethnic, and other disparities in
12 health and health care in programs conducted or sup-
13 ported by such agencies by—

14 “(1) identifying appropriate quality assurance
15 mechanisms to monitor for health disparities;

16 “(2) specifying the clinical, diagnostic, or thera-
17 peutic measures which should be monitored;

18 “(3) developing new quality measures relating
19 to racial and ethnic disparities and their overlap
20 with other disparity factors in health and health
21 care;

22 “(4) identifying the level at which data analysis
23 should be conducted; and

24 “(5) sharing data with external organizations
25 for research and quality improvement purposes.

1 “(f) DEFINITIONS.—In this section—

2 “(1) the term ‘health-related program’ means a
3 program that is operated by the Secretary, or that
4 receives funding or reimbursement, in whole or in
5 part, either directly or indirectly from the Sec-
6 retary—

7 “(A) for activities under the Social Secu-
8 rity Act for health care services; or

9 “(B) for providing federal financial assist-
10 ance for health care, biomedical research, or
11 health services research or for otherwise im-
12 proving the health of the public;

13 “(2) the term ‘primary language data’ includes
14 spoken and written primary language data; and

15 “(3) the term ‘primary language data collection
16 activities’ includes identifying, collecting, storing,
17 tracking, and analyzing primary language data and
18 information on the methods used to meet the lan-
19 guage access needs of individuals with limited-
20 English proficiency.

21 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 such sums as may be necessary for each of fiscal years
24 2023 through 2027.

1 **“SEC. 3401. ESTABLISHING GRANTS FOR DATA COLLECTION**
2 **IMPROVEMENT ACTIVITIES.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Director of the Agency for Healthcare Research and
5 Quality and in consultation with the Deputy Assistant
6 Secretary for Minority Health, the Director of the Na-
7 tional Institutes of Health, the Assistant Secretary for
8 Planning and Evaluation, and the Director of the National
9 Center for Health Statistics, shall establish a technical as-
10 sistance program under which the Secretary provides
11 grants to eligible entities to assist such entities in com-
12 plying with section 3431.

13 “(b) TYPES OF ASSISTANCE.—A grant provided
14 under this section may be used to—

15 “(1) enhance or upgrade computer technology
16 that will facilitate collection, analysis, and reporting
17 of racial, ethnic, primary language, sexual orienta-
18 tion, sex, gender identity, socioeconomic status, and
19 disability status data;

20 “(2) improve methods for health data collection
21 and analysis, including additional population groups
22 if such groups can be aggregated into the race and
23 ethnicity categories outlined by standards developed
24 under section 3101;

1 “(3) develop mechanisms for submitting col-
2 lected data subject to any applicable privacy and
3 confidentiality regulations; and

4 “(4) develop educational programs to inform
5 health plans, health providers, health-related agen-
6 cies, and the general public that data collection and
7 reporting by race, ethnicity, primary language, sex-
8 ual orientation, sex, gender identity, disability sta-
9 tus, and socioeconomic status are legal and essential
10 for eliminating health and health care disparities.

11 “(c) ELIGIBLE ENTITY.—To be eligible for grants
12 under this section, an entity shall be a State, territory,
13 Indian Tribe, municipality, county, health provider, health
14 care organization, or health plan making a demonstrated
15 effort to bring data collections into compliance with sec-
16 tion 3431.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as may be necessary for each of fiscal years
20 2023 through 2027.

21 **“SEC. 3402. OVERSAMPLING OF UNDERREPRESENTED**
22 **GROUPS IN FEDERAL HEALTH SURVEYS.**

23 “(a) NATIONAL STRATEGY.—

24 “(1) IN GENERAL.—The Secretary, acting
25 through the Director of the National Center for

1 Health Statistics of the Centers for Disease Control
2 and Prevention, and other agencies within the De-
3 partment of Health and Human Services as the Sec-
4 retary determines appropriate, shall develop and im-
5 plement an ongoing and sustainable national strat-
6 egy for oversampling underrepresented populations
7 within the categories of race, ethnicity, sex, primary
8 language, sexual orientation, disability status, gen-
9 der identity, and socioeconomic status as determined
10 appropriate by the Secretary in Federal health sur-
11 veys and program data collections. Such national
12 strategy shall include a strategy for oversampling of
13 Native Americans, Asian Americans, Native Hawai-
14 ians, and Pacific Islanders.

15 “(2) CONSULTATION.—In developing and imple-
16 menting a national strategy, as described in para-
17 graph (1), not later than 180 days after the date of
18 the enactment of this section, the Secretary shall—

19 “(A) consult with representatives of com-
20 munity groups, nonprofit organizations, non-
21 governmental organizations, and government
22 agencies working with underrepresented popu-
23 lations;

24 “(B) solicit the participation of representa-
25 tives from other Federal departments and agen-

1 cies, including subagencies of the Department
2 of Health and Human Services; and

3 “(C) consult on, and use as models, the
4 2014 National Health Interview Survey over-
5 sample of Native Hawaiian and Pacific Islander
6 populations and the 2017 Behavioral Risk Fac-
7 tor Surveillance System oversample of American
8 Indian and Alaska Native communities.

9 “(b) PROGRESS REPORT.—Not later than 2 years
10 after the date of the enactment of this section, the Sec-
11 retary shall submit to the Congress a progress report,
12 which shall include the national strategy described in sub-
13 section (a)(1).

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—To
15 carry out this section, there are authorized to be appro-
16 priated such sums as may be necessary for fiscal years
17 2023 through 2027.”.

18 **SEC. 317105. ELIMINATION OF PREREQUISITE OF DIRECT**
19 **APPROPRIATIONS FOR DATA COLLECTION**
20 **AND ANALYSIS.**

21 Section 3101 of the Public Health Service Act (42
22 U.S.C. 300kk) is amended—

23 (1) by striking subsection (h); and

24 (2) by redesignating subsection (i) as subsection

25 (h).

1 **SEC. 317106. COLLECTION OF DATA FOR THE MEDICARE**
2 **PROGRAM.**

3 Part A of title XI of the Social Security Act (42
4 U.S.C. 1301 et seq.) is amended by adding at the end
5 the following:

6 “COLLECTION OF DATA FOR THE MEDICARE PROGRAM

7 “SEC. 1150C.

8 “(a) REQUIREMENT.—

9 “(1) IN GENERAL.—The Commissioner of So-
10 cial Security, in consultation with the Administrator
11 of the Centers for Medicare & Medicaid Services,
12 shall collect data on the race, ethnicity, sex, primary
13 language, sexual orientation, gender identity, socio-
14 economic status, and disability status of all appli-
15 cants for Social Security benefits under title II or
16 Medicare benefits under title XVIII.

17 “(2) DATA COLLECTION STANDARDS.—In col-
18 lecting data under paragraph (1), the Commissioner
19 of Social Security shall at least use the standards
20 for data collection developed under section 3101 of
21 the Public Health Service Act or the standards de-
22 veloped by the Office of Management and Budget,
23 whichever is more disaggregated. In the event there
24 are no standards for the demographic groups listed
25 under paragraph (1), the Commissioner shall consult
26 with stakeholder groups representing the various

1 identities as well as with the Office of Minority
2 Health within the Centers for Medicare & Medicaid
3 Services to develop appropriate standards.

4 “(3) DATA FOR ADDITIONAL POPULATION
5 GROUPS.—Where practicable, the information col-
6 lected by the Commissioner of Social Security under
7 paragraph (1) shall include data for additional popu-
8 lation groups if such groups can be aggregated into
9 the race and ethnicity categories outlined by the
10 data collection standards described in paragraph (2).

11 “(4) COLLECTION OF DATA FOR MINORS AND
12 LEGALLY INCAPACITATED INDIVIDUALS.—With re-
13 spect to the collection of the data described in para-
14 graph (1) of applicants who are under 18 years of
15 age or otherwise legally incapacitated, the Commis-
16 sioner of Social Security shall require that—

17 “(A) such data be collected from the par-
18 ent or legal guardian of such an applicant; and

19 “(B) the primary language of the parent
20 or legal guardian of such an applicant or recipi-
21 ent be used in collecting the data.

22 “(5) QUALITY OF DATA.—The Commissioner of
23 Social Security shall periodically review the quality
24 and completeness of the data collected under para-

graph (1) and make adjustments as necessary to improve both.

“(6) TRANSMISSION OF DATA.—Upon enrollment in Medicare benefits under title XVIII, the Commissioner of Social Security shall transmit an individual’s demographic data as collected under paragraph (1) to the Centers for Medicare and Medicaid Services.

“(7) ANALYSIS AND REPORTING OF DATA.—With respect to data transmitted under paragraph (5), the Administrator of the Centers for Medicare and Medicaid Services, in consultation with the Commissioner of Social Security shall—

“(A) require that such data be uniformly analyzed and that such analysis be reported at least annually to Congress;

“(B) incorporate such data in other analysis and reporting on health disparities as appropriate;

“(C) make such data available to researchers, under the protections outlined in paragraph (7);

“(D) provide opportunities to individuals enrolled in Medicare to submit updated data; and

1 “(E) ensure that the provision of assist-
2 ance or benefits to an applicant is not denied
3 or otherwise adversely affected because of the
4 failure of the applicant to provide any of the
5 data collected under paragraph (1).

6 “(8) PROTECTION OF DATA.—The Commis-
7 sioner of Social Security shall ensure (through the
8 promulgation of regulations or otherwise) that all
9 data collected pursuant to subsection (a) is pro-
10 tected—

11 “(A) under the same privacy protections as
12 the Secretary applies to health data under the
13 regulations promulgated under section 264(c) of
14 the Health Insurance Portability and Account-
15 ability Act of 1996 (relating to the privacy of
16 individually identifiable health information and
17 other protections); and

18 “(B) from all inappropriate internal use by
19 any entity that collects, stores, or receives the
20 data, including use of such data in determina-
21 tions of eligibility (or continued eligibility) in
22 health plans, and from other inappropriate
23 uses, as defined by the Secretary.

24 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to permit the use of information

1 collected under this section in a manner that would ad-
2 versely affect any individual providing any such informa-
3 tion.

4 “(c) TECHNICAL ASSISTANCE.—The Secretary may,
5 either directly or by grant or contract, provide technical
6 assistance to enable any entity to comply with the require-
7 ments of this section or with regulations implementing this
8 section.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$500 million for 2022 and \$100 million for each fiscal
12 year thereafter.”.

13 **SEC. 317107. REVISION OF HIPAA CLAIMS STANDARDS.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary of Health and
16 Human Services shall revise the regulations promulgated
17 under part C of title XI of the Social Security Act (42
18 U.S.C. 1320d et seq.), relating to the collection of data
19 on race, ethnicity, and primary language in a health-re-
20 lated transaction, to require—

21 (1) the use, at a minimum, of standards for
22 data collection on race, ethnicity, primary language,
23 disability, sex, sexual orientation, gender identity,
24 and socioeconomic status developed under section

(2) in consultation with the Office of the National Coordinator for Health Information Technology, the designation of the appropriate racial, ethnic, primary language, disability, sex, and other code sets as required for claims and enrollment data.

(b) DISSEMINATION.—The Secretary of Health and Human Services shall disseminate the new standards developed under subsection (a) to all entities that are subject to the regulations described in such subsection and provide technical assistance with respect to the collection of the data involved.

(c) COMPLIANCE.—The Secretary of Health and Human Services shall require that entities comply with the new standards developed under subsection (a) not later than 2 years after the final promulgation of such standards.

19 SEC. 317108. DISPARITIES DATA COLLECTED BY THE FED-
20 ERAL GOVERNMENT.

(a) REPOSITORY OF GOVERNMENT DATA.—The Secretary of Health and Human Services, in coordination with the departments, agencies, or offices described in subsection (b), shall establish a centralized electronic repository of Government data on factors related to the

1 health and well-being of the population of the United
2 States.

3 (b) COLLECTION; SUBMISSION.—Not later than 180
4 days after the date of the enactment of this Act, and Jan-
5 uary 31 of each year thereafter, each department, agency,
6 and office of the Federal Government that has collected
7 data on race, ethnicity, sex, primary language, sexual ori-
8 entation, disability status, gender identity, age, or socio-
9 economic status during the preceding calendar year shall
10 submit such data to the repository of Government data
11 established under subsection (a).

12 (c) ANALYSIS; PUBLIC AVAILABILITY; REPORTING.—
13 Not later than April 30, 2023, and April 30 of each year
14 thereafter, the Secretary of Health and Human Services,
15 acting through the Assistant Secretary for Planning and
16 Evaluation, the Assistant Secretary for Health, the Direc-
17 tor of the Agency for Healthcare Research and Quality,
18 the Director of the National Center for Health Statistics,
19 the Administrator of the Centers for Medicare & Medicaid
20 Services, the Director of the National Institute on Minor-
21 ity Health and Health Disparities, and the Deputy Assist-
22 ant Secretary for Minority Health, shall—

23 (1) prepare and make available datasets for
24 public use that relate to disparities in health status,
25 health care access, health care quality, health out-

comes, public health, and other areas of health and well-being by factors that include race, ethnicity, sex, primary language, sexual orientation, disability status, gender identity, and socioeconomic status;

(2) ensure that these datasets are publicly identified on the repository established under subsection (a) as “disparities” data; and

(3) submit a report to the Congress on the availability and use of such data by public stakeholders.

SEC. 317109. STANDARDS FOR MEASURING SEXUAL ORIENTATION, GENDER IDENTITY, AND SOCIOECONOMIC STATUS IN COLLECTION OF HEALTH DATA.

Section 3101(a) of the Public Health Service Act (42 U.S.C. 300kk(a)) is amended—

(1) in paragraph (1)(A), by inserting “sexual orientation, gender identity, socioeconomic status,” before “and disability status”;

(2) in paragraph (1)(C), by inserting “sexual orientation, gender identity, socioeconomic status,” before “and disability status”; and

(3) in paragraph (2)(B), by inserting “sexual orientation, gender identity, socioeconomic status,” before “and disability status”.

1 **SEC. 317110. IMPROVING HEALTH DATA REGARDING NA-**
2 **TIVE HAWAIIANS AND OTHER PACIFIC IS-**
3 **LANDERS.**

4 Part B of title III of the Public Health Service Act
5 (42 U.S.C. 243 et seq.) is amended by inserting after sec-
6 tion 317U the following:

7 **“SEC. 317V. NATIVE HAWAIIAN AND OTHER PACIFIC IS-**
8 **LANDER HEALTH DATA.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) COMMUNITY GROUP.—The term ‘commu-
11 nity group’ means a group of NHOPI who are orga-
12 nized at the community level, and may include a
13 church group, social service group, national advocacy
14 organization, or cultural group.

15 “(2) NONPROFIT, NONGOVERNMENTAL ORGANI-
16 ZATION.—The term ‘nonprofit, nongovernmental or-
17 ganization’ means a group of NHOPI with a dem-
18 onstrated history of addressing NHOPI issues, in-
19 cluding a NHOPI coalition.

20 “(3) DESIGNATED ORGANIZATION.—The term
21 ‘designated organization’ means an entity estab-
22 lished to represent NHOPI populations and which
23 has statutory responsibilities to provide, or has com-
24 munity support for providing, health care.

25 “(4) GOVERNMENT REPRESENTATIVES OF
26 NHOPI POPULATIONS.—The term ‘government rep-

1 representatives of NHOPI populations’ means rep-
2 resentatives from Hawaii, American Samoa, the
3 Commonwealth of the Northern Mariana Islands,
4 the Federated States of Micronesia, Guam, the Re-
5 public of Palau, and the Republic of the Marshall Is-
6 lands.

7 “(5) NATIVE HAWAIIANS AND OTHER PACIFIC
8 ISLANDERS (NHOPI).—The term ‘Native Hawaiians
9 and Other Pacific Islanders’ or ‘NHOPI’ means peo-
10 ple having origins in any of the original peoples of
11 American Samoa, the Commonwealth of the North-
12 ern Mariana Islands, the Federated States of Micro-
13 nesia, Guam, Hawaii, the Republic of the Marshall
14 Islands, the Republic of Palau, or any other Pacific
15 Island.

16 “(6) INSULAR AREA.—The term ‘insular area’
17 means Guam, the Commonwealth of Northern Mar-
18 iana Islands, American Samoa, the United States
19 Virgin Islands, the Federated States of Micronesia,
20 the Republic of Palau, or the Republic of the Mar-
21 shall Islands.

22 “(b) NATIONAL STRATEGY.—

23 “(1) IN GENERAL.—The Secretary, acting
24 through the Director of the National Center for
25 Health Statistics (referred to in this section as

1 ‘NCHS’) of the Centers for Disease Control and
2 Prevention, and other agencies within the Depart-
3 ment of Health and Human Services as the Sec-
4 retary determines appropriate, shall develop and im-
5 plement an ongoing and sustainable national strat-
6 egy for identifying and evaluating the health status
7 and health care needs of NHOPI populations living
8 in the continental United States, Hawaii, American
9 Samoa, the Commonwealth of the Northern Mariana
10 Islands, the Federated States of Micronesia, Guam,
11 the Republic of Palau, and the Republic of the Mar-
12 shall Islands.

13 “(2) CONSULTATION.—In developing and imple-
14 menting a national strategy, as described in para-
15 graph (1), not later than 180 days after the date of
16 enactment of the Ending Health Disparities During
17 COVID–19 Act of 2021, the Secretary—

18 “(A) shall consult with representatives of
19 community groups, designated organizations,
20 and nonprofit, nongovernmental organizations
21 and with government representatives of NHOPI
22 populations; and

23 “(B) may solicit the participation of rep-
24 resentatives from other Federal departments.

25 “(c) PRELIMINARY HEALTH SURVEY.—

1 “(1) IN GENERAL.—The Secretary, acting
2 through the Director of NCHS, shall conduct a pre-
3 liminary health survey in order to identify the major
4 areas and regions in the continental United States,
5 Hawaii, American Samoa, the Commonwealth of the
6 Northern Mariana Islands, the Federated States of
7 Micronesia, Guam, the Republic of Palau, and the
8 Republic of the Marshall Islands in which NHOPI
9 people reside.

10 “(2) CONTENTS.—The health survey described
11 in paragraph (1) shall include health data and any
12 other data the Secretary determines to be—

13 “(A) useful in determining health status
14 and health care needs; or

15 “(B) required for developing or imple-
16 menting a national strategy.

17 “(3) METHODOLOGY.—Methodology for the
18 health survey described in paragraph (1), including
19 plans for designing questions, implementation, sam-
20 pling, and analysis, shall be developed in consulta-
21 tion with community groups, designated organiza-
22 tions, nonprofit, nongovernmental organizations, and
23 government representatives of NHOPI populations,
24 as determined by the Secretary.

1 “(4) TIMEFRAME.—The survey required under
2 this subsection shall be completed not later than 18
3 months after the date of enactment of the Ending
4 Health Disparities During COVID–19 Act of 2021.

5 “(d) PROGRESS REPORT.—Not later than 2 years
6 after the date of enactment of the Ending Health Dispari-
7 ties During COVID–19 Act of 2021, the Secretary shall
8 submit to Congress a progress report, which shall include
9 the national strategy described in subsection (b)(1).

10 “(e) STUDY AND REPORT BY THE HEALTH AND
11 MEDICINE DIVISION.—

12 “(1) IN GENERAL.—The Secretary shall enter
13 into an agreement with the Health and Medicine Di-
14 vision of the National Academies of Sciences, Engi-
15 neering, and Medicine to conduct a study, with input
16 from stakeholders in insular areas, on each of the
17 following:

18 “(A) The standards and definitions of
19 health care applied to health care systems in in-
20 sular areas and the appropriateness of such
21 standards and definitions.

22 “(B) The status and performance of health
23 care systems in insular areas, evaluated based
24 upon standards and definitions, as the Sec-
25 retary determines appropriate.

1 “(C) The effectiveness of donor aid in ad-
2 dressing health care needs and priorities in in-
3 sular areas.

4 “(D) The progress toward implementation
5 of recommendations of the Committee on
6 Health Care Services in the United States—As-
7 sociated Pacific Basin that are set forth in the
8 1998 report entitled ‘Pacific Partnerships for
9 Health: Charting a New Course’.

10 “(2) REPORT.—An agreement described in
11 paragraph (1) shall require the Health and Medicine
12 Division to submit to the Secretary and to Congress,
13 not later than 2 years after the date of the enact-
14 ment of the Ending Health Disparities During
15 COVID–19 Act of 2021, a report containing a de-
16 scription of the results of the study conducted under
17 paragraph (1), including the conclusions and rec-
18 ommendations of the Health and Medicine Division
19 for each of the items described in subparagraphs (A)
20 through (D) of such paragraph.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—To
22 carry out this section, there are authorized to be appro-
23 priated such sums as may be necessary for fiscal years
24 2023 through 2027.”.

1 **Subpart B—Improvements and Modernization**

2 **SEC. 317121. FEDERAL MODERNIZATION FOR HEALTH IN-**
3 **EQUITIES DATA.**

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services shall work with covered agencies to sup-
6 port the modernization of data collection methods and in-
7 frastructure at such agencies for the purpose of increasing
8 data collection related to health inequities, such as racial,
9 ethnic (including breakdowns of major ethnic groups and
10 Tribal affiliations within minority populations), socio-
11 economic, sex, gender, age, geographic region, primary
12 written and spoken language, sexual orientation, occupa-
13 tion, and disability status disparities.

14 (b) COVERED AGENCY DEFINED.—In this section,
15 the term “covered agency” means each of the following
16 Federal agencies:

17 (1) The Agency for Healthcare Research and
18 Quality.

19 (2) The Centers for Disease Control and Pre-
20 vention.

21 (3) The Centers for Medicare & Medicaid Serv-
22 ices.

23 (4) The Food and Drug Administration.

24 (5) The Office of the National Coordinator for
25 Health Information Technology.

26 (6) The National Institutes of Health.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to each covered agency to
3 carry out this section \$4,000,000, to remain available
4 until expended.

5 **SEC. 317122. MODERNIZATION OF STATE AND LOCAL**
6 **HEALTH INEQUITIES DATA.**

7 (a) IN GENERAL.—Not later than 6 months after the
8 date of enactment of this Act, the Secretary of Health and
9 Human Services (referred to in this section as the “Sec-
10 retary”), acting through the Director of the Centers for
11 Disease Control and Prevention, shall award grants to
12 State, local, Tribal, and territorial health departments in
13 order to support the modernization of data collection
14 methods and infrastructure for the purposes of increasing
15 data related to health inequities, such as racial, ethnic (in-
16 cluding breakdowns of major ethnic groups and Tribal af-
17 filiations within minority populations), socioeconomic, sex,
18 gender, age, geographic region, primary written and spo-
19 ken language, sexual orientation, occupation, and dis-
20 ability status disparities. The Secretary shall—

21 (1) provide guidance, technical assistance, and
22 information to grantees under this section on best
23 practices regarding culturally competent, accurate,
24 and increased data collection and transmission; and

1 (2) track performance of grantees under this
2 section to help improve their health inequities data
3 collection by identifying gaps and taking effective
4 steps to support States, localities, and territories in
5 addressing the gaps.

6 (b) REPORT.—Not later than 1 year after the date
7 on which the first grant is awarded under this section,
8 the Secretary shall submit to the Committee on Energy
9 and Commerce of the House of Representatives and the
10 Committee on Health, Education, Labor and Pensions of
11 the Senate an initial report detailing—

12 (1) nationwide best practices for ensuring
13 States and localities collect and transmit health in-
14 equities data;

15 (2) nationwide trends which hinder the collec-
16 tion and transmission of health inequities data;

17 (3) Federal best practices for working with
18 States and localities to ensure culturally competent,
19 accurate, and increased data collection and trans-
20 mission; and

21 (4) any recommended changes to legislative or
22 regulatory authority to help improve and increase
23 health inequities data collection.

24 (c) FINAL REPORT.—Not later than December 31,
25 2025, the Secretary shall—

1 (1) update and finalize the initial report under
2 subsection (b); and

3 (2) submit such final report to the committees
4 specified in such subsection.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$100,000,000, to remain available until expended.

8 **SEC. 317123. ADDITIONAL REPORTING TO CONGRESS ON**
9 **THE RACE AND ETHNICITY RATES OF COVID-**
10 **19 TESTING, HOSPITALIZATIONS, AND MOR-**
11 **TALITIES.**

12 (a) IN GENERAL.—Not later than August 1, 2022,
13 the Secretary of Health and Human Services (referred to
14 in this section as the “Secretary”) shall submit to the
15 Committee on Appropriations and the Committee on En-
16 ergy and Commerce of the House of Representatives and
17 the Committee on Appropriations and the Committee on
18 Health, Education, Labor and Pensions of the Senate an
19 initial report—

20 (1) describing the testing, positive diagnoses,
21 hospitalization, intensive care admissions, and mor-
22 tality rates associated with COVID-19,
23 disaggregated by race, ethnicity (including break-
24 downs of major ethnic groups and Tribal affiliations
25 within minority populations), age, sex, gender, geo-

1 graphic region, primary written and spoken lan-
2 guage, disability status, sexual orientation, socio-
3 economic status, occupation, and other relevant fac-
4 tors as determined by the Secretary;

5 (2) including an analysis of any variances of
6 testing, positive diagnoses, hospitalizations, and
7 deaths by demographic characteristics; and

8 (3) including proposals for evidenced-based re-
9 sponse strategies to reduce disparities related to
10 COVID–19.

11 (b) FINAL REPORT.—Not later than December 31,
12 2026, the Secretary shall—

13 (1) update and finalize the initial report under
14 subsection (a); and

15 (2) submit such final report to the committees
16 specified in such subsection.

17 (c) COORDINATION.—In preparing the report sub-
18 mitted under this section, the Secretary shall take into ac-
19 count and otherwise coordinate such report with reporting
20 required under section 103 and under the heading “De-
21 partment of Health and Human Services—Office of the
22 Secretary—Public Health and Social Service Emergency
23 Fund” in title I of division B of the Paycheck Protection
24 Program and Health Care Enhancement Act (Public Law
25 116–139; 134 Stat. 620, 626).

1 **PART 2—EQUITABLE TESTING AND TRACING**

2 **Subpart A—Free Testing for Patients**

3 **SEC. 317201. SOONER COVERAGE OF TESTING FOR COVID—**

4 **19.**

5 Section 6001(a) of division F of the Families First
6 Coronavirus Response Act (42 U.S.C. 1320b–5 note) is
7 amended by striking “beginning on or after” and inserting
8 “beginning before, on, or after”.

9 **Subpart B—National Testing Strategy**

10 **SEC. 317211. COVID-19 TESTING STRATEGY.**

11 (a) STRATEGY.—Not later than June 15, 2022, the
12 Secretary of Health and Human Services (referred to in
13 this section as the “Secretary”) shall update the COVID–
14 19 strategic testing plan under the heading “Department
15 of Health and Human Services—Office of the Secretary—
16 Public Health and Social Service Emergency Fund” in
17 title I of division B of the Paycheck Protection Program
18 and Health Care Enhancement Act (Public Law 116–139,
19 134 Stat. 620, 626–627) and submit to the appropriate
20 congressional committees such updated national plan iden-
21 tifying—

22 (1) what level of, types of, and approaches to
23 testing (including predicted numbers of tests, popu-
24 lations to be tested, and frequency of testing and the
25 appropriate setting whether a health care setting
26 (such as hospital-based, high-complexity laboratory,

1 point-of-care, mobile testing units, pharmacies or
2 community health centers) or non-health care setting
3 (such as workplaces, schools, or child care centers))
4 are necessary—

5 (A) to sufficiently monitor and contribute
6 to the control of the transmission of SARS–
7 CoV–2 in the United States;

8 (B) to ensure that any reduction in social
9 distancing efforts, when determined appropriate
10 by public health officials, can be undertaken in
11 a manner that optimizes the health and safety
12 of the people of the United States, and reduces
13 disparities (including disparities related to race,
14 ethnicity, sex, age, disability status, socio-
15 economic status, primary written and spoken
16 language, occupation, and geographic location)
17 in the prevalence of, incidence of, and health
18 outcomes with respect to, COVID–19; and

19 (C) to provide for ongoing surveillance suf-
20 ficient to support contact tracing, case identi-
21 fication, quarantine, and isolation to prevent fu-
22 ture outbreaks of COVID–19;

23 (2) specific plans and benchmarks, each with
24 clear timelines, to ensure—

1 (A) such level of, types of, and approaches
2 to testing as are described in paragraph (1),
3 with respect to optimizing health and safety;

4 (B) sufficient availability of all necessary
5 testing materials and supplies, including extrac-
6 tion and testing kits, reagents, transport media,
7 swabs, instruments, analysis equipment, per-
8 sonal protective equipment if necessary for test-
9 ing (including point-of-care testing), and other
10 equipment;

11 (C) allocation of testing materials and sup-
12 plies in a manner that optimizes public health,
13 including by considering the variable impact of
14 SARS-CoV-2 on specific States, territories, In-
15 dian Tribes, Tribal organizations, urban Indian
16 organizations, communities, industries, and pro-
17 fessions;

18 (D) sufficient evidence of validation for
19 tests that are deployed as a part of such strat-
20 egy;

21 (E) sufficient laboratory and analytical ca-
22 pacity, including target turnaround time for
23 test results;

24 (F) sufficient personnel, including per-
25 sonnel to collect testing samples, conduct and

1 analyze results, and conduct testing follow-up,
2 including contact tracing, as appropriate; and

3 (G) enforcement of the Families First
4 Coronavirus Response Act (Public Law 116–
5 127) to ensure patients who are tested are not
6 subject to cost sharing;

7 (3) specific plans to ensure adequate testing in
8 rural areas, frontier areas, health professional short-
9 age areas, and medically underserved areas (as de-
10 fined in section 330I(a) of the Public Health Service
11 Act (42 U.S.C. 254c–14(a))), and for underserved
12 populations, Native Americans (including Indian
13 Tribes, Tribal organizations, and urban Indian orga-
14 nizations), and populations at increased risk related
15 to COVID–19;

16 (4) specific plans to ensure accessibility of test-
17 ing to people with disabilities, older individuals, indi-
18 viduals with limited English proficiency, and individ-
19 uals with underlying health conditions or weakened
20 immune systems; and

21 (5) specific plans for broadly developing and
22 implementing testing for potential immunity in the
23 United States, as appropriate, in a manner suffi-
24 cient—

1 (A) to monitor and contribute to the con-
2 trol of SARS-CoV-2 in the United States;

3 (B) to ensure that any reduction in social
4 distancing efforts, when determined appropriate
5 by public health officials, can be undertaken in
6 a manner that optimizes the health and safety
7 of the people of the United States; and

8 (C) to reduce disparities (including dispari-
9 ties related to race, ethnicity, sex, age, dis-
10 ability status, socioeconomic status, primary
11 written and spoken language, occupation, and
12 geographic location) in the prevalence of, inci-
13 dence of, and health outcomes with respect to,
14 COVID-19.

15 (b) COORDINATION.—The Secretary shall carry out
16 this section—

17 (1) in coordination with the Administrator of
18 the Federal Emergency Management Agency;

19 (2) in collaboration with other agencies and de-
20 partments, as appropriate; and

21 (3) taking into consideration the State plans for
22 COVID-19 testing prepared as required under the
23 heading “Department of Health and Human Serv-
24 ices—Office of the Secretary—Public Health and
25 Social Service Emergency Fund” in title I of divi-

1 sion B of the Paycheck Protection Program and
2 Health Care Enhancement Act (Public Law 116–
3 139; 134 Stat. 620, 624).

4 (c) UPDATES.—

5 (1) FREQUENCY.—The updated national plan
6 under subsection (a) shall be updated every 30 days
7 until the end of the public health emergency first de-
8 clared by the Secretary under section 319 of the
9 Public Health Service Act (42 U.S.C. 247d) on Jan-
10 uary 31, 2022, with respect to COVID–19.

11 (2) RELATION TO OTHER LAW.—Paragraph (1)
12 applies in lieu of the requirement (for updates every
13 90 days until funds are expended) in the second to
14 last proviso under the heading “Department of
15 Health and Human Services—Office of the Sec-
16 retary—Public Health and Social Service Emergency
17 Fund” in title I of division B of the Paycheck Pro-
18 tection Program and Health Care Enhancement Act
19 (Public Law 116–139; 134 Stat. 620, 627).

20 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

21 In this section, the term “appropriate congressional com-
22 mittees” means—

23 (1) the Committee on Appropriations and the
24 Committee on Energy and Commerce of the House
25 of Representatives; and

1 (2) the Committee on Appropriations and the
2 Committee on Health, Education, Labor and Pen-
3 sions and of the Senate.

4 **SEC. 317212. CORONAVIRUS IMMIGRANT FAMILIES PROTEC-**
5 **TION.**

6 (a) DEFINITIONS.—In this section:

7 (1) CORONAVIRUS PUBLIC HEALTH EMER-
8 GENCY.—The term “coronavirus public health emer-
9 gency” means—

10 (A) an emergency involving Federal pri-
11 mary responsibility determined to exist by the
12 President under section 501(b) of the Robert T.
13 Stafford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5191(b)) with respect to
15 COVID–19 or any other coronavirus with pan-
16 demic potential;

17 (B) an emergency declared by a Federal
18 official with respect to coronavirus (as defined
19 in section 506 of the Coronavirus Preparedness
20 and Response Supplemental Appropriations
21 Act, 2020 (Public Law 116–123));

22 (C) a national emergency declared by the
23 President under the National Emergencies Act
24 (50 U.S.C. 1601 et seq.) with respect to

1 COVID–19 or any other coronavirus with pan-
2 demic potential; and

3 (D) a public health emergency declared by
4 the Secretary of Health and Human Services
5 pursuant to section 319 of the Public Health
6 Service Act (42 U.S.C. 247(d)) with respect to
7 COVID–19 or any other coronavirus with pan-
8 demic potential.

9 (2) CORONAVIRUS RESPONSE LAW.—The term
10 “coronavirus response law” means—

11 (A) the Coronavirus Preparedness and Re-
12 sponse Supplemental Appropriations Act, 2020
13 (Public Law 116–123);

14 (B) the Families First Coronavirus Re-
15 sponse Act (Public Law 116–127);

16 (C) the Coronavirus Aid, Relief, and Eco-
17 nomic Security Act (Public Law 116–136); and

18 (D) any subsequent law enacted as a re-
19 sponse to a coronavirus public health emer-
20 gency.

21 (3) COVID–19.—The term “COVID–19”
22 means the Coronavirus Disease 2019.

23 (4) ENFORCEMENT ACTION.—The term “en-
24 forcement action” means an apprehension, an arrest,
25 a search, an interview, a request for identification,

1 or surveillance for the purposes of immigration en-
2 forcement.

3 (5) SENSITIVE LOCATION.—The term “sensitive
4 location” means all physical space located within
5 1,000 feet of—

6 (A) a medical treatment or health care fa-
7 cility, including a hospital, an office of a health
8 care practitioner, an accredited health clinic, an
9 alcohol or drug treatment center, an emergent
10 or urgent care facility, and a community health
11 center;

12 (B) a location at which emergency service
13 providers distribute food or provide shelter;

14 (C) an organization that provides—

15 (i) disaster or emergency social serv-
16 ices and assistance;

17 (ii) services for individuals experi-
18 encing homelessness, including food banks
19 and shelters; or

20 (iii) assistance for children, pregnant
21 women, victims of crime or abuse, or indi-
22 viduals with significant mental or physical
23 disabilities;

24 (D) a public assistance office, including
25 any Federal, State, or municipal location at

1 which individuals may apply for or receive un-
2 employment compensation or report violations
3 of labor and employment laws;

4 (E) a Federal, State, or local courthouse,
5 including the office of the legal counsel or rep-
6 resentative of an individual;

7 (F) a domestic violence shelter, rape crisis
8 center, supervised visitation center, family jus-
9 tice center, or victim services provider;

10 (G) an office of the Social Security Admin-
11 istration;

12 (H) a childcare facility or a school, includ-
13 ing a preschool, primary school, secondary
14 school, post-secondary school up to and includ-
15 ing a college or university, and any other insti-
16 tution of learning such as a vocational or trade
17 school;

18 (I) a church, synagogue, mosque or any
19 other institution of worship, such as a building
20 rented for the purpose of a religious service;

21 (J) the site of a funeral, wedding, or any
22 other public religious ceremony;

23 (K) in the case of a jurisdiction in which
24 a shelter-in-place order is in effect during a
25 coronavirus public health emergency, any busi-

1 ness location considered to provide an essential
2 service, such as a pharmacy or a grocery store;
3 and

4 (L) any other location specified by the Sec-
5 retary of Homeland Security.

6 (b) SUSPENSION OF ADVERSE IMMIGRATION AC-
7 TIONS THAT DETER IMMIGRANT COMMUNITIES FROM
8 SEEKING HEALTH SERVICES IN A PUBLIC HEALTH
9 EMERGENCY.—

10 (1) IN GENERAL.—Beginning on the date on
11 which a coronavirus public health emergency is de-
12 clared and ending on the date that is 60 days after
13 the date on which the coronavirus public health
14 emergency expires—

15 (A) the Secretary of Homeland Security,
16 the Secretary of State, and the Attorney Gen-
17 eral shall not—

18 (i) implement the final rule of the De-
19 partment of Homeland Security entitled
20 “Inadmissibility on Public Charge
21 Grounds” (84 Fed. Reg. 41292 (August
22 14, 2019));

23 (ii) implement the interim final rule of
24 the Department of State entitled “Visas:
25 Ineligibility Based on Public Charge

1 Grounds” (84 Fed. Reg. 54996 (October
2 11, 2019));

3 (iii) implement the proposed rule of
4 the Department of Justice entitled “Inad-
5 missibility on Public Charge Grounds”
6 published in the Fall 2018 Uniform Regu-
7 latory Agenda;

8 (iv) conduct any enforcement action
9 against an individual at, or in transit to or
10 from, a sensitive location unless the en-
11 forcement action is conducted pursuant to
12 a valid judicial warrant;

13 (v) detain or remove—

14 (I) a survivor of domestic vio-
15 lence, sexual assault, or human traf-
16 ficking, or any other individual, who
17 has a pending application under sec-
18 tion 101(a)(15)(T), 101(a)(15)(U),
19 106, 240A(b)(2) of the Immigration
20 and Nationality Act (8 U.S.C.
21 1101(a)(15)(T), 1101(a)(15)(U),
22 1105a, 1229b(b)(2)) or section
23 244(a)(3) of that Act (as in effect on
24 March 31, 1997); or

1 (II) a VAWA self-petitioner de-
2 scribed in section 101(a)(51) of that
3 Act (8 U.S.C. 1101(a)(51)) who has a
4 pending application for relief under—

5 (aa) a provision referred to
6 in any of subparagraphs (A)
7 through (G) of that section; or

8 (bb) section 101(a)(27)(J)
9 of that Act (8 U.S.C.
10 1101(a)(27)(J)); and

11 (vi) require an individual subject to
12 supervision by U.S. Immigration and Cus-
13 toms Enforcement to report in person.

14 (B) The Attorney General shall conduct
15 fully telephonic bond hearings and allow sup-
16 porting documents to be faxed and emailed to
17 the appropriate clerk.

18 (C) The Secretary of Homeland Security,
19 to the extent practicable, shall stipulate to bond
20 determinations on written motions.

21 (2) USE OF BENEFITS FUNDED BY
22 CORONAVIRUS RESPONSE LAW.—The Secretary of
23 Homeland Security, the Secretary of State, and the
24 Attorney General shall not consider in any deter-
25 mination affecting the current or future immigration

1 status of any individual the use of any benefit of any
2 program or activity funded in whole or in part by
3 amounts made available under a coronavirus re-
4 sponse law.

5 (c) ACCESS TO COVID–19 TESTING AND TREAT-
6 MENT FOR ALL COMMUNITIES.—

7 (1) CLARIFICATION REGARDING EMERGENCY
8 SERVICES FOR CERTAIN INDIVIDUALS.—Section
9 1903(v)(2) of the Social Security Act (42 U.S.C.
10 1396b(v)(2)) is amended by adding at the end the
11 following flush sentence:

12 “For purposes of subparagraph (A), care and services
13 described in such subparagraph include any in vitro diag-
14 nostic product described in section 1905(a)(3)(B) that is
15 administered during any portion of the emergency period
16 described in such section beginning on or after the date
17 of the enactment of this sentence (and the administration
18 of such product), any COVID–19 vaccine that is adminis-
19 tered during any such portion (and the administration of
20 such vaccine), any item or service that is furnished during
21 any such portion for the treatment of COVID–19 or a con-
22 dition that may complicate the treatment of COVID–19,
23 and any services described in section 1916(a)(2)(G).”.

24 (2) EMERGENCY MEDICAID FOR INDIVIDUALS
25 WITH SUSPECTED COVID–19 INFECTIONS.—Section

1 1903(v)(3) of the Social Security Act (42 U.S.C.
2 1396b(v)(3)) is amended by striking “means a” and
3 inserting “means any concern that the individual
4 may have contracted COVID–19 or another.”.

5 (3) TREATMENT OF ASSISTANCE AND SERVICES
6 PROVIDED.—For any period during which a
7 coronavirus public health emergency is in effect—

8 (A) the value of assistance or services pro-
9 vided to any person under a program with re-
10 spect to which a coronavirus response law es-
11 tablishes or expands eligibility or benefits shall
12 not be considered income or resources; and

13 (B)(i) any medical coverage or services
14 shall be considered treatment for an emergency
15 medical condition (as defined in section
16 1903(v)(3) of the Social Security Act (42
17 U.S.C. 1396b(v)(3))) for any purpose under
18 any Federal, State, or local law, including law
19 relating to taxation, welfare, and public assist-
20 ance programs;

21 (ii) a participating State or political sub-
22 division of a State shall not decrease any assist-
23 ance otherwise provided to an individual be-
24 cause of the receipt of benefits under the Social
25 Security Act (42 U.S.C. 301 et seq.); and

1 (iii) assistance and services described in
2 this subparagraph shall be considered noncash
3 disaster assistance, notwithstanding the form in
4 which the assistance and services are provided,
5 except that cash received by an individual or a
6 household may be treated as income by any
7 public benefit program under the rules applica-
8 ble before the date of the enactment of this Act.

9 (4) NONDISCRIMINATION.—No person shall be,
10 on the basis of actual or perceived immigration sta-
11 tus, excluded from participation in, denied the bene-
12 fits of, or subject to discrimination under, any pro-
13 gram or activity funded in whole or in part by
14 amounts made available under a coronavirus re-
15 sponse law.

16 (d) LANGUAGE ACCESS AND PUBLIC OUTREACH FOR
17 PUBLIC HEALTH.—

18 (1) GRANTS AND COOPERATIVE AGREE-
19 MENTS.—

20 (A) IN GENERAL.—The Director of the
21 Centers for Disease Control and Prevention (re-
22 ferred to in this subsection as the “Director”)
23 shall provide grants to, or enter into cooperative
24 agreements with, community-based organiza-
25 tions for the purpose of supporting culturally

1 and linguistically appropriate preparedness, re-
2 sponse, and recovery activities, such as the de-
3 velopment of educational programs and mate-
4 rials to promote screening, testing, treatment,
5 and public health practices.

6 (B) DEFINITION OF COMMUNITY-BASED
7 ORGANIZATION.—In this paragraph, the term
8 “community-based organization” means an en-
9 tity that has established relationships with
10 hard-to-reach populations, including racial and
11 ethnic minorities, individuals with limited
12 English proficiency, and individuals with dis-
13 abilities.

14 (2) TRANSLATION.—

15 (A) IN GENERAL.—The Director shall pro-
16 vide for the translation of materials on aware-
17 ness, screening, testing, and treatment for
18 COVID-19 into the languages described in the
19 language access plan of the Federal Emergency
20 Management Agency dated October 1, 2016, as
21 the languages most frequently encountered.

22 (B) PUBLIC AVAILABILITY.—Not later
23 than 7 days after the date on which the mate-
24 rials described in subparagraph (A) are made
25 available to the public in English, the Director

1 shall ensure that the translations required by
2 that subparagraph are made available to the
3 public.

4 (3) HOTLINE.—The Director shall establish an
5 informational hotline line that provides, in the lan-
6 guages referred to in paragraph (2)(A), information
7 to the public directly on COVID–19.

8 (4) INTERAGENCY COORDINATION.—With re-
9 spect to individuals with limited English proficiency,
10 the Director shall facilitate interagency coordination
11 among agencies activated through the National Re-
12 sponse Framework based on the language access
13 standards established under the language access
14 plans of the Federal Emergency Management Agen-
15 cy and the Department of Health and Human Serv-
16 ices.

17 (5) AUTHORIZATION OF APPROPRIATIONS.—

18 (A) IN GENERAL.—There is authorized to
19 be appropriated to carry out this subsection
20 \$100,000,000 for fiscal year 2022, to be avail-
21 able until expended.

22 (B) GRANTS AND COOPERATIVE AGREE-
23 MENTS.—Of the amount authorized to be ap-
24 propriated under subparagraph (A), not less

1 than \$50,000,000 shall be made available to
2 carry out paragraph (1).

3 (e) ACCESS TO SUPPORT MEASURES FOR VULNER-
4 ABLE COMMUNITIES.—

5 (1) DISASTER SUPPLEMENTAL NUTRITION AS-
6 SISTANCE PROGRAM BENEFITS.—The Robert T.
7 Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5121 et seq.) is amended—

9 (A) in section 102(1) (42 U.S.C. 5122(1)),
10 by inserting “or pandemic” after “catastrophe”;

11 (B) in section 301 (42 U.S.C. 5141), by
12 inserting “or an emergency due to a pandemic”
13 after “major disaster” each place the term ap-
14 pears;

15 (C) in section 412 (42 U.S.C. 5179)—

16 (i) by inserting “or an emergency due
17 to a pandemic” after “major disaster”
18 each place the term appears;

19 (ii) in subsection (a), by inserting
20 “without regard to regular allotments” be-
21 fore “and to make surplus”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(d) ASSISTANCE DURING A PANDEMIC.—In the case
25 of an emergency due to a pandemic, for purposes of pro-

1 viding benefits under this section, the Secretary of Agri-
2 culture shall remove or delay the requirement of an in-
3 person interview, and if an interview occurs, provide an
4 alternative to the in-person interview requirement for all
5 applicants. Assistance shall be provided based on need and
6 not lost provisions.

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section, only if such sums are des-
10 ignated by Congress as being for an emergency require-
11 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985 (2
13 U.S.C. 901(b)(2)(A)(i)).”; and

14 (D) in section 502(a) (42 U.S.C.
15 5192(a))—

16 (i) in paragraph (7), by striking
17 “and” at the end;

18 (ii) in paragraph (8)(B), by striking
19 the period at the end and inserting a semi-
20 colon; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(9) provide assistance in accordance with sec-
24 tion 412.”.

1 (2) ACCESS TO BENEFITS USING INDIVIDUAL
2 TAXPAYER IDENTIFICATION NUMBER.—Subsection
3 (g)(2)(A) of section 6428 of the Internal Revenue
4 Code of 1986, as added by section 2201 of the
5 Coronavirus Aid, Relief, and Economic Security Act
6 (Public Law 116–136), is amended by inserting be-
7 fore the period at the end “or a taxpayer identifica-
8 tion number”.

9 (3) EXTENSION OF IMMIGRATION STATUS AND
10 EMPLOYMENT AUTHORIZATION.—

11 (A) IN GENERAL.—Notwithstanding any
12 other provision of law, including the Immigra-
13 tion and Nationality Act (8 U.S.C. 1101 et
14 seq.), the Secretary of Homeland Security shall
15 automatically extend the immigration status
16 and employment authorization, as applicable, of
17 an alien described in subparagraph (B) for the
18 same period for which the status and employ-
19 ment authorization was initially granted.

20 (B) ALIEN DESCRIBED.—An alien de-
21 scribed in this subparagraph is an alien (as de-
22 fined in section 101(a) of the Immigration and
23 Nationality Act (8 U.S.C. 1101(a))) whose im-
24 migration status, including permanent, tem-

porary, and deferred status, or whose employment authorization—

(i) expired during the 30-day period preceding the date of the enactment of this Act; or

(ii) will expire not later than—

(I) one year after such date of enactment; or

(II) 90 days after the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) is rescinded.

(4) LANGUAGE ACCESS.—Any agency receiving funding under a coronavirus response law shall ensure that all programs and opportunities made available to the general public provide translated materials describing the programs and opportunities into the languages described in the language access plan of the Federal Emergency Management Agency dated October 1, 2016, as the languages most frequently encountered.

1 **SEC. 317213. ICE DETENTION.**

2 (a) REVIEWING ICE DETENTION.—During the public
3 health emergency declared by the Secretary of Health and
4 Human Services under section 319 of the Public Health
5 Service Act (42 U.S.C. 247d) with respect to COVID–19,
6 the Secretary of Homeland Security shall review the immi-
7 gration files of all individuals in the custody of U.S. Immi-
8 gration and Customs Enforcement to assess the need for
9 continued detention. The Secretary of Homeland Security
10 shall prioritize for release on recognizance or alternatives
11 to detention individuals who are not subject to mandatory
12 detention laws, unless the individual is a threat to public
13 safety or national security.

14 (b) ACCESS TO ELECTRONIC COMMUNICATIONS AND
15 HYGIENE PRODUCTS.—During the period described in
16 subsection (c), the Secretary of Homeland Security shall
17 ensure that—

18 (1) all individuals in the custody of U.S. Immi-
19 gration and Customs Enforcement—

20 (A) have access to telephonic or video com-
21 munication at no cost to the detained indi-
22 vidual;

23 (B) have access to free, unmonitored tele-
24 phone calls, at any time, to contact attorneys or
25 legal service providers in a sufficiently private
26 space to protect confidentiality;

1 (C) are permitted to receive legal cor-
2 respondence by fax or email rather than postal
3 mail; and

4 (D) are provided sufficient soap, hand san-
5 itizer, and other hygiene products; and

6 (2) nonprofit organizations providing legal ori-
7 entation programming or know-your-rights program-
8 ming to individuals in the custody of U.S. Immigra-
9 tion and Customs Enforcement are permitted broad
10 and flexible access to such individuals—

11 (A) to provide group presentations using
12 remote videoconferencing; and

13 (B) to schedule and provide individual ori-
14 entations using free telephone calls or remote
15 videoconferencing.

16 (c) PERIOD DESCRIBED.—The period described in
17 this subsection—

18 (1) begins on the first day of the public health
19 emergency declared by the Secretary of Health and
20 Human Services under section 319 of the Public
21 Health Service Act (42 U.S.C. 247d) with respect to
22 COVID–19; and

23 (2) ends 90 days after the date on which such
24 public health emergency terminates.

Subpart C—Contact Tracing**SEC. 317221. COVID-19 TESTING, REACHING, AND CONTACTING EVERYONE.**

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may award grants to eligible entities to conduct diagnostic testing for COVID-19, to trace and monitor the contacts of infected individuals, and to support the quarantine of such contacts, through—

(1) mobile health units; and

(2) as necessary, testing individuals and providing individuals with services related to testing and quarantine at their residences.

(b) PERMISSIBLE USES OF FUNDS.—A grant recipient under this section may use the grant funds, in support of the activities described in subsection (a)—

(1) to hire, train, compensate, and pay the expenses of individuals; and

(2) to purchase personal protective equipment and other supplies.

(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to—

(1) applicants proposing to conduct activities funded under this section in hot spots and medically underserved communities; and

1 (2) applicants that agree, in hiring individuals
2 to carry out activities funded under this section, to
3 hire residents of the area or community where the
4 activities will primarily occur, with higher priority
5 among applicants described in this paragraph given
6 based on the percentage of individuals to be hired
7 from such area or community.

8 (d) DISTRIBUTION.—In selecting grant recipients
9 under this section, the Secretary shall ensure that grants
10 are distributed across urban and rural areas.

11 (e) FEDERAL PRIVACY REQUIREMENTS.—Nothing in
12 this section shall be construed to supersede any Federal
13 privacy or confidentiality requirement, including the regu-
14 lations promulgated under section 264(c) of the Health
15 Insurance Portability and Accountability Act of 1996
16 (Public Law 104–191; 110 Stat. 2033) and section 543
17 of the Public Health Service Act (42 U.S.C. 290dd–2).

18 (f) DEFINITIONS.—In this section:

19 (1) The term “eligible entity” means—

20 (A) a Federally qualified health center (as
21 defined in section 1861(aa) of the Social Secu-
22 rity Act (42 U.S.C. 1395x(aa)));

23 (B) a school-based health clinic;

24 (C) a disproportionate share hospital (as
25 defined under the applicable State plan under

1 title XIX of the Social Security Act (42 U.S.C.
2 1396 et seq.) pursuant to section 1923(a)(1)(A)
3 of such Act (42 U.S.C. 1396r-4));

4 (D) an academic medical center;

5 (E) a nonprofit organization (including any
6 such faith-based organization);

7 (F) an institution of higher education (as
8 defined in section 101 of the Higher Education
9 Act of 1965 (20 U.S.C. 1001));

10 (G) a high school (as defined in section
11 8101 of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 7801));

13 (H) any Tribal organization including the
14 Indian Health Service and Native American
15 servicing facilities; or

16 (I) any other type of entity that is deter-
17 mined by the Secretary to be an eligible entity
18 for purposes of this section.

19 (2) The term “emergency period” has the
20 meaning given to that term in section 1135(g)(1)(B)
21 of the Social Security Act (42 U.S.C. 1320b-
22 5(g)(1)(B)).

23 (3) The term “hot spot” means a geographic
24 area where the rate of infection with the virus that
25 causes COVID-19 exceeds the national average.

1 (4) The term “medically underserved commu-
2 nity” has the meaning given to that term in section
3 799B of the Public Health Service Act (42 U.S.C.
4 295p).

5 (5) The term “Secretary” means the Secretary
6 of Health and Human Services.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
8 out this section, there are authorized to be appropriated—
9 (1) \$100,000,000,000 for fiscal year 2022; and
10 (2) such sums as may be necessary for each of
11 fiscal year 2022 and any subsequent fiscal year dur-
12 ing which the emergency period continues.

13 **SEC. 317222. NATIONAL SYSTEM FOR COVID-19 TESTING,**
14 **CONTACT TRACING, SURVEILLANCE, CON-**
15 **TAINMENT, AND MITIGATION.**

16 (a) IN GENERAL.—The Secretary of Health and
17 Human Services (referred to in this section as the “Sec-
18 retary”), acting through the Director of the Centers for
19 Disease Control and Prevention, and in coordination with
20 State, local, Tribal, and territorial health departments,
21 shall establish and implement a nationwide evidence-based
22 system for—

23 (1) testing, contact tracing, surveillance, con-
24 tainment, and mitigation with respect to COVID-19;

1 (2) offering guidance on voluntary isolation and
2 quarantine of individuals infected with, or exposed to
3 individuals infected with, the virus that causes
4 COVID–19; and

5 (3) public reporting on testing, contact tracing,
6 surveillance, and voluntary isolation and quarantine
7 activities with respect to COVID–19.

8 (b) COORDINATION; TECHNICAL ASSISTANCE.—In
9 carrying out the national system under this section, the
10 Secretary shall—

11 (1) coordinate State, local, Tribal, and terri-
12 torial activities related to testing, contact tracing,
13 surveillance, containment, and mitigation with re-
14 spect to COVID–19, as appropriate; and

15 (2) provide technical assistance for such activi-
16 ties, as appropriate.

17 (c) CONSIDERATION.—In establishing and imple-
18 menting the national system under this section, the Sec-
19 retary shall take into consideration—

20 (1) the State plans referred to in the heading
21 “Public Health and Social Services Emergency
22 Fund” in title I of division B of the Paycheck Pro-
23 tection Program and Health Care Enhancement Act
24 (Public Law 116–139); and

1 (2) the testing strategy submitted under section
2 317211.

3 (d) REPORTING.—The Secretary shall—

4 (1) not later than December 31, 2021, submit
5 to the Committee on Energy and Commerce of the
6 House of Representatives and the Committee on
7 Health, Education, Labor and Pensions a prelimi-
8 nary report on the effectiveness of the activities car-
9 ried out pursuant to this subpart; and

10 (2) not later than December 21, 2022, submit
11 to such committees a final report on such effective-
12 ness.

13 **SEC. 317223. GRANTS.**

14 (a) IN GENERAL.—To implement the national system
15 under section 317222, the Secretary of Health and
16 Human Services (referred to in this section as the “Sec-
17 retary”), acting through the Director of the Centers for
18 Disease Control and Prevention, shall, subject to the avail-
19 ability of appropriations, award grants to State, local,
20 Tribal, and territorial health departments that seek grants
21 under this section to carry out coordinated testing, contact
22 tracing, surveillance, containment, and mitigation with re-
23 spect to COVID–19, including—

24 (1) diagnostic and surveillance testing and re-
25 porting;

1 (2) community-based contact tracing efforts;
2 and

3 (3) policies related to voluntary isolation and
4 quarantine of individuals infected with, or exposed to
5 individuals infected with, the virus that causes
6 COVID–19.

7 (b) FLEXIBILITY.—The Secretary shall ensure that—

8 (1) the grants under subsection (a) provide
9 flexibility for State, local, Tribal, and territorial
10 health departments to modify, establish, or maintain
11 evidence-based systems; and

12 (2) local health departments receive funding
13 from State health departments or directly from the
14 Centers for Disease Control and Prevention to con-
15 tribute to such systems, as appropriate.

16 (c) ALLOCATIONS.—

17 (1) FORMULA.—The Secretary, acting through
18 the Director of the Centers for Disease Control and
19 Prevention, shall allocate amounts made available
20 pursuant to subsection (a) in accordance with a for-
21 mula to be established by the Secretary that pro-
22 vides a minimum level of funding to each State,
23 local, Tribal, and territorial health department that
24 seeks a grant under this section and allocates addi-
25 tional funding based on the following prioritization:

1 (A) The Secretary shall give highest pri-
2 ority to applicants proposing to serve popu-
3 lations in one or more geographic regions with
4 a high burden of COVID–19 based on data pro-
5 vided by the Centers for Disease Control and
6 Prevention, or other sources as determined by
7 the Secretary.

8 (B) The Secretary shall give second high-
9 est priority to applicants preparing for, or cur-
10 rently working to mitigate, a COVID–19 surge
11 in a geographic region that does not yet have
12 a high number of reported cases of COVID–19
13 based on data provided by the Centers for Dis-
14 ease Control and Prevention, or other sources
15 as determined by the Secretary.

16 (C) The Secretary shall give third highest
17 priority to applicants proposing to serve high
18 numbers of low-income and uninsured popu-
19 lations, including medically underserved popu-
20 lations (as defined in section 330(b)(3) of the
21 Public Health Service Act (42 U.S.C.
22 254b(b)(3))), health professional shortage areas
23 (as defined under section 332(a) of the Public
24 Health Service Act (42 U.S.C. 254e(a))), racial

1 and ethnic minorities, or geographically diverse
2 areas, as determined by the Secretary.

3 (2) NOTIFICATION.—Not later than the date
4 that is one week before first awarding grants under
5 this section, the Secretary shall submit to the Com-
6 mittee on Energy and Commerce of the House of
7 Representatives and the Committee on Health, Edu-
8 cation, Labor and Pensions of the Senate a notifica-
9 tion detailing the formula established under para-
10 graph (1) for allocating amounts made available pur-
11 suant to subsection (a).

12 (d) USE OF FUNDS.—A State, local, Tribal, and ter-
13 ritorial health department receiving a grant under this
14 section shall, to the extent possible, use the grant funds
15 for the following activities, or other activities deemed ap-
16 propriate by the Director of the Centers for Disease Con-
17 trol and Prevention:

18 (1) TESTING.—To implement a coordinated
19 testing system that—

20 (A) leverages or modernizes existing test-
21 ing infrastructure and capacity;

22 (B) is consistent with the updated testing
23 strategy required under section 317211;

24 (C) is coordinated with the State plan for
25 COVID–19 testing prepared as required under

1 the heading “Department of Health and
2 Human Services—Office of the Secretary—
3 Public Health and Social Service Emergency
4 Fund” in title I of division B of the Paycheck
5 Protection Program and Health Care Enhance-
6 ment Act (Public Law 116–139; 134 Stat. 620,
7 624);

8 (D) is informed by contact tracing and
9 surveillance activities under this subpart;

10 (E) is informed by guidelines established
11 by the Centers for Disease Control and Preven-
12 tion for which populations should be tested;

13 (F) identifies how diagnostic and sero-
14 logical tests in such system shall be validated
15 prior to use;

16 (G) identifies how diagnostic and sero-
17 logical tests and testing supplies will be distrib-
18 uted to implement such system;

19 (H) identifies specific strategies for ensur-
20 ing testing capabilities and accessibility in
21 medically underserved populations (as defined
22 in section 330(b)(3) of the Public Health Serv-
23 ice Act (42 U.S.C. 254b(b)(3))), health profes-
24 sional shortage areas (as defined under section
25 332(a) of the Public Health Service Act (42

1 U.S.C. 254e(a))), racial and ethnic minority
2 populations, and geographically diverse areas,
3 as determined by the Secretary;

4 (I) identifies how testing may be used, and
5 results may be reported, in both health care set-
6 tings (such as hospitals, laboratories for mod-
7 erate or high-complexity testing, pharmacies,
8 mobile testing units, and community health cen-
9 ters) and non-health care settings (such as
10 workplaces, schools, childcare centers, or drive-
11 throughs);

12 (J) allows for testing in sentinel surveil-
13 lance programs, as appropriate; and

14 (K) supports the procurement and dis-
15 tribution of diagnostic and serological tests and
16 testing supplies to meet the goals of the system.

17 (2) CONTACT TRACING.—To implement a co-
18 ordinated contact tracing system that—

19 (A) leverages or modernizes existing con-
20 tact tracing systems and capabilities, including
21 community health workers, health departments,
22 and Federally qualified health centers;

23 (B) is able to investigate cases of COVID-
24 19, and help to identify other potential cases of

1 COVID–19, through tracing contacts of individ-
2 uals with positive diagnoses;

3 (C) establishes culturally competent and
4 multilingual strategies for contact tracing,
5 which may include consultation with and sup-
6 port for cultural or civic organizations with es-
7 tablished ties to the community;

8 (D) provides individuals identified under
9 the contact tracing program with information
10 and support for containment or mitigation;

11 (E) enables State, local, Tribal, and terri-
12 torial health departments to work with a non-
13 governmental, community partner or partners
14 and State and local workforce development sys-
15 tems (as defined in section 3(67) of Workforce
16 Innovation and Opportunity Act (29 U.S.C.
17 3102(67))) receiving grants under section
18 317224(b) of this subtitle to hire and com-
19 pensate a locally-sourced contact tracing work-
20 force, if necessary, to supplement the public
21 health workforce, to—

22 (i) identify the number of contact
23 tracers needed for the respective State, lo-
24 cality, territorial, or Tribal health depart-
25 ment to identify all cases of COVID–19

1 currently in the jurisdiction and those an-
2 ticipated to emerge over the next 18
3 months in such jurisdiction;

4 (ii) outline qualifications necessary for
5 contact tracers;

6 (iii) train the existing and newly hired
7 public health workforce on best practices
8 related to tracing close contacts of individ-
9 uals diagnosed with COVID–19, including
10 the protection of individual privacy and
11 cybersecurity protection; and

12 (iv) equip the public health workforce
13 with tools and resources to enable a rapid
14 response to new cases;

15 (F) identifies the level of contact tracing
16 needed within the State, locality, territory, or
17 Tribal area to contain and mitigate the trans-
18 mission of COVID–19;

19 (G) establishes statewide mechanisms to
20 integrate regular evaluation to the Centers for
21 Disease Control and Prevention regarding con-
22 tact tracing efforts, makes such evaluation pub-
23 licly available, and to the extent possible pro-
24 vides for such evaluation at the county level;
25 and

1 (H) identifies specific strategies for ensur-
2 ing contact tracing activities in medically un-
3 derserved populations (as defined in section
4 330(b)(3) of the Public Health Service Act (42
5 U.S.C. 254b(b)(3))), health professional short-
6 age areas (as defined under section 332(a) of
7 the Public Health Service Act (42 U.S.C.
8 254e(a))), racial and ethnic minority popu-
9 lations, and geographically diverse areas, as de-
10 termined by the Secretary.

11 (3) SURVEILLANCE.—To strengthen the exist-
12 ing public health surveillance system that—

13 (A) leverages or modernizes existing sur-
14 veillance systems within the respective State,
15 local, Tribal, or territorial health department
16 and national surveillance systems;

17 (B) detects and identifies trends in
18 COVID–19 at the county level;

19 (C) evaluates State, local, Tribal, and ter-
20 ritorial health departments in achieving surveil-
21 lance capabilities with respect to COVID–19;

22 (D) integrates and improves disease sur-
23 veillance and immunization tracking; and

24 (E) identifies specific strategies for ensur-
25 ing disease surveillance in medically under-

1 served populations (as defined in section
2 330(b)(3) of the Public Health Service Act (42
3 U.S.C. 254b(b)(3))), health professional short-
4 age areas (as defined under section 332(a) of
5 the Public Health Service Act (42 U.S.C.
6 254e(a))), racial and ethnic minority popu-
7 lations, and geographically diverse areas, as de-
8 termined by the Secretary.

9 (4) CONTAINMENT AND MITIGATION.—To im-
10 plement a coordinated containment and mitigation
11 system that—

12 (A) leverages or modernizes existing con-
13 tainment and mitigation strategies within the
14 respective State, local, Tribal, or territorial gov-
15 ernments and national containment and mitiga-
16 tion strategies;

17 (B) may provide for, connect to, and lever-
18 age existing social services and support for indi-
19 viduals who have been infected with or exposed
20 to COVID–19 and who are isolated or quar-
21 antined in their homes, such as through—

22 (i) food assistance programs;

23 (ii) guidance for household infection
24 control;

1 (iii) information and assistance with
2 childcare services; and

3 (iv) information and assistance per-
4 taining to support available under the
5 CARES Act (Public Law 116–136) and
6 this subtitle;

7 (C) provides guidance on the establishment
8 of safe, high-quality, facilities for the voluntary
9 isolation of individuals infected with, or quar-
10 antine of the contacts of individuals exposed to
11 COVID–19, where hospitalization is not re-
12 quired, which facilities should—

13 (i) be prohibited from making inquir-
14 ies relating to the citizenship status of an
15 individual isolated or quarantined; and

16 (ii) be operated by a non-Federal,
17 community partner or partners that—

18 (I) have previously established re-
19 lationships in localities;

20 (II) work with local places of
21 worship, community centers, medical
22 facilities, and schools to recruit local
23 staff for such facilities; and

1 (III) are fully integrated into
2 State, local, Tribal, or territorial con-
3 tainment and mitigation efforts; and

4 (D) identifies specific strategies for ensur-
5 ing containment and mitigation activities in
6 medically underserved populations (as defined
7 in section 330(b)(3) of the Public Health Serv-
8 ice Act (42 U.S.C. 254b(b)(3))), health profes-
9 sional shortage areas (as defined under section
10 332(a) of the Public Health Service Act (42
11 U.S.C. 254e(a))), racial and ethnic minority
12 populations, and geographically diverse areas,
13 as determined by the Secretary.

14 (e) REPORTING.—The Secretary shall facilitate
15 mechanisms for timely, standardized reporting by grantees
16 under this section regarding implementation of the sys-
17 tems established under this section and coordinated proc-
18 esses with the reporting as required and under the heading
19 “Department of Health and Human Services—Office of
20 the Secretary—Public Health and Social Service Emer-
21 gency Fund” in title I of division B of the Paycheck Pro-
22 tection Program and Health Care Enhancement Act (Pub-
23 lic Law 116–139, 134 Stat. 620), including—

24 (1) a summary of county or local health depart-
25 ment level information from the States receiving

1 funding, and information from directly funded local-
2 ities, territories, and Tribal entities, about the activi-
3 ties that will be undertaken using funding awarded
4 under this section, including subgrants;

5 (2) any anticipated shortages of required mate-
6 rials for testing for COVID–19 under subsection (a);
7 and

8 (3) other barriers in the prevention, mitigation,
9 or treatment of COVID–19 under this section.

10 (f) PUBLIC LISTING OF AWARDS.—The Secretary
11 shall—

12 (1) not later than 7 days after first awarding
13 grants under this section, post in a searchable, elec-
14 tronic format a list of all awards made by the Sec-
15 retary under this section, including the recipients
16 and amounts of such awards; and

17 (2) update such list not less than every 7 days
18 until all funds made available to carry out this sec-
19 tion are expended.

20 **SEC. 317224. GRANTS TO STATE AND TRIBAL WORKFORCE**
21 **AGENCIES.**

22 (a) DEFINITIONS.—In this section:

23 (1) IN GENERAL.—Except as otherwise pro-
24 vided, the terms in this section have the meanings

1 given the terms in section 3 of the Workforce Inno-
2 vation and Opportunity Act (29 U.S.C. 3102).

3 (2) APPRENTICESHIP; APPRENTICESHIP PRO-
4 GRAM.—The term “apprenticeship” or “apprentice-
5 ship program” means an apprenticeship program
6 registered under the Act of August 16, 1937 (com-
7 monly known as the “National Apprenticeship Act”)
8 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),
9 including any requirement, standard, or rule promul-
10 gated under such Act, as such requirement, stand-
11 ard, or rule was in effect on December 30, 2019.

12 (3) CONTACT TRACING AND RELATED POSI-
13 TIONS.—The term “contact tracing and related posi-
14 tions” means employment related to contact tracing,
15 surveillance, containment, and mitigation activities
16 as described in paragraphs (2), (3), and (4) of sec-
17 tion 317223(d).

18 (4) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means—

20 (A) a State or territory, including the Dis-
21 trict of Columbia and Puerto Rico;

22 (B) an Indian Tribe, Tribal organization,
23 Alaska Native entity, Indian-controlled organi-
24 zations serving Indians, or Native Hawaiian or-
25 ganizations;

1 (C) an outlying area; or

2 (D) a local board, if an eligible entity
3 under subparagraphs (A) through (C) has not
4 applied with respect to the area over which the
5 local board has jurisdiction as of the date on
6 which the local board submits an application
7 under subsection (c).

8 (5) ELIGIBLE INDIVIDUAL.—Notwithstanding
9 section 170(b)(2) of the Workforce Innovation and
10 Opportunity Act (29 U.S.C. 3225(b)(2)), the term
11 “eligible individual” means an individual seeking or
12 securing employment in contact tracing and related
13 positions and served by an eligible entity or commu-
14 nity-based organization receiving funding under this
15 section.

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of Labor.

18 (b) GRANTS.—

19 (1) IN GENERAL.—Subject to the availability of
20 appropriations under subsection (g), the Secretary
21 shall award national dislocated worker grants under
22 section 170(b)(1)(B) of the Workforce Innovation
23 and Opportunity Act (29 U.S.C. 3225(b)(1)(B)) to
24 each eligible entity that seeks a grant to assist local
25 boards and community-based organizations in car-

1 rying out activities under subsections (f) and (d), re-
2 spectively, for the following purposes:

3 (A) To support the recruitment, place-
4 ment, and training, as applicable, of eligible in-
5 dividuals seeking employment in contact tracing
6 and related positions in accordance with the na-
7 tional system for COVID–19 testing, contact
8 tracing, surveillance, containment, and mitiga-
9 tion established under section 317222.

10 (B) To assist with the employment transi-
11 tion to new employment or education and train-
12 ing of individuals employed under this section
13 in preparation for and upon termination of such
14 employment.

15 (2) TIMELINE.—The Secretary of Labor shall—

16 (A) issue application requirements under
17 subsection (c) not later than 10 days after the
18 date of enactment of this section; and

19 (B) award grants to an eligible entity
20 under paragraph (1) not later than 10 days
21 after the date on which the Secretary receives
22 an application from such entity.

23 (c) GRANT APPLICATION.—An eligible entity apply-
24 ing for a grant under this section shall submit an applica-
25 tion to the Secretary, at such time and in such form and

1 manner as the Secretary may reasonably require, which
2 shall include a description of—

3 (1) how the eligible entity will support the re-
4 cruitment, placement, and training, as applicable, of
5 eligible individuals seeking employment in contact
6 tracing and related positions by partnering with—

7 (A) a State, local, Tribal, or territorial
8 health department; or

9 (B) one or more nonprofit or community-
10 based organizations partnering with such health
11 departments;

12 (2) how the activities described in paragraph
13 (1) will support State efforts to address the demand
14 for contact tracing and related positions with respect
15 to—

16 (A) the State plans referred to in the head-
17 ing “Public Health and Social Services Emer-
18 gency Fund” in title I of division B of the Pay-
19 check Protection Program and Health Care En-
20 hancement Act (Public Law 116–139);

21 (B) the testing strategy submitted under
22 section 317211; and

23 (C) the number of eligible individuals that
24 the State plans to recruit and train under the

1 plans and strategies described in subparagraphs
2 (A) and (B);

3 (3) the specific strategies for recruiting and
4 placement of eligible individuals from or residing
5 within the communities in which they will work, in-
6 cluding—

7 (A) plans for the recruitment of eligible in-
8 dividuals to serve as contact tracers and related
9 positions, including dislocated workers, individ-
10 uals with barriers to employment, veterans, new
11 entrants in the workforce, or underemployed or
12 furloughed workers, who are from or reside in
13 or near the local area in which they will serve,
14 and who, to the extent practicable—

15 (i) have experience or a background in
16 industry-sectors and occupations such as
17 public health, social services, customer
18 service, case management, or occupations
19 that require related qualifications, skills, or
20 competencies, such as strong interpersonal
21 and communication skills, needed for con-
22 tact tracing and related positions, as de-
23 scribed in section 317223(d)(2)(E)(ii); or

24 (ii) seek to transition to public health
25 and public health related occupations upon

1 the conclusion of employment in contact
2 tracing and related positions; and

3 (B) how such strategies will take into ac-
4 count the diversity of such community, includ-
5 ing racial, ethnic, socioeconomic, linguistic, or
6 geographic diversity;

7 (4) the amount, timing, and mechanisms for
8 distribution of funds provided to local boards or
9 through subgrants as described in subsection (d);

10 (5) for eligible entities described in subpara-
11 graphs (A) through (C) of subsection (a)(4), a de-
12 scription of how the eligible entity will ensure the eq-
13 uitable distribution of funds with respect to—

14 (A) geography (such as urban and rural
15 distribution);

16 (B) medically underserved populations (as
17 defined in section 33(b)(3) of the Public Health
18 Service Act (42 U.S.C. 254b(b)));

19 (C) health professional shortage areas (as
20 defined under section 332(a) of the Public
21 Health Service Act (42 U.S.C. 254e(a))); and

22 (D) the racial and ethnic diversity of the
23 area; and

24 (6) for eligible entities who are local boards, a
25 description of how a grant to such eligible entity

1 would serve the equitable distribution of funds as de-
2 scribed in paragraph (5).

3 (d) SUBGRANT AUTHORIZATION AND APPLICATION
4 PROCESS.—

5 (1) IN GENERAL.—An eligible entity may award
6 a subgrant to one or more community-based organi-
7 zations for the purposes of partnering with a State
8 or local board to conduct outreach and education ac-
9 tivities to inform potentially eligible individuals
10 about employment opportunities in contact tracing
11 and related positions.

12 (2) APPLICATION.—A community-based organi-
13 zation shall submit an application at such time and
14 in such manner as the eligible entity may reasonably
15 require, including—

16 (A) a demonstration of the community-
17 based organization's established expertise and
18 effectiveness in community outreach in the local
19 area that such organization plans to serve;

20 (B) a demonstration of the community-
21 based organization's expertise in providing em-
22 ployment or public health information to the
23 local areas in which such organization plans to
24 serve; and

1 (C) a description of the expertise of the
2 community-based organization in utilizing cul-
3 turally competent and multilingual strategies in
4 the provision of services.

5 (e) GRANT DISTRIBUTION.—

6 (1) FEDERAL DISTRIBUTION.—

7 (A) USE OF FUNDS.— The Secretary of
8 Labor shall use the funds appropriated to carry
9 out this section as follows:

10 (i) Subject to clause (ii), the Secretary
11 shall distribute funds among eligible enti-
12 ties in accordance with a formula to be es-
13 tablished by the Secretary that provides a
14 minimum level of funding to each eligible
15 entity that seeks a grant under this section
16 and allocates additional funding as follows:

17 (I) The formula shall give first
18 priority based on the number and pro-
19 portion of contact tracing and related
20 positions that the State plans to re-
21 cruit, place, and train individuals as a
22 part of the State strategy described in
23 subsection (c)(2)(A).

1 (II) Subject to subclause (I), the
2 formula shall give priority in accord-
3 ance with section 317223(c).

4 (ii) Not more than 2 percent of the
5 funding for administration of the grants
6 and for providing technical assistance to
7 recipients of funds under this section.

8 (B) EQUITABLE DISTRIBUTION.—If the ge-
9 ographic region served by one or more eligible
10 entities overlaps, the Secretary shall distribute
11 funds among such entities in such a manner
12 that ensures equitable distribution with respect
13 to the factors under subsection (c)(5).

14 (2) ELIGIBLE ENTITY USE OF FUNDS.—An eli-
15 gible entity described in subparagraphs (A) through
16 (C) of subsection (a)(4)—

17 (A) shall, not later than 30 days after the
18 date on which the entity receives grant funds
19 under this section, provide not less than 70 per-
20 cent of grant funds to local boards for the pur-
21 pose of carrying out activities in subsection (f);

22 (B) may use up to 20 percent of such
23 funds to make subgrants to community-based
24 organizations in the service area to conduct out-

1 reach, to potential eligible individuals, as de-
2 scribed in subsection (d);

3 (C) in providing funds to local boards and
4 awarding subgrants under this subsection shall
5 ensure the equitable distribution with respect to
6 the factors described in subsection (c)(5); and

7 (D) may use not more than 10 percent of
8 the funds awarded under this section for the
9 administrative costs of carrying out the grant
10 and for providing technical assistance to local
11 boards and community-based organizations.

12 (3) LOCAL BOARD USE OF FUNDS.—A local
13 board, or an eligible entity that is a local board,
14 shall use—

15 (A) not less than 60 percent of the funds
16 for recruitment and training for COVID-19
17 testing, contact tracing, surveillance, contain-
18 ment, and mitigation established under section
19 317222;

20 (B) not less than 30 of the funds to sup-
21 port the transition of individuals hired as con-
22 tact tracers and related positions into an edu-
23 cation or training program, or unsubsidized em-
24 ployment upon completion of such positions;
25 and

1 (C) not more than 10 percent of the funds
2 for administrative costs.

3 (f) ELIGIBLE ACTIVITIES.—The State or local boards
4 shall use funds awarded under this section to support the
5 recruitment and placement of eligible individuals, training
6 and employment transition as related to contact tracing
7 and related positions, and for the following activities:

8 (1) Establishing or expanding partnerships
9 with—

10 (A) State, local, Tribal, and territorial
11 public health departments;

12 (B) community-based health providers, in-
13 cluding community health centers and rural
14 health clinics;

15 (C) labor organizations or joint labor man-
16 agement organizations;

17 (D) two-year and four-year institutions of
18 higher education (as defined in section 101 of
19 the Higher Education Act of 1965 (20 U.S.C.
20 1001)), including institutions eligible to receive
21 funds under section 371(a) of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1067q(a)); and

23 (E) community action agencies or other
24 community-based organizations serving local

1 areas in which there is a demand for contact
2 tracing and related positions.

3 (2) Providing training for contact tracing and
4 related positions in coordination with State, local,
5 Tribal, or territorial health departments that is con-
6 sistent with the State or territorial testing and con-
7 tact tracing strategy, and ensuring that eligible indi-
8 viduals receive compensation while participating in
9 such training.

10 (3) Providing eligible individuals with—

11 (A) adequate and safe equipment, environ-
12 ments, and facilities for training and super-
13 vision, as applicable;

14 (B) information regarding the wages and
15 benefits related to contact tracing and related
16 positions, as compared to State, local, and na-
17 tional averages;

18 (C) supplies and equipment needed by the
19 eligible individuals to support placement of an
20 individual in contact tracing and related posi-
21 tions, as applicable;

22 (D) an individualized employment plan for
23 each eligible individual, as applicable—

1 (i) in coordination with the entity em-
2 ploying the eligible individual in a contact
3 tracing and related positions; and

4 (ii) which shall include providing a
5 case manager to work with each eligible in-
6 dividual to develop the plan, which may in-
7 clude—

8 (I) identifying employment and
9 career goals, and setting appropriate
10 achievement objectives to attain such
11 goals; and

12 (II) exploring career pathways
13 that lead to in-demand industries and
14 sectors, including in public health and
15 related occupations; and

16 (E) services for the period during which
17 the eligible individual is employed in a contact
18 tracing and related position to ensure job reten-
19 tion, which may include—

20 (i) supportive services throughout the
21 term of employment;

22 (ii) a continuation of skills training as
23 related to employment in contact tracing
24 and related positions, that is conducted in

1 collaboration with the employers of such
2 individuals;

3 (iii) mentorship services and job re-
4 tention support for eligible individuals; or

5 (iv) targeted training for managers
6 and workers working with eligible individ-
7 uals (such as mentors), and human re-
8 source representatives;

9 (4) Supporting the transition and placement in
10 unsubsidized employment for eligible individuals
11 serving in contact tracing and related positions after
12 such positions are no longer necessary in the State
13 or local area, including—

14 (A) any additional training and employ-
15 ment activities as described in section 170(d)(4)
16 of the Workforce Innovation and Opportunity
17 Act (29 U.S.C. 3225(d)(4));

18 (B) developing the appropriate combina-
19 tion of services to enable the eligible individual
20 to achieve the employment and career goals
21 identified under paragraph (3)(D)(ii)(I); and

22 (C) services to assist eligible individuals in
23 maintaining employment for not less than 12
24 months after the completion of employment in

1 contact tracing and related positions, as appropriate.
2

3 (5) Any other activities as described in sub-
4 sections (a)(3) and (b) of section 134 of the Work-
5 force Innovation and Opportunity Act (29 U.S.C.
6 3174).

7 (g) LIMITATION.—Notwithstanding section
8 170(d)(3)(A) of the Workforce Innovation and Oppor-
9 tunity Act (29 U.S.C. 3225(d)(3)(A)), a person may be
10 employed in a contact tracing and related positions using
11 funds under this section for a period not greater than 2
12 years.

13 (h) REPORTING BY THE DEPARTMENT OF LABOR.—

14 (1) IN GENERAL.—Not later than 120 days of
15 the enactment of this Act, and once grant funds
16 have been expended under this section, the Secretary
17 shall report to the Committee on Education and
18 Labor of the House of Representatives and the Com-
19 mittee on Health, Education, Labor and Pensions of
20 the Senate, and make publicly available a report
21 containing a description of—

22 (A) the number of eligible individuals re-
23 cruited, hired, and trained in contact tracing
24 and related positions;

1 (B) the number of individuals successfully
2 transitioned to unsubsidized employment or
3 training at the completion of employment in
4 contact tracing and related positions using
5 funds under this subpart;

6 (C) the number of such individuals who
7 were unemployed prior to being hired, trained,
8 or deployed as described in paragraph (1);

9 (D) the performance of each program sup-
10 ported by funds under this subpart with respect
11 to the indicators of performance under section
12 116 of the Workforce Innovation and Oppor-
13 tunity Act (29 U.S.C. 3141), as applicable;

14 (E) the number of individuals in unsub-
15 sidized employment within six months and 1
16 year, respectively, of the conclusion of employ-
17 ment in contact tracing and related positions
18 and, of those, the number of individuals within
19 a State, territorial, or local public health de-
20 partment in an occupation related to public
21 health;

22 (F) any information on how eligible enti-
23 ties, local boards, or community-based organiza-
24 tions that received funding under this sub-
25 section were able to support the goals of the na-

1 tional system for COVID–19 testing, contact
2 tracing, surveillance, containment, and mitiga-
3 tion established under section 317222 of this
4 subtitle; and

5 (G) best practices for improving and in-
6 creasing the transition of individuals employed
7 in contract tracing and related positions to un-
8 subsidized employment.

9 (2) DISAGGREGATION.—All data reported under
10 paragraph (1) shall be disaggregated by race, eth-
11 nicity, sex, age, and, with respect to individuals with
12 barriers to employment, subpopulation of such indi-
13 viduals, except for when the number of participants
14 in a category is insufficient to yield statistically reli-
15 able information or when the results would reveal
16 personally identifiable information about an indi-
17 vidual participant.

18 (i) SPECIAL RULE.—Any funds used for programs
19 under this section that are used to fund an apprenticeship
20 or apprenticeship program shall only be used for, or pro-
21 vided to, an apprenticeship or apprenticeship program
22 that meets the definition of such term subsection (a) of
23 this section, including any funds awarded for the purposes
24 of grants, contracts, or cooperative agreements, or the de-

1 velopment, implementation, or administration, of an ap-
2 prenticeship or an apprenticeship program.

3 (j) INFORMATION SHARING REQUIREMENT FOR
4 HHS.—The Secretary of Health and Human Services,
5 acting through the Director of the Centers for Disease
6 Control and Prevention, shall provide the Secretary of
7 Labor, acting through the Assistant Secretary of the Em-
8 ployment and Training Administration, with information
9 on grants under section 317223, including—

10 (1) the formula used to award such grants to
11 State, local, Tribal, and territorial health depart-
12 ments;

13 (2) the dollar amounts of and scope of the work
14 funded under such grants;

15 (3) the geographic areas served by eligible enti-
16 ties that receive such grants; and

17 (4) the number of contact tracers and related
18 positions to be hired using such grants.

19 (k) AUTHORIZATION OF APPROPRIATIONS.—Of the
20 amounts appropriated to carry out this subpart,
21 \$500,000,000 shall be used by the Secretary of Labor to
22 carry out subsections (a) through (h) of this section.

1 **PART 3—FREE TREATMENT FOR ALL AMERICANS**

2 **SEC. 317301. COVERAGE AT NO COST SHARING OF COVID-19**

3 **VACCINE AND TREATMENT.**

4 (a) MEDICAID.—

5 (1) IN GENERAL.—Section 1905(a)(4) of the
6 Social Security Act (42 U.S.C. 1396d(a)(4)) is
7 amended—

8 (A) by striking “and (D)” and inserting
9 “(D)”; and

10 (B) by striking the semicolon at the end
11 and inserting “; (E) during the portion of the
12 emergency period described in paragraph (1)(B)
13 of section 1135(g) beginning on the date of the
14 enactment of The Heroes Act, a COVID-19
15 vaccine licensed under section 351 of the Public
16 Health Service Act, or approved or authorized
17 under sections 505 or 564 of the Federal Food,
18 Drug, and Cosmetic Act, and administration of
19 the vaccine; and (F) during such portion of the
20 emergency period described in paragraph (1)(B)
21 of section 1135(g), items or services for the
22 prevention or treatment of COVID-19, includ-
23 ing drugs approved or authorized under such
24 section 505 or such section 564 or, without re-
25 gard to the requirements of section
26 1902(a)(10)(B) (relating to comparability), in

1 the case of an individual who is diagnosed with
2 or presumed to have COVID–19, during such
3 portion of such emergency period during which
4 such individual is infected (or presumed in-
5 fected) with COVID–19, the treatment of a
6 condition that may complicate the treatment of
7 COVID–19;”.

8 (2) PROHIBITION OF COST SHARING.—

9 (A) IN GENERAL.—Subsections (a)(2) and
10 (b)(2) of section 1916 of the Social Security
11 Act (42 U.S.C. 1396o) are each amended—

12 (i) in subparagraph (F), by striking
13 “or” at the end;

14 (ii) in subparagraph (G), by striking
15 “; and” and inserting “;”; and

16 (iii) by adding at the end the fol-
17 lowing subparagraphs:

18 “(H) during the portion of the emergency
19 period described in paragraph (1)(B) of section
20 1135(g) beginning on the date of the enactment
21 of this subparagraph, a COVID–19 vaccine li-
22 censed under section 351 of the Public Health
23 Service Act, or approved or authorized under
24 section 505 or 564 of the Federal Food, Drug,

1 and Cosmetic Act, and the administration of
2 such vaccine; or

3 “(I) during such portion of the emergency
4 period described in paragraph (1)(B) of section
5 1135(g), any item or service furnished for the
6 treatment of COVID–19, including drugs ap-
7 proved or authorized under such section 505 or
8 such section 564 or, in the case of an individual
9 who is diagnosed with or presumed to have
10 COVID–19, during the portion of such emer-
11 gency period during which such individual is in-
12 fected (or presumed infected) with COVID–19,
13 the treatment of a condition that may com-
14 plicate the treatment of COVID–19; and”.

15 (B) APPLICATION TO ALTERNATIVE COST
16 SHARING.—Section 1916A(b)(3)(B) of the So-
17 cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))
18 is amended—

19 (i) in clause (xi), by striking “any
20 visit” and inserting “any service”; and

21 (ii) by adding at the end the following
22 clauses:

23 “(xii) During the portion of the emer-
24 gency period described in paragraph (1)(B)
25 of section 1135(g) beginning on the date of

1 the enactment of this clause, a COVID–19
2 vaccine licensed under section 351 of the
3 Public Health Service Act, or approved or
4 authorized under section 505 or 564 of the
5 Federal Food, Drug, and Cosmetic Act,
6 and the administration of such vaccine.

7 “(xiii) During such portion of the
8 emergency period described in paragraph
9 (1)(B) of section 1135(g), an item or serv-
10 ice furnished for the treatment of COVID–
11 19, including drugs approved or authorized
12 under such section 505 or such section 564
13 or, in the case of an individual who is diag-
14 nosed with or presumed to have COVID–
15 19, during such portion of such emergency
16 period during which such individual is in-
17 fected (or presumed infected) with
18 COVID–19, the treatment of a condition
19 that may complicate the treatment of
20 COVID–19.”.

21 (C) CLARIFICATION.—The amendments
22 made by this subsection shall apply with respect
23 to a State plan of a territory in the same man-
24 ner as a State plan of one of the 50 States.

1 (b) STATE PEDIATRIC VACCINE DISTRIBUTION PRO-
2 GRAM.—Section 1928 of the Social Security Act (42
3 U.S.C. 1396s) is amended—

4 (1) in subsection (a)(1)—

5 (A) in subparagraph (A), by striking “;
6 and” and inserting a semicolon;

7 (B) in subparagraph (B), by striking the
8 period and inserting “; and”; and

9 (C) by adding at the end the following sub-
10 paragraph:

11 “(C) during the portion of the emergency
12 period described in paragraph (1)(B) of section
13 1135(g) beginning on the date of the enactment
14 of this subparagraph, each vaccine-eligible child
15 (as defined in subsection (b)) is entitled to re-
16 ceive a COVID–19 vaccine from a program-reg-
17 istered provider (as defined in subsection
18 (h)(7)) without charge for—

19 “(i) the cost of such vaccine; or

20 “(ii) the administration of such vac-
21 cine.”;

22 (2) in subsection (c)(2)—

23 (A) in subparagraph (C)(ii), by inserting “,
24 but, during the portion of the emergency period
25 described in paragraph (1)(B) of section

1 1135(g) beginning on the date of the enactment
2 of The Heroes Act, may not impose a fee for
3 the administration of a COVID–19 vaccine” be-
4 fore the period; and

5 (B) by adding at the end the following sub-
6 paragraph:

7 “(D) The provider will provide and admin-
8 ister an approved COVID–19 vaccine to a vac-
9 cine-eligible child in accordance with the same
10 requirements as apply under the preceding sub-
11 paragraphs to the provision and administration
12 of a qualified pediatric vaccine to such a
13 child.”; and

14 (3) in subsection (d)(1), in the first sentence,
15 by inserting “, including, during the portion of the
16 emergency period described in paragraph (1)(B) of
17 section 1135(g) beginning on the date of the enact-
18 ment of The Heroes Act, with respect to a COVID–
19 19 vaccine licensed under section 351 of the Public
20 Health Service Act, or approved or authorized under
21 section 505 or 564 of the Federal Food, Drug, and
22 Cosmetic Act” before the period.

23 (c) CHIP.—

1 (1) IN GENERAL.—Section 2103(c) of the So-
2 cial Security Act (42 U.S.C. 1397cc(e)) is amended
3 by adding at the end the following paragraph:

4 “(11) COVERAGE OF COVID–19 VACCINES AND
5 TREATMENT.—Regardless of the type of coverage
6 elected by a State under subsection (a), child health
7 assistance provided under such coverage for targeted
8 low-income children and, in the case that the State
9 elects to provide pregnancy-related assistance under
10 such coverage pursuant to section 2112, such preg-
11 nancy-related assistance for targeted low-income
12 pregnant women (as defined in section 2112(d))
13 shall include coverage, during the portion of the
14 emergency period described in paragraph (1)(B) of
15 section 1135(g) beginning on the date of the enact-
16 ment of this paragraph, of—

17 “(A) a COVID–19 vaccine licensed under
18 section 351 of the Public Health Service Act, or
19 approved or authorized under section 505 or
20 564 of the Federal Food, Drug, and Cosmetic
21 Act, and the administration of such vaccine;
22 and

23 “(B) any item or service furnished for the
24 treatment of COVID–19, including drugs ap-
25 proved or authorized under such section 505 or

1 such section 564, or, in the case of an indi-
2 vidual who is diagnosed with or presumed to
3 have COVID–19, during the portion of such
4 emergency period during which such individual
5 is infected (or presumed infected) with COVID–
6 19, the treatment of a condition that may com-
7 plicate the treatment of COVID–19.”.

8 (2) PROHIBITION OF COST SHARING.—Section
9 2103(e)(2) of the Social Security Act (42 U.S.C.
10 1397cc(e)(2)), as amended by section 6004(b)(3) of
11 the Families First Coronavirus Response Act, is
12 amended—

13 (A) in the paragraph header, by inserting
14 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
15 before “OR PREGNANCY-RELATED ASSISTANCE”;
16 and

17 (B) by striking “visits described in section
18 1916(a)(2)(G), or” and inserting “services de-
19 scribed in section 1916(a)(2)(G), vaccines de-
20 scribed in section 1916(a)(2)(H) administered
21 during the portion of the emergency period de-
22 scribed in paragraph (1)(B) of section 1135(g)
23 beginning on the date of the enactment of The
24 Heroes Act, items or services described in sec-

1 tion 1916(a)(2)(I) furnished during such emer-
2 gency period, or”.

3 (d) CONFORMING AMENDMENTS.—Section 1937 of
4 the Social Security Act (42 U.S.C. 1396u–7) is amend-
5 ed—

6 (1) in subsection (a)(1)(B), by inserting “,
7 under subclause (XXIII) of section
8 1902(a)(10)(A)(ii),” after “section
9 1902(a)(10)(A)(i)”;

10 (2) in subsection (b)(5), by adding before the
11 period the following: “, and, effective on the date of
12 the enactment of The Heroes Act, must comply with
13 subparagraphs (F) through (I) of subsections (a)(2)
14 and (b)(2) of section 1916 and subsection (b)(3)(B)
15 of section 1916A”.

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date of enactment of
18 this Act and shall apply with respect to a COVID–19 vac-
19 cine beginning on the date that such vaccine is licensed
20 under section 351 of the Public Health Service Act (42
21 U.S.C. 262), or approved or authorized under section 505
22 or 564 of the Federal Food, Drug, and Cosmetic Act.

1 **SEC. 317302. OPTIONAL COVERAGE AT NO COST SHARING**
2 **OF COVID-19 TREATMENT AND VACCINES**
3 **UNDER MEDICAID FOR UNINSURED INDIVID-**
4 **UALS.**

5 (a) IN GENERAL.—Section 1902(a)(10) of the Social
6 Security Act (42 U.S.C. 1396a(a)(10)) is amended, in the
7 matter following subparagraph (G), by striking “and any
8 visit described in section 1916(a)(2)(G)” and inserting the
9 following: “, any COVID–19 vaccine that is administered
10 during any such portion (and the administration of such
11 vaccine), any item or service that is furnished during any
12 such portion for the treatment of COVID–19, including
13 drugs approved or authorized under section 505 or 564
14 of the Federal Food, Drug, and Cosmetic Act, or, in the
15 case of an individual who is diagnosed with or presumed
16 to have COVID–19, during the period such individual is
17 infected (or presumed infected) with COVID–19, the
18 treatment of a condition that may complicate the treat-
19 ment of COVID–19, and any services described in section
20 1916(a)(2)(G)”.

21 (b) DEFINITION OF UNINSURED INDIVIDUAL.—

22 (1) IN GENERAL.—Subsection (ss) of section
23 1902 of the Social Security Act (42 U.S.C. 1396a)
24 is amended to read as follows:

25 “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-
26 poses of this section, the term ‘uninsured individual’

1 means, notwithstanding any other provision of this title,
2 any individual who is not covered by minimum essential
3 coverage (as defined in section 5000A(f)(1) of the Internal
4 Revenue Code of 1986).”.

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) shall take effect and apply as if in-
7 cluded in the enactment of the Families First
8 Coronavirus Response Act (Public Law 116–127).

9 (c) CLARIFICATION REGARDING EMERGENCY SERV-
10 ICES FOR CERTAIN INDIVIDUALS.—Section 1903(v)(2) of
11 the Social Security Act (42 U.S.C. 1396b(v)(2)) is amend-
12 ed by adding at the end the following flush sentence:

13 “For purposes of subparagraph (A), care and serv-
14 ices described in such subparagraph include any in
15 vitro diagnostic product described in section
16 1905(a)(3)(B) (and the administration of such prod-
17 uct), any COVID–19 vaccine (and the administra-
18 tion of such vaccine), any item or service that is fur-
19 nished for the treatment of COVID–19, including
20 drugs approved or authorized under section 505 or
21 564 of the Federal Food, Drug, and Cosmetic Act,
22 or a condition that may complicate the treatment of
23 COVID–19, and any services described in section
24 1916(a)(2)(G).”.

1 (d) INCLUSION OF COVID–19 CONCERN AS AN
2 EMERGENCY CONDITION.—Section 1903(v)(3) of the So-
3 cial Security Act (42 U.S.C. 1396b(v)(3)) is amended by
4 adding at the end the following flush sentence:

5 “Such term includes any indication that an alien de-
6 scribed in paragraph (1) may have contracted
7 COVID–19.”.

8 **SEC. 317303. COVERAGE OF TREATMENTS FOR COVID–19 AT**
9 **NO COST SHARING UNDER THE MEDICARE**
10 **ADVANTAGE PROGRAM.**

11 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
12 cial Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is
13 amended by adding at the end the following new clause:

14 “(vii) SPECIAL COVERAGE RULES FOR
15 SPECIFIED COVID–19 TREATMENT SERV-
16 ICES.—Notwithstanding clause (i), in the
17 case of a specified COVID–19 treatment
18 service (as defined in section 30201(b) of
19 The Heroes Act) that is furnished during
20 a plan year occurring during any portion
21 of the emergency period defined in section
22 1135(g)(1)(B) beginning on or after the
23 date of the enactment of this clause, a
24 Medicare Advantage plan may not, with re-
25 spect to such service, impose—

1 “(I) any cost-sharing require-
2 ment (including a deductible, copay-
3 ment, or coinsurance requirement);
4 and

5 “(II) in the case such service is a
6 critical specified COVID–19 treat-
7 ment service (including ventilator
8 services and intensive care unit serv-
9 ices), any prior authorization or other
10 utilization management requirement.

11 A Medicare Advantage plan may not take
12 the application of this clause into account
13 for purposes of a bid amount submitted by
14 such plan under section 1854(a)(6).”.

15 (b) IMPLEMENTATION.—Notwithstanding any other
16 provision of law, the Secretary of Health and Human
17 Services may implement the amendments made by this
18 section by program instruction or otherwise.

1 **SEC. 317304. REQUIRING COVERAGE UNDER MEDICARE**
2 **PDPS AND MA-PD PLANS, WITHOUT THE IM-**
3 **POSITION OF COST SHARING OR UTILIZA-**
4 **TION MANAGEMENT REQUIREMENTS, OF**
5 **DRUGS INTENDED TO TREAT COVID-19 DUR-**
6 **ING CERTAIN EMERGENCIES.**

7 (a) COVERAGE REQUIREMENT.—Section 1860D–
8 4(b)(3) of the Social Security Act (42 U.S.C. 1395w–
9 104(b)(3)) is amended by adding at the end the following
10 new subparagraph:

11 “(I) REQUIRED INCLUSION OF DRUGS IN-
12 TENDED TO TREAT COVID–19.—

13 “(i) IN GENERAL.—Notwithstanding
14 any other provision of law, a PDP sponsor
15 offering a prescription drug plan shall,
16 with respect to a plan year, any portion of
17 which occurs during the period described
18 in clause (ii), be required to—

19 “(I) include in any formulary—

20 “(aa) all covered part D
21 drugs with a medically accepted
22 indication (as defined in section
23 1860D–2(e)(4)) to treat COVID–
24 19 that are marketed in the
25 United States; and

1 “(bb) all drugs authorized
2 under section 564 or 564A of the
3 Federal Food, Drug, and Cos-
4 metic Act to treat COVID–19;
5 and

6 “(II) not impose any prior au-
7 thorization or other utilization man-
8 agement requirement with respect to
9 such drugs described in item (aa) or
10 (bb) of subclause (I) (other than such
11 a requirement that limits the quantity
12 of drugs due to safety).

13 “(ii) PERIOD DESCRIBED.—For pur-
14 poses of clause (i), the period described in
15 this clause is the period during which there
16 exists the public health emergency declared
17 by the Secretary pursuant to section 319
18 of the Public Health Service Act on Janu-
19 ary 31, 2020, entitled ‘Determination that
20 a Public Health Emergency Exists Nation-
21 wide as the Result of the 2019 Novel
22 Coronavirus’ (including any renewal of
23 such declaration pursuant to such sec-
24 tion).”.

25 (b) ELIMINATION OF COST SHARING.—

1 (1) ELIMINATION OF COST-SHARING FOR
2 DRUGS INTENDED TO TREAT COVID-19 UNDER
3 STANDARD AND ALTERNATIVE PRESCRIPTION DRUG
4 COVERAGE.—Section 1860D-2 of the Social Security
5 Act (42 U.S.C. 1395w-102) is amended—

6 (A) in subsection (b)—

7 (i) in paragraph (1)(A), by striking
8 “The coverage” and inserting “Subject to
9 paragraph (8), the coverage”;

10 (ii) in paragraph (2)—

11 (I) in subparagraph (A), by in-
12 serting after “Subject to subpara-
13 graphs (C) and (D)” the following:
14 “and paragraph (8)”;

15 (II) in subparagraph (C)(i), by
16 striking “paragraph (4)” and insert-
17 ing “paragraphs (4) and (8)”;

18 (III) in subparagraph (D)(i), by
19 striking “paragraph (4)” and insert-
20 ing “paragraphs (4) and (8)”;

21 (iii) in paragraph (4)(A)(i), by strik-
22 ing “The coverage” and inserting “Subject
23 to paragraph (8), the coverage”;

24 (iv) by adding at the end the following
25 new paragraph:

1 “(8) ELIMINATION OF COST-SHARING FOR
 2 DRUGS INTENDED TO TREAT COVID-19.—The cov-
 3 erage does not impose any deductible, copayment,
 4 coinsurance, or other cost-sharing requirement for
 5 drugs described in section 1860D-4(b)(3)(I)(i)(I)
 6 with respect to a plan year, any portion of which oc-
 7 curs during the period during which there exists the
 8 public health emergency declared by the Secretary
 9 pursuant to section 319 of the Public Health Service
 10 Act on January 31, 2020, entitled ‘Determination
 11 that a Public Health Emergency Exists Nationwide
 12 as the Result of the 2019 Novel Coronavirus’ (in-
 13 cluding any renewal of such declaration pursuant to
 14 such section).”; and

15 (B) in subsection (c), by adding at the end
 16 the following new paragraph:

17 “(4) SAME ELIMINATION OF COST-SHARING FOR
 18 DRUGS INTENDED TO TREAT COVID-19.—The cov-
 19 erage is in accordance with subsection (b)(8).”.

20 (2) ELIMINATION OF COST-SHARING FOR
 21 DRUGS INTENDED TO TREAT COVID-19 DISPENSED
 22 TO INDIVIDUALS WHO ARE SUBSIDY ELIGIBLE INDIV-
 23 VIDUALS.—Section 1860D-14(a) of the Social Secu-
 24 rity Act (42 U.S.C. 1395w-114(a)) is amended—

25 (A) in paragraph (1)—

1 (i) in subparagraph (D)—

2 (I) in clause (ii), by striking “In
3 the case of” and inserting “Subject to
4 subparagraph (F), in the case of”;
5 and

6 (II) in clause (iii), by striking
7 “In the case of” and inserting “Sub-
8 ject to subparagraph (F), in the case
9 of”; and

10 (ii) by adding at the end the following
11 new subparagraph:

12 “(F) ELIMINATION OF COST-SHARING FOR
13 DRUGS INTENDED TO TREAT COVID-19.—Cov-
14 erage that is in accordance with section
15 1860D-2(b)(8).”; and

16 (B) in paragraph (2)—

17 (i) in subparagraph (B), by striking
18 “A reduction” and inserting “Subject to
19 subparagraph (F), a reduction”;

20 (ii) in subparagraph (D), by striking
21 “The substitution” and inserting “Subject
22 to subparagraph (F), the substitution”;

23 (iii) in subparagraph (E), by inserting
24 after “Subject to” the following: “subpara-
25 graph (F) and”; and

1 (iv) by adding at the end the following
2 new subparagraph:

3 “(F) ELIMINATION OF COST-SHARING FOR
4 DRUGS INTENDED TO TREAT COVID-19.—Cov-
5 erage that is in accordance with section
6 1860D-2(b)(8).”.

7 (c) IMPLEMENTATION.—Notwithstanding any other
8 provision of law, the Secretary of Health and Human
9 Services may implement the amendments made by this
10 section by program instruction or otherwise.

11 **SEC. 317305. COVERAGE OF COVID-19 RELATED TREAT-**
12 **MENT AT NO COST SHARING.**

13 (a) IN GENERAL.—A group health plan and a health
14 insurance issuer offering group or individual health insur-
15 ance coverage (including a grandfathered health plan (as
16 defined in section 1251(e) of the Patient Protection and
17 Affordable Care Act)) shall provide coverage, and shall not
18 impose any cost sharing (including deductibles, copay-
19 ments, and coinsurance) requirements, for the following
20 items and services furnished during any portion of the
21 emergency period defined in paragraph (1)(B) of section
22 1135(g) of the Social Security Act (42 U.S.C. 1320b-
23 5(g)) beginning on or after the date of the enactment of
24 this Act:

1 (1) Medically necessary items and services (in-
2 cluding in-person or telehealth visits in which such
3 items and services are furnished) that are furnished
4 to an individual who has been diagnosed with (or
5 after provision of the items and services is diagnosed
6 with) COVID–19 to treat or mitigate the effects of
7 COVID–19.

8 (2) Medically necessary items and services (in-
9 cluding in-person or telehealth visits in which such
10 items and services are furnished) that are furnished
11 to an individual who is presumed to have COVID–
12 19 but is never diagnosed as such, if the following
13 conditions are met:

14 (A) Such items and services are furnished
15 to the individual to treat or mitigate the effects
16 of COVID–19 or to mitigate the impact of
17 COVID–19 on society.

18 (B) Health care providers have taken ap-
19 propriate steps under the circumstances to
20 make a diagnosis, or confirm whether a diag-
21 nosis was made, with respect to such individual,
22 for COVID–19, if possible.

23 (b) ITEMS AND SERVICES RELATED TO COVID–
24 19.—For purposes of this section—

1 (1) not later than one week after the date of
2 the enactment of this section, the Secretary of
3 Health and Human Services, Secretary of Labor,
4 and Secretary of the Treasury shall jointly issue
5 guidance specifying applicable diagnoses and medi-
6 cally necessary items and services related to
7 COVID–19; and

8 (2) such items and services shall include all
9 items or services that are relevant to the treatment
10 or mitigation of COVID–19, regardless of whether
11 such items or services are ordinarily covered under
12 the terms of a group health plan or group or indi-
13 vidual health insurance coverage offered by a health
14 insurance issuer.

15 (c) ENFORCEMENT.—

16 (1) APPLICATION WITH RESPECT TO PHSA,
17 ERISA, AND IRC.—The provisions of this section
18 shall be applied by the Secretary of Health and
19 Human Services, Secretary of Labor, and Secretary
20 of the Treasury to group health plans and health in-
21 surance issuers offering group or individual health
22 insurance coverage as if included in the provisions of
23 part A of title XXVII of the Public Health Service
24 Act, part 7 of the Employee Retirement Income Se-

1 security Act of 1974, and subchapter B of chapter 100
2 of the Internal Revenue Code of 1986, as applicable.

3 (2) PRIVATE RIGHT OF ACTION.—An individual
4 with respect to whom an action is taken by a group
5 health plan or health insurance issuer offering group
6 or individual health insurance coverage in violation
7 of subsection (a) may commence a civil action
8 against the plan or issuer for appropriate relief. The
9 previous sentence shall not be construed as limiting
10 any enforcement mechanism otherwise applicable
11 pursuant to paragraph (1).

12 (d) IMPLEMENTATION.—The Secretary of Health and
13 Human Services, Secretary of Labor, and Secretary of the
14 Treasury may implement the provisions of this section
15 through sub-regulatory guidance, program instruction or
16 otherwise.

17 (e) TERMS.—The terms “group health plan”; “health
18 insurance issuer”; “group health insurance coverage”, and
19 “individual health insurance coverage” have the meanings
20 given such terms in section 2791 of the Public Health
21 Service Act (42 U.S.C. 300gg–91), section 733 of the Em-
22 ployee Retirement Income Security Act of 1974 (29
23 U.S.C. 1191b), and section 9832 of the Internal Revenue
24 Code of 1986, as applicable.

1 **SEC. 317306. REIMBURSEMENT FOR ADDITIONAL HEALTH**
2 **SERVICES RELATING TO CORONAVIRUS.**

3 Title V of division A of the Families First
4 Coronavirus Response Act (Public Law 116–127) is
5 amended under the heading “Department of Health and
6 Human Services—Office of the Secretary—Public Health
7 and Social Services Emergency Fund” by inserting “, or
8 treatment related to SARS–CoV–2 or COVID–19 for un-
9 insured individuals” after “or visits described in para-
10 graph (2) of such section for uninsured individuals”.

11 **PART 4—FEDERAL HEALTH EQUITY OVERSIGHT**

12 **SEC. 317401. COVID-19 RACIAL AND ETHNIC DISPARITIES**
13 **TASK FORCE ACT OF 2020.**

14 (a) IN GENERAL.—The Secretary of Health and
15 Human Services (referred to in this section as the “Sec-
16 retary”) shall establish an interagency task force, to be
17 known as the “COVID–19 Racial and Ethnic Disparities
18 Task Force” (referred to in this section as the “task
19 force”), to gather data about disproportionately affected
20 communities and provide recommendations to combat the
21 racial and ethnic disparities in the COVID–19 response
22 throughout the United States and in response to future
23 public health crises.

24 (b) MEMBERSHIP.—The task force shall be composed
25 of the following:

1 (1) The Secretary of Health and Human Serv-
2 ices.

3 (2) The Assistant Secretary for Planning and
4 Evaluation of the Department of Health and Human
5 Services.

6 (3) The Assistant Secretary for Preparedness
7 and Response of the Department of Health and
8 Human Services.

9 (4) The Director of the Centers for Disease
10 Control and Prevention.

11 (5) The Director of the National Institutes of
12 Health.

13 (6) The Commissioner of Food and Drugs.

14 (7) The Administrator of the Federal Emer-
15 gency Management Agency.

16 (8) The Director of the National Institute on
17 Minority Health and Health Disparities.

18 (9) The Director of the Indian Health Service.

19 (10) The Administrator of the Centers for
20 Medicare & Medicaid Services.

21 (11) The Director of the Agency for Healthcare
22 Research and Quality.

23 (12) The Surgeon General.

24 (13) The Administrator of the Health Re-
25 sources and Services Administration.

1 (14) The Director of the Office of Minority
2 Health.

3 (15) The Secretary of Housing and Urban De-
4 velopment.

5 (16) The Secretary of Education.

6 (17) The Secretary of Labor.

7 (18) The Secretary of Defense.

8 (19) The Secretary of Transportation.

9 (20) The Secretary of the Treasury.

10 (21) The Administrator of the Small Business
11 Administration.

12 (22) The Administrator of the Environmental
13 Protection Agency.

14 (23) Five health care professionals with exper-
15 tise in addressing racial and ethnic disparities, with
16 at least one representative from a rural area, to be
17 appointed by the Secretary.

18 (24) Five policy experts specializing in address-
19 ing racial and ethnic disparities in education or ra-
20 cial and ethnic economic inequality to be appointed
21 by the Secretary.

22 (25) Six representatives from community-based
23 organizations specializing in providing culturally
24 competent care or services and addressing racial and
25 ethnic disparities, to be appointed by the Secretary,

1 with at least one representative from an urban In-
2 dian organization and one representative from a na-
3 tional organization that represents Tribal govern-
4 ments with expertise in Tribal public health.

5 (26) Six State, local, territorial, or Tribal public
6 health officials representing departments of public
7 health, who shall represent jurisdictions from dif-
8 ferent regions of the United States with relatively
9 high concentrations of historically marginalized pop-
10 ulations, to be appointed by the Secretary, with at
11 least one territorial representative and one rep-
12 resentative of a Tribal public health department.

13 (c) ADMINISTRATIVE PROVISIONS.—

14 (1) APPOINTMENT OF NON-GOVERNMENT MEM-
15 BERS.—Notwithstanding any other provision of law,
16 the Secretary shall appoint all non-government mem-
17 bers of the task force within 30 days of the date en-
18 actment of this section.

19 (2) CHAIRPERSON.—The Secretary shall serve
20 as the chairperson of the task force. The Director of
21 the Office of Minority Health shall serve as the vice
22 chairperson.

23 (3) STAFF.—The task force shall have 10 full-
24 time staff members.

1 (4) MEETINGS.—Not later than 45 days after
2 the date of enactment of this section, the full task
3 force shall have its first meeting. The task force
4 shall convene at least once a month thereafter.

5 (5) SUBCOMMITTEES.—The chairperson and
6 vice chairperson of the task force are authorized to
7 establish subcommittees to consider specific issues
8 related to the broader mission of addressing racial
9 and ethnic disparities.

10 (d) FEDERAL EMERGENCY MANAGEMENT AGENCY
11 RESOURCE ALLOCATION REPORTING AND RECOMMENDA-
12 TIONS.—

13 (1) WEEKLY REPORTS.—Not later than 7 days
14 after the task force first meets, and weekly there-
15 after, the task force shall submit to Congress and
16 the Federal Emergency Management Agency a re-
17 port that includes—

18 (A) a description of COVID–19 patient
19 outcomes, including cases, hospitalizations, pa-
20 tients on ventilation, and mortality,
21 disaggregated by race and ethnicity (where such
22 data is missing, the task force shall utilize ap-
23 propriate authorities to improve data collec-
24 tion);

1 (B) the identification of communities that
2 lack resources to combat the COVID–19 pan-
3 demic, including personal protective equipment,
4 ventilators, hospital beds, testing kits, testing
5 supplies, vaccinations (when available), re-
6 sources to conduct surveillance and contact
7 tracing, funding, staffing, and other resources
8 the task force deems essential as needs arise;

9 (C) the identification of communities where
10 racial and ethnic disparities in COVID–19 in-
11 fection, hospitalization, and death rates are out
12 of proportion to the community’s population by
13 a certain threshold, to be determined by the
14 task force based on available public health data;

15 (D) recommendations about how to best al-
16 locate critical COVID–19 resources to—

17 (i) communities with disproportion-
18 ately high COVID–19 infection, hos-
19 pitalization, and death rates; and

20 (ii) communities identified in subpara-
21 graph (C);

22 (E) with respect to communities that are
23 able to reduce racial and ethnic disparities ef-
24 fectively, a description of best practices in-
25 volved; and

1 (F) an update with respect to the response
2 of the Federal Emergency Management Agency
3 to the task force's previous weeks' recommenda-
4 tions under this section.

5 (2) GENERAL CONSULTATION.—In submitting
6 weekly reports and recommendations under this sub-
7 section, the task force shall consult with and notify
8 State, local, territorial, and Tribal officials and com-
9 munity-based organizations from communities iden-
10 tified as disproportionately impacted by COVID–19.

11 (3) CONSULTATION WITH INDIAN TRIBES.—In
12 submitting weekly reports and recommendations
13 under this subsection, the Director of Indian Health
14 Service shall, in coordination with the task force,
15 consult with Indian Tribes and Tribal organizations
16 that are disproportionately affected by COVID–19
17 on a government to government basis to identify
18 specific needs and recommendations.

19 (4) DISSEMINATION.—Reports under this sub-
20 section shall be disseminated to all relevant stake-
21 holders, including State, local, territorial, and Tribal
22 officials, and public health departments.

23 (5) TRIBAL DATA.—The task force, in consulta-
24 tion with Indian Tribes and Tribal organizations,

1 shall ensure that an Indian Tribe consents to any
2 public reporting of health data.

3 (e) COVID–19 RELIEF OVERSIGHT AND IMPLEMEN-
4 TATION REPORTS.—Not later than 14 days after the task
5 force first meets, and not later than every 14 days there-
6 after, the task force shall submit to Congress and the rel-
7 evant Federal agencies a report that includes—

8 (1) an examination of funds distributed under
9 COVID–19-related relief and stimulus laws (enacted
10 prior to and after the date of enactment of this Act),
11 including the Coronavirus Preparedness and Re-
12 sponse Emergency Supplemental Appropriations Act,
13 2020 (Public Law 116–123), the Families First
14 Coronavirus Response Act (Public Law 116–127),
15 the Coronavirus Aid, Relief, and Economic Security
16 Act (Public Law 116–136), and the Paycheck Pro-
17 tection Program and Health Care Enhancement Act
18 (Public Law 116–139), and how that distribution
19 impacted racial and ethnic disparities with respect to
20 the COVID–19 pandemic; and

21 (2) recommendations to relevant Federal agen-
22 cies about how to disburse any undisbursed funding
23 from COVID–19-related relief and stimulus laws
24 (enacted prior to and after the date of enactment of
25 this Act), including those laws described in para-

graph (1), to address racial and ethnic disparities with respect to the COVID–19 pandemic, including recommendations to—

(A) the Department of Health and Human Services about disbursement of funds under the Public Health and Social Service Emergency Fund;

(B) the Small Business Administration about disbursement of funds under the Paycheck Protection Program and the Economic Injury Disaster Loan Program; and

(C) the Department of Education about disbursement of funds under the Education Stabilization Fund.

(f) FINAL COVID–19 REPORTS.—Not later than 90 days after the date on which the President declares the end of the COVID–19 public health emergency first declared by the Secretary on January 31, 2020, the task force shall submit to Congress a report that—

(1) describes inequities within the health care system, implicit bias, structural racism, and social determinants of health (including housing, nutrition, education, economic, and environmental factors) that contributed to racial and ethnic health disparities

1 with respect to the COVID–19 pandemic and how
2 these factors contributed to such disparities;

3 (2) examines the initial Federal response to the
4 COVID–19 pandemic and its impact on the racial
5 and ethnic disparities in COVID–19 infection, hos-
6 pitalization, and death rates; and

7 (3) contains recommendations to combat racial
8 and ethnic disparities in future infectious disease re-
9 sponses, including future COVID–19 outbreaks.

10 (g) SUNSET AND SUCCESSOR TASK FORCE.—

11 (1) SUNSET.—The task force shall terminate on
12 the date that is 90 days after the date on which the
13 President declares the end of the COVID–19 public
14 health emergency first declared by the Secretary on
15 January 31, 2020.

16 (2) SUCCESSOR.—Upon the termination of the
17 task force under paragraph (1), the Secretary shall
18 establish a permanent Infectious Disease Racial and
19 Ethnic Disparities Task Force based on the mem-
20 bership, convening, and reporting requirements rec-
21 ommended by the task force in reports submitted
22 under this section.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated, such sums as may be nec-
25 essary to carry out this section.

1 **SEC. 317402. PROTECTION OF THE HHS OFFICES OF MINOR-**
2 **ITY HEALTH.**

3 (a) IN GENERAL.—Pursuant to section 1707A of the
4 Public Health Service Act (42 U.S.C. 300u–6a), the Of-
5 fices of Minority Health established within the Centers for
6 Disease Control and Prevention, the Health Resources
7 and Services Administration, the Substance Abuse and
8 Mental Health Services Administration, the Agency for
9 Healthcare Research and Quality, the Food and Drug Ad-
10 ministration, and the Centers for Medicare & Medicaid
11 Services, are offices that, regardless of change in the
12 structure of the Department of Health and Human Serv-
13 ices, shall report to the Secretary of Health and Human
14 Services.

15 (b) SENSE OF CONGRESS.—It is the sense of the
16 Congress that any effort to eliminate or consolidate such
17 Offices of Minority Health undermines the progress
18 achieved so far.

19 **SEC. 317403. ESTABLISH AN INTERAGENCY COUNSEL AND**
20 **GRANT PROGRAMS ON SOCIAL DETER-**
21 **MINANTS OF HEALTH.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Social Determinants Accelerator Act of 2020”.

24 (b) FINDINGS; PURPOSES.—

25 (1) FINDINGS.—Congress finds the following:

1 (A) There is a significant body of evidence
2 showing that economic and social conditions
3 have a powerful impact on individual and popu-
4 lation health outcomes, including health dispari-
5 ties associated with public health emergencies,
6 and well-being, as well as medical costs.

7 (B) State, local, and Tribal governments
8 and the service delivery partners of such gov-
9 ernments face significant challenges in coordi-
10 nating benefits and services delivered through
11 the Medicaid program and other social services
12 programs because of the fragmented and com-
13 plex nature of Federal and State funding and
14 administrative requirements.

15 (C) The Federal Government should
16 prioritize and proactively assist State and local
17 governments to strengthen the capacity of State
18 and local governments to improve health and
19 social outcomes for individuals, thereby improv-
20 ing cost-effectiveness and return on investment.

21 (2) PURPOSES.—The purposes of this subtitle
22 are as follows:

23 (A) To establish effective, coordinated Fed-
24 eral technical assistance to help State and local
25 governments to improve outcomes and cost-ef-

1 fectiveness of, and return on investment from,
2 health and social services programs.

3 (B) To build a pipeline of State and locally
4 designed, cross-sector interventions and strate-
5 gies that generate rigorous evidence about how
6 to improve health and social outcomes, and in-
7 crease the cost-effectiveness of, and return on
8 investment from, Federal, State, local, and
9 Tribal health and social services programs.

10 (C) To enlist State and local governments
11 and the service providers of such governments
12 as partners in identifying Federal statutory,
13 regulatory, and administrative challenges in im-
14 proving the health and social outcomes of, cost-
15 effectiveness of, and return on investment from,
16 Federal spending on individuals enrolled in
17 Medicaid.

18 (D) To develop strategies to improve
19 health and social outcomes without denying
20 services to, or restricting the eligibility of, vul-
21 nerable populations.

22 (c) SOCIAL DETERMINANTS ACCELERATOR COUN-
23 CIL.—

24 (1) ESTABLISHMENT.—The Secretary of Health
25 and Human Services (referred to in this subtitle as

1 the “Secretary”), in coordination with the Adminis-
2 trator of the Centers for Medicare & Medicaid Serv-
3 ices (referred to in this subtitle as the “Adminis-
4 trator”), shall establish an interagency council, to be
5 known as the Social Determinants Accelerator Inter-
6 agency Council (referred to in this subtitle as the
7 “Council”) to achieve the purposes listed in sub-
8 section (b)(1).

9 (2) MEMBERSHIP.—

10 (A) FEDERAL COMPOSITION.—The Council
11 shall be composed of at least one designee from
12 each of the following Federal agencies:

13 (i) The Office of Management and
14 Budget.

15 (ii) The Department of Agriculture.

16 (iii) The Department of Education.

17 (iv) The Indian Health Service.

18 (v) The Department of Housing and
19 Urban Development.

20 (vi) The Department of Labor.

21 (vii) The Department of Transpor-
22 tation.

23 (viii) Any other Federal agency the
24 Chair of the Council determines necessary.

25 (B) DESIGNATION.—

1 (i) IN GENERAL.—The head of each
2 agency specified in subparagraph (A) shall
3 designate at least one employee to serve as
4 a member of the Council.

5 (ii) RESPONSIBILITIES.—An employee
6 described in this clause shall be a senior
7 employee of the agency—

8 (I) whose responsibilities relate
9 to authorities, policies, and procedures
10 with respect to the health and well-
11 being of individuals receiving medical
12 assistance under a State plan (or a
13 waiver of such plan) under title XIX
14 of the Social Security Act (42 U.S.C.
15 1396 et seq.); or

16 (II) who has authority to imple-
17 ment and evaluate transformative ini-
18 tiatives that harness data or conducts
19 rigorous evaluation to improve the im-
20 pact and cost-effectiveness of federally
21 funded services and benefits.

22 (C) HHS REPRESENTATION.—In addition
23 to the designees under subparagraph (A), the
24 Council shall include designees from at least
25 three agencies within the Department of Health

1 and Human Services, including the Centers for
2 Medicare & Medicaid Services, at least one of
3 whom shall meet the criteria under this section.

4 (D) OMB ROLE.—The Director of the Of-
5 fice of Management and Budget shall facilitate
6 the timely resolution of Governmentwide and
7 multiagency issues to help the Council achieve
8 consensus recommendations described under
9 this section.

10 (E) NON-FEDERAL COMPOSITION.—The
11 Comptroller General of the United States may
12 designate up to 6 Council designees—

13 (i) who have relevant subject matter
14 expertise, including expertise implementing
15 and evaluating transformative initiatives
16 that harness data and conduct evaluations
17 to improve the impact and cost-effective-
18 ness of Federal Government services; and

19 (ii) that each represent—

20 (I) State, local, and Tribal health
21 and human services agencies;

22 (II) public housing authorities or
23 State housing finance agencies;

24 (III) State and local government
25 budget offices;

1 (IV) State Medicaid agencies; or
2 (V) national consumer advocacy
3 organizations.

4 (F) CHAIR.—

5 (i) IN GENERAL.—The Secretary shall
6 select the Chair of the Council from among
7 the members of the Council.

8 (ii) INITIATING GUIDANCE.—The
9 Chair, on behalf of the Council, shall iden-
10 tify and invite individuals from diverse en-
11 tities to provide the Council with advice
12 and information pertaining to addressing
13 social determinants of health, including—

14 (I) individuals from State and
15 local government health and human
16 services agencies;

17 (II) individuals from State Med-
18 icaid agencies;

19 (III) individuals from State and
20 local government budget offices;

21 (IV) individuals from public
22 housing authorities or State housing
23 finance agencies;

1 (V) individuals from nonprofit or-
2 ganizations, small businesses, and
3 philanthropic organizations;

4 (VI) advocates;

5 (VII) researchers; and

6 (VIII) any other individuals the
7 Chair determines to be appropriate.

8 (3) DUTIES.—The duties of the Council are—

9 (A) to make recommendations to the Sec-
10 retary and the Administrator regarding the cri-
11 teria for making awards under this section;

12 (B) to identify Federal authorities and op-
13 portunities for use by States or local govern-
14 ments to improve coordination of funding and
15 administration of Federal programs, the bene-
16 ficiaries of whom include individuals, and which
17 may be unknown or underutilized and to make
18 information on such authorities and opportuni-
19 ties publicly available;

20 (C) to provide targeted technical assistance
21 to States developing a social determinants ac-
22 celerator plan under this section, including
23 identifying potential statutory or regulatory
24 pathways for implementation of the plan and

1 assisting in identifying potential sources of
2 funding to implement the plan;

3 (D) to report to Congress annually on the
4 subjects set forth in this section;

5 (E) to develop and disseminate evaluation
6 guidelines and standards that can be used to
7 reliably assess the impact of an intervention or
8 approach that may be implemented pursuant to
9 this subtitle on outcomes, cost-effectiveness of,
10 and return on investment from Federal, State,
11 local, and Tribal governments, and to facilitate
12 technical assistance, where needed, to help to
13 improve State and local evaluation designs and
14 implementation;

15 (F) to seek feedback from State, local, and
16 Tribal governments, including through an an-
17 nual survey by an independent third party, on
18 how to improve the technical assistance the
19 Council provides to better equip State, local,
20 and Tribal governments to coordinate health
21 and social service programs;

22 (G) to solicit applications for grants under
23 this section; and

24 (H) to coordinate with other cross-agency
25 initiatives focused on improving the health and

1 well-being of low-income and at-risk populations
2 in order to prevent unnecessary duplication be-
3 tween agency initiatives.

4 (4) SCHEDULE.—Not later than 60 days after
5 the date of the enactment of this Act, the Council
6 shall convene to develop a schedule and plan for car-
7 rying out the duties described in this section, includ-
8 ing solicitation of applications for the grants under
9 this section.

10 (5) REPORT TO CONGRESS.—The Council shall
11 submit an annual report to Congress, which shall in-
12 clude—

13 (A) a list of the Council members;

14 (B) activities and expenditures of the
15 Council;

16 (C) summaries of the interventions and ap-
17 proaches that will be supported by State, local,
18 and Tribal governments that received a grant
19 under this section, including—

20 (i) the best practices and evidence-
21 based approaches such governments plan
22 to employ to achieve the purposes listed in
23 this section; and

24 (ii) a description of how the practices
25 and approaches will impact the outcomes,

1 cost-effectiveness of, and return on invest-
2 ment from, Federal, State, local, and Trib-
3 al governments with respect to such pur-
4 poses;

5 (D) the feedback received from State and
6 local governments on ways to improve the tech-
7 nical assistance of the Council, including find-
8 ings from a third-party survey and actions the
9 Council plans to take in response to such feed-
10 back; and

11 (E) the major statutory, regulatory, and
12 administrative challenges identified by State,
13 local, and Tribal governments that received a
14 grant under subsection (d), and the actions that
15 Federal agencies are taking to address such
16 challenges.

17 (6) FACA APPLICABILITY.—The Federal Advi-
18 sory Committee Act (5 U.S.C. App.) shall not apply
19 to the Council.

20 (7) COUNCIL PROCEDURES.—The Secretary, in
21 consultation with the Comptroller General of the
22 United States and the Director of the Office of Man-
23 agement and Budget, shall establish procedures for
24 the Council to—

1 (A) ensure that adequate resources are
2 available to effectively execute the responsibil-
3 ities of the Council;

4 (B) effectively coordinate with other rel-
5 evant advisory bodies and working groups to
6 avoid unnecessary duplication;

7 (C) create transparency to the public and
8 Congress with regard to Council membership,
9 costs, and activities, including through use of
10 modern technology and social media to dissemi-
11 nate information; and

12 (D) avoid conflicts of interest that would
13 jeopardize the ability of the Council to make de-
14 cisions and provide recommendations.

15 (d) SOCIAL DETERMINANTS ACCELERATOR GRANTS
16 TO STATES OR LOCAL GOVERNMENTS.—

17 (1) GRANTS TO STATES, LOCAL GOVERNMENTS,
18 AND TRIBES.—Not later than 180 days after the
19 date of the enactment of this Act, the Administrator,
20 in consultation with the Secretary and the Council,
21 shall award on a competitive basis not more than 25
22 grants to eligible applicants described in this section,
23 for the development of social determinants accel-
24 erator plans, as described in this section.

1 (2) ELIGIBLE APPLICANT.—An eligible appli-
2 cant described in this section is a State, local, or
3 Tribal health or human services agency that—

4 (A) demonstrates the support of relevant
5 parties across relevant State, local, or Tribal ju-
6 risdictions; and

7 (B) in the case of an applicant that is a
8 local government agency, provides to the Sec-
9 retary a letter of support from the lead State
10 health or human services agency for the State
11 in which the local government is located.

12 (3) AMOUNT OF GRANT.—The Administrator,
13 in coordination with the Council, shall determine the
14 total amount that the Administrator will make avail-
15 able to each grantee under this section.

16 (4) APPLICATION.—An eligible applicant seek-
17 ing a grant under this section shall include in the
18 application the following information:

19 (A) The target population (or populations)
20 that would benefit from implementation of the
21 social determinants accelerator plan proposed to
22 be developed by the applicant.

23 (B) A description of the objective or objec-
24 tives and outcome goals of such proposed plan,
25 which shall include at least one health outcome

1 and at least one other important social out-
2 come.

3 (C) The sources and scope of inefficiencies
4 that, if addressed by the plan, could result in
5 improved cost-effectiveness of or return on in-
6 vestment from Federal, State, local, and Tribal
7 governments.

8 (D) A description of potential interventions
9 that could be designed or enabled using such
10 proposed plan.

11 (E) The State, local, Tribal, academic,
12 nonprofit, community-based organizations, and
13 other private sector partners that would partici-
14 pate in the development of the proposed plan
15 and subsequent implementation of programs or
16 initiatives included in such proposed plan.

17 (F) Such other information as the Admin-
18 istrator, in consultation with the Secretary and
19 the Council, determines necessary to achieve the
20 purposes of this subtitle.

21 (5) USE OF FUNDS.—A recipient of a grant
22 under this section may use funds received through
23 the grant for the following purposes:

24 (A) To convene and coordinate with rel-
25 evant government entities and other stake-

1 holders across sectors to assist in the develop-
2 ment of a social determinant accelerator plan.

3 (B) To identify populations of individuals
4 receiving medical assistance under a State plan
5 (or a waiver of such plan) under title XIX of
6 the Social Security Act (42 U.S.C. 1396 et
7 seq.) who may benefit from the proposed ap-
8 proaches to improving the health and well-being
9 of such individuals through the implementation
10 of the proposed social determinants accelerator
11 plan.

12 (C) To engage qualified research experts to
13 advise on relevant research and to design a pro-
14 posed evaluation plan, in accordance with the
15 standards and guidelines issued by the Admin-
16 istrator.

17 (D) To collaborate with the Council to sup-
18 port the development of social determinants ac-
19 celerator plans.

20 (E) To prepare and submit a final social
21 determinants accelerator plan to the Council.

22 (6) CONTENTS OF PLANS.—A social deter-
23 minant accelerator plan developed under this section
24 shall include the following:

1 (A) A description of the target population
2 (or populations) that would benefit from imple-
3 mentation of the social determinants accelerator
4 plan, including an analysis describing the pro-
5 jected impact on the well-being of individuals
6 described in paragraph (5)(B).

7 (B) A description of the interventions or
8 approaches designed under the social deter-
9 minants accelerator plan and the evidence for
10 selecting such interventions or approaches.

11 (C) The objectives and outcome goals of
12 such interventions or approaches, including at
13 least one health outcome and at least one other
14 important social outcome.

15 (D) A plan for accessing and linking rel-
16 evant data to enable coordinated benefits and
17 services for the jurisdictions described in this
18 section and an evaluation of the proposed inter-
19 ventions and approaches.

20 (E) A description of the State, local, Trib-
21 al, academic, nonprofit, or community-based or-
22 ganizations, or any other private sector organi-
23 zations that would participate in implementing
24 the proposed interventions or approaches, and
25 the role each would play to contribute to the

1 success of the proposed interventions or ap-
2 proaches.

3 (F) The identification of the funding
4 sources that would be used to finance the pro-
5 posed interventions or approaches.

6 (G) A description of any financial incen-
7 tives that may be provided, including outcome-
8 focused contracting approaches to encourage
9 service providers and other partners to improve
10 outcomes of, cost-effectiveness of, and return on
11 investment from, Federal, State, local, or Tribal
12 government spending.

13 (H) The identification of the applicable
14 Federal, State, local, or Tribal statutory and
15 regulatory authorities, including waiver authori-
16 ties, to be leveraged to implement the proposed
17 interventions or approaches.

18 (I) A description of potential consider-
19 ations that would enhance the impact,
20 scalability, or sustainability of the proposed
21 interventions or approaches and the actions the
22 grant awardee would take to address such con-
23 siderations.

24 (J) A proposed evaluation plan, to be car-
25 ried out by an independent evaluator, to meas-

1 ure the impact of the proposed interventions or
2 approaches on the outcomes of, cost-effective-
3 ness of, and return on investment from, Fed-
4 eral, State, local, and Tribal governments.

5 (K) Precautions for ensuring that vulner-
6 able populations will not be denied access to
7 Medicaid or other essential services as a result
8 of implementing the proposed plan.

9 (e) FUNDING.—

10 (1) IN GENERAL.—Out of any money in the
11 Treasury not otherwise appropriated, there is appro-
12 priated to carry out this subtitle \$25,000,000, of
13 which up to \$5,000,000 may be used to carry out
14 this subtitle, to remain available for obligation until
15 the date that is 5 years after the date of enactment
16 of this Act.

17 (2) RESERVATION OF FUNDS.—

18 (A) IN GENERAL.—Of the funds made
19 available under paragraph (1), the Secretary
20 shall reserve not less than 20 percent to award
21 grants to eligible applicants for the development
22 of social determinants accelerator plans under
23 this section intended to serve rural populations.

24 (B) EXCEPTION.—In the case of a fiscal
25 year for which the Secretary determines that

1 there are not sufficient eligible applicants to
2 award up to 25 grants under section 317403
3 that are intended to serve rural populations and
4 the Secretary cannot satisfy the 20-percent re-
5 quirement, the Secretary may reserve an
6 amount that is less than 20 percent of amounts
7 made available under paragraph (1) to award
8 grants for such purpose.

9 (3) RULE OF CONSTRUCTION.—Nothing in this
10 subtitle shall prevent Federal agencies represented
11 on the Council from contributing additional funding
12 from other sources to support activities to improve
13 the effectiveness of the Council.

14 **SEC. 317404. ACCOUNTABILITY AND TRANSPARENCY WITH-**
15 **IN THE DEPARTMENT OF HEALTH AND**
16 **HUMAN SERVICES.**

17 Title XXXIV of the Public Health Service Act is
18 amended by inserting after subtitle C the following:

19 **“Subtitle D—Strengthening**
20 **Accountability**

21 **“SEC. 3441. ELEVATION OF THE OFFICE OF CIVIL RIGHTS.**

22 “(a) IN GENERAL.—The Secretary shall establish
23 within the Office for Civil Rights an Office of Health Dis-
24 parities, which shall be headed by a director to be ap-
25 pointed by the Secretary.

1 “(b) PURPOSE.—The Office of Health Disparities
2 shall ensure that the health programs, activities, and oper-
3 ations of health entities that receive Federal financial as-
4 sistance are in compliance with title VI of the Civil Rights
5 Act, including through the following activities:

6 “(1) The development and implementation of
7 an action plan to address racial and ethnic health
8 care disparities, which shall address concerns relat-
9 ing to the Office for Civil Rights as released by the
10 United States Commission on Civil Rights in the re-
11 port entitled ‘Health Care Challenge: Acknowledging
12 Disparity, Confronting Discrimination, and Ensuring
13 Equity’ (September 1999) in conjunction with
14 the reports by the National Academy of Sciences
15 (formerly known as the Institute of Medicine) enti-
16 tled ‘Unequal Treatment: Confronting Racial and
17 Ethnic Disparities in Health Care’, ‘Crossing the
18 Quality Chasm: A New Health System for the 21st
19 Century’, ‘In the Nation’s Compelling Interest: En-
20 suring Diversity in the Health Care Workforce’,
21 ‘The National Partnership for Action to End Health
22 Disparities’, and ‘The Health of Lesbian, Gay, Bi-
23 sexual, and Transgender People’, and other related
24 reports by the National Academy of Sciences. This
25 plan shall be publicly disclosed for review and com-

1 ment and the final plan shall address any comments
2 or concerns that are received by the Office.

3 “(2) Investigative and enforcement actions
4 against intentional discrimination and policies and
5 practices that have a disparate impact on minorities.

6 “(3) The review of racial, ethnic, gender iden-
7 tity, sexual orientation, sex, disability status, socio-
8 economic status, and primary language health data
9 collected by Federal health agencies to assess health
10 care disparities related to intentional discrimination
11 and policies and practices that have a disparate im-
12 pact on minorities. Such review shall include an as-
13 sessment of health disparities in communities with a
14 combination of these classes.

15 “(4) Outreach and education activities relating
16 to compliance with title VI of the Civil Rights Act.

17 “(5) The provision of technical assistance for
18 health entities to facilitate compliance with title VI
19 of the Civil Rights Act.

20 “(6) Coordination and oversight of activities of
21 the civil rights compliance offices established under
22 section 3442.

23 “(7) Ensuring—

24 “(A) at a minimum, compliance with the
25 most recent version of the Office of Manage-

1 ment and Budget statistical policy directive en-
2 titled ‘Standards for Maintaining, Collecting,
3 and Presenting Federal Data on Race and Eth-
4 nicity’; and

5 “(B) consideration of available data and
6 language standards such as—

7 “(i) the standards for collecting and
8 reporting data under section 3101; and

9 “(ii) the National Standards on Cul-
10 turally and Linguistically Appropriate
11 Services of the Office of Minority Health.

12 “(c) FUNDING AND STAFF.—The Secretary shall en-
13 sure the effectiveness of the Office of Health Disparities
14 by ensuring that the Office is provided with—

15 “(1) adequate funding to enable the Office to
16 carry out its duties under this section; and

17 “(2) staff with expertise in—

18 “(A) epidemiology;

19 “(B) statistics;

20 “(C) health quality assurance;

21 “(D) minority health and health dispari-
22 ties;

23 “(E) cultural and linguistic competency;

24 “(F) civil rights; and

1 “(G) social, behavioral, and economic de-
2 terminants of health.

3 “(d) REPORT.—Not later than December 31, 2021,
4 and annually thereafter, the Secretary, in collaboration
5 with the Director of the Office for Civil Rights and the
6 Deputy Assistant Secretary for Minority Health, shall
7 submit a report to the Committee on Health, Education,
8 Labor, and Pensions of the Senate and the Committee on
9 Energy and Commerce of the House of Representatives
10 that includes—

11 “(1) the number of cases filed, broken down by
12 category;

13 “(2) the number of cases investigated and
14 closed by the office;

15 “(3) the outcomes of cases investigated;

16 “(4) the staffing levels of the office including
17 staff credentials;

18 “(5) the number of other lingering and emerg-
19 ing cases in which civil rights inequities can be dem-
20 onstrated; and

21 “(6) the number of cases remaining open and
22 an explanation for their open status.

23 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section

1 such sums as may be necessary for each of fiscal years
2 2022 through 2027.

3 **“SEC. 3442. ESTABLISHMENT OF HEALTH PROGRAM OF-**
4 **FICES FOR CIVIL RIGHTS WITHIN FEDERAL**
5 **HEALTH AND HUMAN SERVICES AGENCIES.**

6 “(a) IN GENERAL.—The Secretary shall establish
7 civil rights compliance offices in each agency within the
8 Department of Health and Human Services that admin-
9 isters health programs.

10 “(b) PURPOSE OF OFFICES.—Each office established
11 under subsection (a) shall ensure that recipients of Fed-
12 eral financial assistance under Federal health programs
13 administer programs, services, and activities in a manner
14 that—

15 “(1) does not discriminate, either intentionally
16 or in effect, on the basis of race, national origin, lan-
17 guage, ethnicity, sex, age, disability, sexual orienta-
18 tion, and gender identity; and

19 “(2) promotes the reduction and elimination of
20 disparities in health and health care based on race,
21 national origin, language, ethnicity, sex, age, dis-
22 ability, sexual orientation, and gender identity.

23 “(c) POWERS AND DUTIES.—The offices established
24 in subsection (a) shall have the following powers and du-
25 ties:

1 “(1) The establishment of compliance and pro-
2 gram participation standards for recipients of Fed-
3 eral financial assistance under each program admin-
4 istered by the applicable agency, including the estab-
5 lishment of disparity reduction standards to encom-
6 pass disparities in health and health care related to
7 race, national origin, language, ethnicity, sex, age,
8 disability, sexual orientation, and gender identity.

9 “(2) The development and implementation of
10 program-specific guidelines that interpret and apply
11 Department of Health and Human Services guid-
12 ance under title VI of the Civil Rights Act of 1964
13 and section 1557 of the Patient Protection and Af-
14 fordable Care Act to each Federal health program
15 administered by the agency.

16 “(3) The development of a disparity-reduction
17 impact analysis methodology that shall be applied to
18 every rule issued by the agency and published as
19 part of the formal rulemaking process under sections
20 555, 556, and 557 of title 5, United States Code.

21 “(4) Oversight of data collection, analysis, and
22 publication requirements for all recipients of Federal
23 financial assistance under each Federal health pro-
24 gram administered by the agency; compliance with,
25 at a minimum, the most recent version of the Office

1 of Management and Budget statistical policy direc-
2 tive entitled ‘Standards for Maintaining, Collecting,
3 and Presenting Federal Data on Race and Eth-
4 nicity’; and consideration of available data and lan-
5 guage standards such as—

6 “(A) the standards for collecting and re-
7 porting data under section 3101; and

8 “(B) the National Standards on Culturally
9 and Linguistically Appropriate Services of the
10 Office of Minority Health.

11 “(5) The conduct of publicly available studies
12 regarding discrimination within Federal health pro-
13 grams administered by the agency as well as dis-
14 parity reduction initiatives by recipients of Federal
15 financial assistance under Federal health programs.

16 “(6) Annual reports to the Committee on
17 Health, Education, Labor, and Pensions and the
18 Committee on Finance of the Senate and the Com-
19 mittee on Energy and Commerce and the Committee
20 on Ways and Means of the House of Representatives
21 on the progress in reducing disparities in health and
22 health care through the Federal programs adminis-
23 tered by the agency.

24 “(d) RELATIONSHIP TO OFFICE FOR CIVIL RIGHTS
25 IN THE DEPARTMENT OF JUSTICE.—

1 “(1) DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES.—The Office for Civil Rights of the De-
3 partment of Health and Human Services shall pro-
4 vide standard-setting and compliance review inves-
5 tigation support services to the Civil Rights Compli-
6 ance Office for each agency described in subsection
7 (a), subject to paragraph (2).

8 “(2) DEPARTMENT OF JUSTICE.—The Office
9 for Civil Rights of the Department of Justice may,
10 as appropriate, institute formal proceedings when a
11 civil rights compliance office established under sub-
12 section (a) determines that a recipient of Federal fi-
13 nancial assistance is not in compliance with the dis-
14 parity reduction standards of the applicable agency.

15 “(e) DEFINITION.—In this section, the term ‘Federal
16 health programs’ mean programs—

17 “(1) under the Social Security Act (42 U.S.C.
18 301 et seq.) that pay for health care and services;
19 and

20 “(2) under this Act that provide Federal finan-
21 cial assistance for health care, biomedical research,
22 health services research, and programs designed to
23 improve the public’s health, including health service
24 programs.”.

1 **PART 5—EXPANDED INSURANCE ACCESS**

2 **SEC. 317501. MEDICARE SPECIAL ENROLLMENT PERIOD**
3 **FOR INDIVIDUALS RESIDING IN COVID-19**
4 **EMERGENCY AREAS.**

5 (a) IN GENERAL.—Section 1837(i) of the Social Se-
6 curity Act (42 U.S.C. 1395p(i)) is amended by adding at
7 the end the following new paragraph:

8 “(5)(A) In the case of an individual who—

9 “(i) is eligible under section 1836 to enroll
10 in the medical insurance program established by
11 this part,

12 “(ii) did not enroll (or elected not to be
13 deemed enrolled) under this section during an
14 enrollment period, and

15 “(iii) during the emergency period (as de-
16 scribed in section 1135(g)(1)(B)), resided in an
17 emergency area (as described in such section),
18 there shall be a special enrollment period de-
19 scribed in subparagraph (B).

20 “(B) The special enrollment period re-
21 ferred to in subparagraph (A) is the period that
22 begins not later than July 1, 2021, and ends on
23 the last day of the month in which the emer-
24 gency period (as described in section
25 1135(g)(1)(B)) ends.”.

1 (b) COVERAGE PERIOD FOR INDIVIDUALS
2 TRANSITIONING FROM OTHER COVERAGE.—Section
3 1838(e) of the Social Security Act (42 U.S.C. 1395q(e))
4 is amended—

5 (1) by striking “pursuant to section 1837(i)(3)
6 or 1837(i)(4)(B)—” and inserting the following:
7 “pursuant to—

8 “(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

9 (2) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively, and mov-
11 ing the indentation of each such subparagraph 2
12 ems to the right;

13 (3) by striking the period at the end of the sub-
14 paragraph (B), as so redesignated, and inserting “;
15 or”; and

16 (4) by adding at the end the following new
17 paragraph:

18 “(2) section 1837(i)(5), the coverage period
19 shall begin on the first day of the month following
20 the month in which the individual so enrolls.”.

21 (c) FUNDING.—The Secretary of Health and Human
22 Services shall provide for the transfer from the Federal
23 Hospital Insurance Trust Fund (as described in section
24 1817 of the Social Security Act (42 U.S.C. 1395i)) and
25 the Federal Supplementary Medical Insurance Trust

1 Fund (as described in section 1841 of such Act (42 U.S.C.
 2 1395t)), in such proportions as determined appropriate by
 3 the Secretary, to the Social Security Administration, of
 4 \$30,000,000, to remain available until expended, for pur-
 5 poses of carrying out the amendments made by this sec-
 6 tion.

7 (d) IMPLEMENTATION.—Notwithstanding any other
 8 provision of law, the Secretary of Health and Human
 9 Services may implement the amendments made by this
 10 section by program instruction or otherwise.

11 **SEC. 317502. SPECIAL ENROLLMENT PERIOD THROUGH EX-**
 12 **CHANGES; FEDERAL EXCHANGE OUTREACH**
 13 **AND EDUCATIONAL ACTIVITIES.**

14 (a) SPECIAL ENROLLMENT PERIOD THROUGH EX-
 15 CHANGES.—Section 1311(c) of the Patient Protection and
 16 Affordable Care Act (42 U.S.C. 18031(c)) is amended—

17 (1) in paragraph (6)—

18 (A) in subparagraph (C), by striking at the
 19 end “and”;

20 (B) in subparagraph (D), by striking at
 21 the end the period and inserting “; and”; and

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

24 “(E) subject to subparagraph (B) of para-
 25 graph (8), the special enrollment period de-

1 scribed in subparagraph (A) of such para-
2 graph.”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(8) SPECIAL ENROLLMENT PERIOD FOR CER-
6 TAIN PUBLIC HEALTH EMERGENCY.—

7 “(A) IN GENERAL.—The Secretary shall,
8 subject to subparagraph (B), require an Ex-
9 change to provide—

10 “(i) for a special enrollment period
11 during the emergency period described in
12 section 1135(g)(1)(B) of the Social Secu-
13 rity Act—

14 “(I) which shall begin on the
15 date that is one week after the date of
16 the enactment of this paragraph and
17 which, in the case of an Exchange es-
18 tablished or operated by the Secretary
19 within a State pursuant to section
20 1321(c), shall be an 8-week period;
21 and

22 “(II) during which any individual
23 who is otherwise eligible to enroll in a
24 qualified health plan through the Ex-

1 change may enroll in such a qualified
2 health plan; and

3 “(ii) that, in the case of an individual
4 who enrolls in a qualified health plan
5 through the Exchange during such enroll-
6 ment period, the coverage period under
7 such plan shall begin, at the option of the
8 individual, on April 1, 2021, or on the first
9 day of the month following the day the in-
10 dividual selects a plan through such special
11 enrollment period.

12 “(B) EXCEPTION.—The requirement of
13 subparagraph (A) shall not apply to a State-op-
14 erated or State-established Exchange if such
15 Exchange, prior to the date of the enactment of
16 this paragraph, established or otherwise pro-
17 vided for a special enrollment period to address
18 access to coverage under qualified health plans
19 offered through such Exchange during the
20 emergency period described in section
21 1135(g)(1)(B) of the Social Security Act.”.

22 (b) FEDERAL EXCHANGE OUTREACH AND EDU-
23 CATIONAL ACTIVITIES.—Section 1321(c) of the Patient
24 Protection and Affordable Care Act (42 U.S.C. 18041(c))

1 is amended by adding at the end the following new para-
2 graph:

3 “(3) OUTREACH AND EDUCATIONAL ACTIVI-
4 TIES.—

5 “(A) IN GENERAL.—In the case of an Ex-
6 change established or operated by the Secretary
7 within a State pursuant to this subsection, the
8 Secretary shall carry out outreach and edu-
9 cational activities for purposes of informing po-
10 tential enrollees in qualified health plans offered
11 through the Exchange of the availability of cov-
12 erage under such plans and financial assistance
13 for coverage under such plans. Such outreach
14 and educational activities shall be provided in a
15 manner that is culturally and linguistically ap-
16 propriate to the needs of the populations being
17 served by the Exchange (including hard-to-
18 reach populations, such as racial and sexual mi-
19 norities, limited English proficient populations,
20 and young adults).

21 “(B) LIMITATION ON USE OF FUNDS.—No
22 funds appropriated under this paragraph shall
23 be used for expenditures for promoting non-
24 ACA compliant health insurance coverage.

1 “(C) NON-ACA COMPLIANT HEALTH IN-
2 SURANCE COVERAGE.—For purposes of sub-
3 paragraph (B):

4 “(i) The term ‘non-ACA compliant
5 health insurance coverage’ means health
6 insurance coverage, or a group health plan,
7 that is not a qualified health plan.

8 “(ii) Such term includes the following:

9 “(I) An association health plan.

10 “(II) Short-term limited duration
11 insurance.

12 “(D) FUNDING.—There are appropriated,
13 out of any funds in the Treasury not otherwise
14 appropriated, \$25,000,000, to remain available
15 until expended—

16 “(i) to carry out this paragraph; and

17 “(ii) at the discretion of the Sec-
18 retary, to carry out section 1311(i), with
19 respect to an Exchange established or op-
20 erated by the Secretary within a State pur-
21 suant to this subsection.”.

22 (c) IMPLEMENTATION.—The Secretary of Health and
23 Human Services may implement the provisions of (includ-
24 ing amendments made by) this section through subregu-
25 latory guidance, program instruction, or otherwise.

1 **SEC. 317503. MOMMA’S ACT.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Mothers and Offspring Mortality and Morbidity Aware-
4 ness Act” or the “MOMMA’s Act”.

5 (b) **FINDINGS.**—Congress finds the following:

6 (1) Every year, across the United States,
7 4,000,000 women give birth, about 700 women suf-
8 fer fatal complications during pregnancy, while giv-
9 ing birth or during the postpartum period, and
10 70,000 women suffer near-fatal, partum-related
11 complications.

12 (2) The maternal mortality rate is often used as
13 a proxy to measure the overall health of a popu-
14 lation. While the infant mortality rate in the United
15 States has reached its lowest point, the risk of death
16 for women in the United States during pregnancy,
17 childbirth, or the postpartum period is higher than
18 such risk in many other developed nations. The esti-
19 mated maternal mortality rate (per 100,000 live
20 births) for the 48 contiguous States and Wash-
21 ington, DC increased from 18.8 percent in 2000 to
22 23.8 percent in 2014 to 26.6 percent in 2018. This
23 estimated rate is on par with such rate for under-
24 developed nations such as Iraq and Afghanistan.

25 (3) International studies estimate the 2015 ma-
26 ternal mortality rate in the United States as 26.4

1 per 100,000 live births, which is almost twice the
2 2015 World Health Organization estimation of 14
3 per 100,000 live births.

4 (4) It is estimated that more than 60 percent
5 of maternal deaths in the United States are prevent-
6 able.

7 (5) According to the Centers for Disease Con-
8 trol and Prevention, the maternal mortality rate var-
9 ies drastically for women by race and ethnicity.
10 There are 12.7 deaths per 100,000 live births for
11 White women, 43.5 deaths per 100,000 live births
12 for African-American women, and 14.4 deaths per
13 100,000 live births for women of other ethnicities.
14 While maternal mortality disparately impacts Afri-
15 can-American women, this urgent public health crisis
16 traverses race, ethnicity, socioeconomic status, edu-
17 cational background, and geography.

18 (6) African-American women are 3 to 4 times
19 more likely to die from causes related to pregnancy
20 and childbirth compared to non-Hispanic White
21 women.

22 (7) The findings described in paragraphs (1)
23 through (6) are of major concern to researchers,
24 academics, members of the business community, and
25 providers across the obstetrical continuum rep-

1 resented by organizations such as March of Dimes;
2 the Preeclampsia Foundation; the American College
3 of Obstetricians and Gynecologists; the Society for
4 Maternal-Fetal Medicine; the Association of Women's
5 Health, Obstetric, and Neonatal Nurses; the
6 California Maternal Quality Care Collaborative;
7 Black Women's Health Imperative; the National
8 Birth Equity Collaborative; Black Mamas Matter Alliance;
9 EverThrive Illinois; the National Association
10 of Certified Professional Midwives; PCOS Challenge:
11 The National Polycystic Ovary Syndrome Association;
12 and the American College of Nurse Midwives.

13 (8) Hemorrhage, cardiovascular and coronary
14 conditions, cardiomyopathy, infection, embolism,
15 mental health conditions, preeclampsia and eclampsia,
16 polycystic ovary syndrome, infection and sepsis,
17 and anesthesia complications are the predominant
18 medical causes of maternal-related deaths and complications.
19 Most of these conditions are largely preventable or manageable.
20

21 (9) Oral health is an important part of
22 perinatal health. Reducing bacteria in a woman's
23 mouth during pregnancy can significantly reduce her
24 risk of developing oral diseases and spreading decay-causing
25 bacteria to her baby. Moreover, some evi-

1 dence suggests that women with periodontal disease
2 during pregnancy could be at greater risk for poor
3 birth outcomes, such as preeclampsia, pre-term
4 birth, and low-birth weight. Furthermore, a woman's
5 oral health during pregnancy is a good predictor of
6 her newborn's oral health, and since mothers can
7 unintentionally spread oral bacteria to their babies,
8 putting their children at higher risk for tooth decay,
9 prevention efforts should happen even before chil-
10 dren are born, as a matter of pre-pregnancy health
11 and prenatal care during pregnancy.

12 (10) The United States has not been able to
13 submit a formal maternal mortality rate to inter-
14 national data repositories since 2007. Thus, no offi-
15 cial maternal mortality rate exists for the United
16 States. There can be no maternal mortality rate
17 without streamlining maternal mortality-related data
18 from the State level and extrapolating such data to
19 the Federal level.

20 (11) In the United States, death reporting and
21 analysis is a State function rather than a Federal
22 process. States report all deaths—including mater-
23 nal deaths—on a semi-voluntary basis, without
24 standardization across States. While the Centers for
25 Disease Control and Prevention has the capacity and

1 system for collecting death-related data based on
2 death certificates, these data are not sufficiently re-
3 ported by States in an organized and standard for-
4 mat across States such that the Centers for Disease
5 Control and Prevention is able to identify causes of
6 maternal death and best practices for the prevention
7 of such death.

8 (12) Vital statistics systems often underesti-
9 mate maternal mortality and are insufficient data
10 sources from which to derive a full scope of medical
11 and social determinant factors contributing to ma-
12 ternal deaths. While the addition of pregnancy
13 checkboxes on death certificates since 2003 have
14 likely improved States' abilities to identify preg-
15 nancy-related deaths, they are not generally com-
16 pleted by obstetrical providers or persons trained to
17 recognize pregnancy-related mortality. Thus, these
18 vital forms may be missing information or may cap-
19 ture inconsistent data. Due to varying maternal
20 mortality-related analyses, lack of reliability, and
21 granularity in data, current maternal mortality
22 informatics do not fully encapsulate the myriad med-
23 ical and socially determinant factors that contribute
24 to such high maternal mortality rates within the
25 United States compared to other developed nations.

1 Lack of standardization of data and data sharing
2 across States and between Federal entities, health
3 networks, and research institutions keep the Nation
4 in the dark about ways to prevent maternal deaths.

5 (13) Having reliable and valid State data ag-
6 gregated at the Federal level are critical to the Na-
7 tion's ability to quell surges in maternal death and
8 imperative for researchers to identify long-lasting
9 interventions.

10 (14) Leaders in maternal wellness highly rec-
11 ommend that maternal deaths be investigated at the
12 State level first, and that standardized, streamlined,
13 de-identified data regarding maternal deaths be sent
14 annually to the Centers for Disease Control and Pre-
15 vention. Such data standardization and collection
16 would be similar in operation and effect to the Na-
17 tional Program of Cancer Registries of the Centers
18 for Disease Control and Prevention and akin to the
19 Confidential Enquiry in Maternal Deaths Pro-
20 gramme in the United Kingdom. Such a maternal
21 mortalities and morbidities registry and surveillance
22 system would help providers, academicians, law-
23 makers, and the public to address questions con-
24 cerning the types of, causes of, and best practices to

1 thwart, pregnancy-related or pregnancy-associated
2 mortality and morbidity.

3 (15) The United Nations' Millennium Develop-
4 ment Goal 5a aimed to reduce by 75 percent, be-
5 tween 1990 and 2015, the maternal mortality rate,
6 yet this metric has not been achieved. In fact, the
7 maternal mortality rate in the United States has
8 been estimated to have more than doubled between
9 2000 and 2014. Yet, because national data are not
10 fully available, the United States does not have an
11 official maternal mortality rate.

12 (16) Many States have struggled to establish or
13 maintain Maternal Mortality Review Committees
14 (referred to in this section as "MMRC"). On the
15 State level, MMRCs have lagged because States have
16 not had the resources to mount local reviews. State-
17 level reviews are necessary as only the State depart-
18 ments of health have the authority to request med-
19 ical records, autopsy reports, and police reports crit-
20 ical to the function of the MMRC.

21 (17) The United Kingdom regards maternal
22 deaths as a health systems failure and a national
23 committee of obstetrics experts review each maternal
24 death or near-fatal childbirth complication. Such
25 committee also establishes the predominant course of

1 maternal-related deaths from conditions such as
2 preeclampsia. Consequently, the United Kingdom
3 has been able to reduce its incidence of preeclampsia
4 to less than one in 10,000 women—its lowest rate
5 since 1952.

6 (18) The United States has no comparable, co-
7 ordinated Federal process by which to review cases
8 of maternal mortality, systems failures, or best prac-
9 tices. Many States have active MMRCs and leverage
10 their work to impact maternal wellness. For exam-
11 ple, the State of California has worked extensively
12 with their State health departments, health and hos-
13 pital systems, and research collaborative organiza-
14 tions, including the California Maternal Quality Care
15 Collaborative and the Alliance for Innovation on Ma-
16 ternal Health, to establish MMRCs, wherein such
17 State has determined the most prevalent causes of
18 maternal mortality and recorded and shared data
19 with providers and researchers, who have developed
20 and implemented safety bundles and care protocols
21 related to preeclampsia, maternal hemorrhage, and
22 the like. In this way, the State of California has
23 been able to leverage its maternal mortality review
24 board system, generate data, and apply those data
25 to effect changes in maternal care-related protocol.

1 To date, the State of California has reduced its ma-
2 ternal mortality rate, which is now comparable to
3 the low rates of the United Kingdom.

4 (19) Hospitals and health systems across the
5 United States lack standardization of emergency ob-
6 stetrical protocols before, during, and after delivery.
7 Consequently, many providers are delayed in recog-
8 nizing critical signs indicating maternal distress that
9 quickly escalate into fatal or near-fatal incidences.
10 Moreover, any attempt to address an obstetrical
11 emergency that does not consider both clinical and
12 public health approaches falls woefully under the
13 mark of excellent care delivery. State-based maternal
14 quality collaborative organizations, such as the Cali-
15 fornia Maternal Quality Care Collaborative or enti-
16 ties participating in the Alliance for Innovation on
17 Maternal Health (AIM), have formed obstetrical pro-
18 tocols, tool kits, and other resources to improve sys-
19 tem care and response as they relate to maternal
20 complications and warning signs for such conditions
21 as maternal hemorrhage, hypertension, and
22 preeclampsia.

23 (20) The Centers for Disease Control and Pre-
24 vention reports that nearly half of all maternal
25 deaths occur in the immediate postpartum period—

1 the 42 days following a pregnancy—whereas more
2 than one-third of pregnancy-related or pregnancy-as-
3 sociated deaths occur while a person is still preg-
4 nant. Yet, for women eligible for the Medicaid pro-
5 gram on the basis of pregnancy, such Medicaid cov-
6 erage lapses at the end of the month on which the
7 60th postpartum day lands.

8 (21) The experience of serious traumatic
9 events, such as being exposed to domestic violence,
10 substance use disorder, or pervasive racism, can
11 over-activate the body's stress-response system.
12 Known as toxic stress, the repetition of high-doses
13 of cortisol to the brain, can harm healthy neuro-
14 logical development, which can have cascading phys-
15 ical and mental health consequences, as documented
16 in the Adverse Childhood Experiences study of the
17 Centers for Disease Control and Prevention.

18 (22) A growing body of evidence-based research
19 has shown the correlation between the stress associ-
20 ated with one's race—the stress of racism—and
21 one's birthing outcomes. The stress of sex and race
22 discrimination and institutional racism has been
23 demonstrated to contribute to a higher risk of ma-
24 ternal mortality, irrespective of one's gestational
25 age, maternal age, socioeconomic status, or indi-

1 vidual-level health risk factors, including poverty,
2 limited access to prenatal care, and poor physical
3 and mental health (although these are not nominal
4 factors). African-American women remain the most
5 at risk for pregnancy-associated or pregnancy-re-
6 lated causes of death. When it comes to
7 preeclampsia, for example, which is related to obe-
8 sity, African-American women of normal weight re-
9 main the most at risk of dying during the perinatal
10 period compared to non-African-American obese
11 women.

12 (23) The rising maternal mortality rate in the
13 United States is driven predominantly by the dis-
14 proportionately high rates of African-American ma-
15 ternal mortality.

16 (24) African-American women are 3 to 4 times
17 more likely to die from pregnancy or maternal-re-
18 lated distress than are White women, yielding one of
19 the greatest and most disconcerting racial disparities
20 in public health.

21 (25) Compared to women from other racial and
22 ethnic demographics, African-American women
23 across the socioeconomic spectrum experience pro-
24 longed, unrelenting stress related to racial and gen-
25 der discrimination, contributing to higher rates of

1 maternal mortality, giving birth to low-weight ba-
2 bies, and experiencing pre-term birth. Racism is a
3 risk-factor for these aforementioned experiences.
4 This cumulative stress often extends across the life
5 course and is situated in everyday spaces where Afri-
6 can-American women establish livelihood. Structural
7 barriers, lack of access to care, and genetic pre-
8 dispositions to health vulnerabilities exacerbate Afri-
9 can-American women's likelihood to experience poor
10 or fatal birthing outcomes, but do not fully account
11 for the great disparity.

12 (26) African-American women are twice as like-
13 ly to experience postpartum depression, and dis-
14 proportionately higher rates of preeclampsia com-
15 pared to White women.

16 (27) Racism is deeply ingrained in United
17 States systems, including in health care delivery sys-
18 tems between patients and providers, often resulting
19 in disparate treatment for pain, irreverence for cul-
20 tural norms with respect to health, and
21 dismissiveness. Research has demonstrated that pa-
22 tients respond more warmly and adhere to medical
23 treatment plans at a higher degree with providers of
24 the same race or ethnicity or with providers with
25 great ability to exercise empathy. However, the pro-

1 vider pool is not primed with many people of color,
2 nor are providers (whether student-doctors in train-
3 ing or licensed practitioners) consistently required to
4 undergo implicit bias, cultural competency, or empa-
5 thy training on a consistent, on-going basis.

6 (c) IMPROVING FEDERAL EFFORTS WITH RESPECT
7 TO PREVENTION OF MATERNAL MORTALITY.—

8 (1) TECHNICAL ASSISTANCE FOR STATES WITH
9 RESPECT TO REPORTING MATERNAL MORTALITY.—

10 Not later than one year after the date of enactment
11 of this Act, the Director of the Centers for Disease
12 Control and Prevention (referred to in this section
13 as the “Director”), in consultation with the Admin-
14 istrator of the Health Resources and Services Ad-
15 ministration, shall provide technical assistance to
16 States that elect to report comprehensive data on
17 maternal mortality, including oral, mental, and
18 breastfeeding health information, for the purpose of
19 encouraging uniformity in the reporting of such data
20 and to encourage the sharing of such data among
21 the respective States.

22 (2) BEST PRACTICES RELATING TO PREVEN-
23 TION OF MATERNAL MORTALITY.—

24 (A) IN GENERAL.—Not later than one year
25 after the date of enactment of this Act—

1 (i) the Director, in consultation with
2 relevant patient and provider groups, shall
3 issue best practices to State maternal mor-
4 tality review committees on how best to
5 identify and review maternal mortality
6 cases, taking into account any data made
7 available by States relating to maternal
8 mortality, including data on oral, mental,
9 and breastfeeding health, and utilization of
10 any emergency services; and

11 (ii) the Director, working in collabora-
12 tion with the Health Resources and Serv-
13 ices Administration, shall issue best prac-
14 tices to hospitals, State professional society
15 groups, and perinatal quality collaboratives
16 on how best to prevent maternal mortality.

17 (B) AUTHORIZATION OF APPROPRIA-
18 TIONS.—For purposes of carrying out this sub-
19 section, there is authorized to be appropriated
20 \$5,000,000 for each of fiscal years 2022
21 through 2026.

22 (3) ALLIANCE FOR INNOVATION ON MATERNAL
23 HEALTH GRANT PROGRAM.—

24 (A) IN GENERAL.—Not later than one year
25 after the date of enactment of this Act, the Sec-

1 retary of Health and Human Services (referred
2 to in this subsection as the “Secretary”), acting
3 through the Associate Administrator of the Ma-
4 ternal and Child Health Bureau of the Health
5 Resources and Services Administration, shall
6 establish a grant program to be known as the
7 Alliance for Innovation on Maternal Health
8 Grant Program (referred to in this subsection
9 as “AIM”) under which the Secretary shall
10 award grants to eligible entities for the purpose
11 of—

12 (i) directing widespread adoption and
13 implementation of maternal safety bundles
14 through collaborative State-based teams;
15 and

16 (ii) collecting and analyzing process,
17 structure, and outcome data to drive con-
18 tinuous improvement in the implementa-
19 tion of such safety bundles by such State-
20 based teams with the ultimate goal of
21 eliminating preventable maternal mortality
22 and severe maternal morbidity in the
23 United States.

1 (B) ELIGIBLE ENTITIES.—In order to be
2 eligible for a grant under paragraph (1), an en-
3 tity shall—

4 (i) submit to the Secretary an applica-
5 tion at such time, in such manner, and
6 containing such information as the Sec-
7 retary may require; and

8 (ii) demonstrate in such application
9 that the entity is an interdisciplinary,
10 multi-stakeholder, national organization
11 with a national data-driven maternal safety
12 and quality improvement initiative based
13 on implementation approaches that have
14 been proven to improve maternal safety
15 and outcomes in the United States.

16 (C) USE OF FUNDS.—An eligible entity
17 that receives a grant under paragraph (1) shall
18 use such grant funds—

19 (i) to develop and implement, through
20 a robust, multi-stakeholder process, mater-
21 nal safety bundles to assist States and
22 health care systems in aligning national,
23 State, and hospital-level quality improve-
24 ment efforts to improve maternal health
25 outcomes, specifically the reduction of ma-

1 ternal mortality and severe maternal mor-
2 bidity;

3 (ii) to ensure, in developing and im-
4 plementing maternal safety bundles under
5 subparagraph (A), that such maternal
6 safety bundles—

7 (I) satisfy the quality improve-
8 ment needs of a State or health care
9 system by factoring in the results and
10 findings of relevant data reviews, such
11 as reviews conducted by a State ma-
12 ternal mortality review committee;
13 and

14 (II) address topics such as—

15 (aa) obstetric hemorrhage;

16 (bb) maternal mental health;

17 (cc) the maternal venous
18 system;

19 (dd) obstetric care for
20 women with substance use dis-
21 orders, including opioid use dis-
22 order;

23 (ee) postpartum care basics
24 for maternal safety;

- 1 (ff) reduction of peripartum
- 2 racial and ethnic disparities;
- 3 (gg) reduction of primary
- 4 caesarean birth;
- 5 (hh) severe hypertension in
- 6 pregnancy;
- 7 (ii) severe maternal mor-
- 8 bidity reviews;
- 9 (jj) support after a severe
- 10 maternal morbidity event;
- 11 (kk) thromboembolism;
- 12 (ll) optimization of support
- 13 for breastfeeding; and
- 14 (mm) maternal oral health;
- 15 and

16 (iii) to provide ongoing technical as-

17 sistance at the national and State levels to

18 support implementation of maternal safety

19 bundles under subparagraph (A).

20 (D) MATERNAL SAFETY BUNDLE DE-

21 FINED.—For purposes of this subsection, the

22 term “maternal safety bundle” means standard-

23 ized, evidence-informed processes for maternal

24 health care.

1 (E) AUTHORIZATION OF APPROPRIA-
2 TIONS.—For purposes of carrying out this sub-
3 section, there is authorized to be appropriated
4 \$10,000,000 for each of fiscal years 2022
5 through 2025.

6 (4) FUNDING FOR STATE-BASED PERINATAL
7 QUALITY COLLABORATIVES DEVELOPMENT AND SUS-
8 TAINABILITY.—

9 (A) IN GENERAL.—Not later than one year
10 after the date of enactment of this Act, the Sec-
11 retary of Health and Human Services (referred
12 to in this subsection as the “Secretary”), acting
13 through the Division of Reproductive Health of
14 the Centers for Disease Control and Prevention,
15 shall establish a grant program to be known as
16 the State-Based Perinatal Quality Collaborative
17 grant program under which the Secretary
18 awards grants to eligible entities for the pur-
19 pose of development and sustainability of
20 perinatal quality collaboratives in every State,
21 the District of Columbia, and eligible terri-
22 tories, in order to measurably improve perinatal
23 care and perinatal health outcomes for preg-
24 nant and postpartum women and their infants.

1 (B) GRANT AMOUNTS.—Grants awarded
2 under this subsection shall be in amounts not to
3 exceed \$250,000 per year, for the duration of
4 the grant period.

5 (C) STATE-BASED PERINATAL QUALITY
6 COLLABORATIVE DEFINED.—For purposes of
7 this subsection, the term “State-based perinatal
8 quality collaborative” means a network of mul-
9 tidisciplinary teams that—

10 (i) work to improve measurable out-
11 comes for maternal and infant health by
12 advancing evidence-informed clinical prac-
13 tices using quality improvement principles;

14 (ii) work with hospital-based or out-
15 patient facility-based clinical teams, ex-
16 perts, and stakeholders, including patients
17 and families, to spread best practices and
18 optimize resources to improve perinatal
19 care and outcomes;

20 (iii) employ strategies that include the
21 use of the collaborative learning model to
22 provide opportunities for hospitals and
23 clinical teams to collaborate on improve-
24 ment strategies, rapid-response data to
25 provide timely feedback to hospital and

1 other clinical teams to track progress, and
2 quality improvement science to provide
3 support and coaching to hospital and clin-
4 ical teams; and

5 (iv) have the goal of improving popu-
6 lation-level outcomes in maternal and in-
7 fant health.

8 (D) AUTHORIZATION OF APPROPRIA-
9 TIONS.—For purposes of carrying out this sub-
10 section, there is authorized to be appropriated
11 \$14,000,000 per year for each of fiscal years
12 2022 through 2026.

13 (5) EXPANSION OF MEDICAID AND CHIP COV-
14 ERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—

15 (A) REQUIRING COVERAGE OF ORAL
16 HEALTH SERVICES FOR PREGNANT AND
17 POSTPARTUM WOMEN.—

18 (i) MEDICAID.—Section 1905 of the
19 Social Security Act (42 U.S.C. 1396d) is
20 amended—

21 (I) in subsection (a)(4)—

22 (aa) by striking “; and (D)”
23 and inserting “; (D)”; and

24 (bb) by inserting “; and (E)”
25 oral health services for pregnant

1 and postpartum women (as de-
2 fined in subsection (ee))” after
3 “subsection (bb))”; and
4 (II) by adding at the end the fol-
5 lowing new subsection:

6 “(ee) ORAL HEALTH SERVICES FOR PREGNANT AND
7 POSTPARTUM WOMEN.—

8 “(1) IN GENERAL.—For purposes of this title,
9 the term ‘oral health services for pregnant and
10 postpartum women’ means dental services necessary
11 to prevent disease and promote oral health, restore
12 oral structures to health and function, and treat
13 emergency conditions that are furnished to a woman
14 during pregnancy (or during the 1-year period be-
15 ginning on the last day of the pregnancy).

16 “(2) COVERAGE REQUIREMENTS.—To satisfy
17 the requirement to provide oral health services for
18 pregnant and postpartum women, a State shall, at
19 a minimum, provide coverage for preventive, diag-
20 nostic, periodontal, and restorative care consistent
21 with recommendations for perinatal oral health care
22 and dental care during pregnancy from the Amer-
23 ican Academy of Pediatric Dentistry and the Amer-
24 ican College of Obstetricians and Gynecologists.”.

1 (ii) CHIP.—Section 2103(c)(5)(A) of
2 the Social Security Act (42 U.S.C.
3 1397cc(c)(5)(A)) is amended by inserting
4 “or a targeted low-income pregnant
5 woman” after “targeted low-income child”.

6 (B) EXTENDING MEDICAID COVERAGE FOR
7 PREGNANT AND POSTPARTUM WOMEN.—Section
8 1902 of the Social Security Act (42 U.S.C.
9 1396a) is amended—

10 (i) in subsection (e)—

11 (I) in paragraph (5)—

12 (aa) by inserting “(including
13 oral health services for pregnant
14 and postpartum women (as de-
15 fined in section 1905(ee))” after
16 “postpartum medical assistance
17 under the plan”; and

18 (bb) by striking “60-day”
19 and inserting “1-year”; and

20 (II) in paragraph (6), by striking
21 “60-day” and inserting “1-year”; and

22 (ii) in subsection (l)(1)(A), by striking
23 “60-day” and inserting “1-year”.

24 (C) EXTENDING MEDICAID COVERAGE FOR
25 LAWFUL RESIDENTS.—Section 1903(v)(4)(A) of

1 the Social Security Act (42 U.S.C.
2 1396b(v)(4)(A)) is amended by striking “60-
3 day” and inserting “1-year”.

4 (D) EXTENDING CHIP COVERAGE FOR
5 PREGNANT AND POSTPARTUM WOMEN.—Section
6 2112(d)(2)(A) of the Social Security Act (42
7 U.S.C. 1397ll(d)(2)(A)) is amended by striking
8 “60-day” and inserting “1-year”.

9 (E) MAINTENANCE OF EFFORT.—

10 (i) MEDICAID.—Section 1902(l) of the
11 Social Security Act (42 U.S.C. 1396a(l)) is
12 amended by adding at the end the fol-
13 lowing new paragraph:

14 “(5) During the period that begins on the date of
15 enactment of this paragraph and ends on the date that
16 is five years after such date of enactment, as a condition
17 for receiving any Federal payments under section 1903(a)
18 for calendar quarters occurring during such period, a
19 State shall not have in effect, with respect to women who
20 are eligible for medical assistance under the State plan
21 or under a waiver of such plan on the basis of being preg-
22 nant or having been pregnant, eligibility standards, meth-
23 odologies, or procedures under the State plan or waiver
24 that are more restrictive than the eligibility standards,
25 methodologies, or procedures, respectively, under such

1 plan or waiver that are in effect on the date of enactment
2 of this paragraph.”.

3 (ii) CHIP.—Section 2105(d) of the
4 Social Security Act (42 U.S.C. 1397ee(d))
5 is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(4) IN ELIGIBILITY STANDARDS FOR TAR-
8 GETED LOW-INCOME PREGNANT WOMEN.—During
9 the period that begins on the date of enactment of
10 this paragraph and ends on the date that is five
11 years after such date of enactment, as a condition
12 of receiving payments under subsection (a) and sec-
13 tion 1903(a), a State that elects to provide assist-
14 ance to women on the basis of being pregnant (in-
15 cluding pregnancy-related assistance provided to tar-
16 geted low-income pregnant women (as defined in
17 section 2112(d)), pregnancy-related assistance pro-
18 vided to women who are eligible for such assistance
19 through application of section 1902(v)(4)(A)(i)
20 under section 2107(e)(1), or any other assistance
21 under the State child health plan (or a waiver of
22 such plan) which is provided to women on the basis
23 of being pregnant) shall not have in effect, with re-
24 spect to such women, eligibility standards, meth-
25 odologies, or procedures under such plan (or waiver)

1 that are more restrictive than the eligibility stand-
2 ards, methodologies, or procedures, respectively,
3 under such plan (or waiver) that are in effect on the
4 date of enactment of this paragraph.”.

5 (F) INFORMATION ON BENEFITS.—The
6 Secretary of Health and Human Services shall
7 make publicly available on the Internet website
8 of the Department of Health and Human Serv-
9 ices, information regarding benefits available to
10 pregnant and postpartum women and under the
11 Medicaid program and the Children’s Health
12 Insurance Program, including information on—

13 (i) benefits that States are required to
14 provide to pregnant and postpartum
15 women under such programs;

16 (ii) optional benefits that States may
17 provide to pregnant and postpartum
18 women under such programs; and

19 (iii) the availability of different kinds
20 of benefits for pregnant and postpartum
21 women, including oral health and mental
22 health benefits, under such programs.

23 (G) FEDERAL FUNDING FOR COST OF EX-
24 TENDED MEDICAID AND CHIP COVERAGE FOR
25 POSTPARTUM WOMEN.—

1 (i) MEDICAID.—Section 1905 of the
2 Social Security Act (42 U.S.C. 1396d), as
3 amended by paragraph (1), is further
4 amended—

5 (I) in subsection (b), by striking
6 “and (aa)” and inserting “(aa), and
7 (ff)”; and

8 (II) by adding at the end the fol-
9 lowing:

10 “(ff) INCREASED FMAP FOR EXTENDED MEDICAL
11 ASSISTANCE FOR POSTPARTUM WOMEN.—Notwith-
12 standing subsection (b), the Federal medical assistance
13 percentage for a State, with respect to amounts expended
14 by such State for medical assistance for a woman who is
15 eligible for such assistance on the basis of being pregnant
16 or having been pregnant that is provided during the 305-
17 day period that begins on the 60th day after the last day
18 of her pregnancy (including any such assistance provided
19 during the month in which such period ends), shall be
20 equal to—

21 “(1) 100 percent for the first 20 calendar quar-
22 ters during which this subsection is in effect; and

23 “(2) 90 percent for calendar quarters there-
24 after.”.

1 (ii) CHIP.—Section 2105(c) of the
2 Social Security Act (42 U.S.C. 1397ee(c))
3 is amended by adding at the end the fol-
4 lowing new paragraph:

5 “(12) ENHANCED PAYMENT FOR EXTENDED
6 ASSISTANCE PROVIDED TO PREGNANT WOMEN.—
7 Notwithstanding subsection (b), the enhanced
8 FMAP, with respect to payments under subsection
9 (a) for expenditures under the State child health
10 plan (or a waiver of such plan) for assistance pro-
11 vided under the plan (or waiver) to a woman who is
12 eligible for such assistance on the basis of being
13 pregnant (including pregnancy-related assistance
14 provided to a targeted low-income pregnant woman
15 (as defined in section 2112(d)), pregnancy-related
16 assistance provided to a woman who is eligible for
17 such assistance through application of section
18 1902(v)(4)(A)(i) under section 2107(e)(1), or any
19 other assistance under the plan (or waiver) provided
20 to a woman who is eligible for such assistance on the
21 basis of being pregnant) during the 305-day period
22 that begins on the 60th day after the last day of her
23 pregnancy (including any such assistance provided
24 during the month in which such period ends), shall
25 be equal to—

1 “(A) 100 percent for the first 20 calendar
2 quarters during which this paragraph is in ef-
3 fect; and

4 “(B) 90 percent for calendar quarters
5 thereafter.”.

6 (H) EFFECTIVE DATE.—

7 (i) IN GENERAL.—Subject to subpara-
8 graph (B), the amendments made by this
9 subsection shall take effect on the first day
10 of the first calendar quarter that begins on
11 or after the date that is one year after the
12 date of enactment of this Act.

13 (ii) EXCEPTION FOR STATE LEGISLA-
14 TION.—In the case of a State plan under
15 title XIX of the Social Security Act or a
16 State child health plan under title XXI of
17 such Act that the Secretary of Health and
18 Human Services determines requires State
19 legislation in order for the respective plan
20 to meet any requirement imposed by
21 amendments made by this subsection, the
22 respective plan shall not be regarded as
23 failing to comply with the requirements of
24 such title solely on the basis of its failure
25 to meet such an additional requirement be-

1 fore the first day of the first calendar
2 quarter beginning after the close of the
3 first regular session of the State legislature
4 that begins after the date of enactment of
5 this Act. For purposes of the previous sen-
6 tence, in the case of a State that has a 2-
7 year legislative session, each year of the
8 session shall be considered to be a separate
9 regular session of the State legislature.

10 (6) REGIONAL CENTERS OF EXCELLENCE.—

11 Part P of title III of the Public Health Service Act
12 is amended by adding at the end the following new
13 section:

14 **“SEC. 399V-7. REGIONAL CENTERS OF EXCELLENCE AD-**
15 **DRESSING IMPLICIT BIAS AND CULTURAL**
16 **COMPETENCY IN PATIENT-PROVIDER INTER-**
17 **ACTIONS EDUCATION.**

18 “(a) IN GENERAL.—Not later than one year after the
19 date of enactment of this section, the Secretary, in con-
20 sultation with such other agency heads as the Secretary
21 determines appropriate, shall award cooperative agree-
22 ments for the establishment or support of regional centers
23 of excellence addressing implicit bias and cultural com-
24 petency in patient-provider interactions education for the
25 purpose of enhancing and improving how health care pro-

1 professionals are educated in implicit bias and delivering cul-
2 turally competent health care.

3 “(b) ELIGIBILITY.—To be eligible to receive a cooper-
4 ative agreement under subsection (a), an entity shall—

5 “(1) be a public or other nonprofit entity speci-
6 fied by the Secretary that provides educational and
7 training opportunities for students and health care
8 professionals, which may be a health system, teach-
9 ing hospital, community health center, medical
10 school, school of public health, dental school, social
11 work school, school of professional psychology, or
12 any other health professional school or program at
13 an institution of higher education (as defined in sec-
14 tion 101 of the Higher Education Act of 1965) fo-
15 cused on the prevention, treatment, or recovery of
16 health conditions that contribute to maternal mor-
17 tality and the prevention of maternal mortality and
18 severe maternal morbidity;

19 “(2) demonstrate community engagement and
20 participation, such as through partnerships with
21 home visiting and case management programs; and

22 “(3) provide to the Secretary such information,
23 at such time and in such manner, as the Secretary
24 may require.

1 “(c) DIVERSITY.—In awarding a cooperative agree-
2 ment under subsection (a), the Secretary shall take into
3 account any regional differences among eligible entities
4 and make an effort to ensure geographic diversity among
5 award recipients.

6 “(d) DISSEMINATION OF INFORMATION.—

7 “(1) PUBLIC AVAILABILITY.—The Secretary
8 shall make publicly available on the internet website
9 of the Department of Health and Human Services
10 information submitted to the Secretary under sub-
11 section (b)(3).

12 “(2) EVALUATION.—The Secretary shall evalu-
13 ate each regional center of excellence established or
14 supported pursuant to subsection (a) and dissemi-
15 nate the findings resulting from each such evalua-
16 tion to the appropriate public and private entities.

17 “(3) DISTRIBUTION.—The Secretary shall share
18 evaluations and overall findings with State depart-
19 ments of health and other relevant State level offices
20 to inform State and local best practices.

21 “(e) MATERNAL MORTALITY DEFINED.—In this sec-
22 tion, the term ‘maternal mortality’ means death of a
23 woman that occurs during pregnancy or within the one-
24 year period following the end of such pregnancy.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—For
2 purposes of carrying out this section, there is authorized
3 to be appropriated \$5,000,000 for each of fiscal years
4 2022 through 2026.”.

5 (7) SPECIAL SUPPLEMENTAL NUTRITION PRO-
6 GRAM FOR WOMEN, INFANTS, AND CHILDREN.—Sec-
7 tion 17(d)(3)(A)(ii) of the Child Nutrition Act of
8 1966 (42 U.S.C. 1786(d)(3)(A)(ii)) is amended—

9 (A) by striking the clause designation and
10 heading and all that follows through “A State”
11 and inserting the following:

12 “(ii) WOMEN.—

13 “(I) BREASTFEEDING WOMEN.—

14 A State”;

15 (B) in subclause (I) (as so designated), by
16 striking “1 year” and all that follows through
17 “earlier” and inserting “2 years postpartum”;
18 and

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

20 “(II) POSTPARTUM WOMEN.—A

21 State may elect to certify a
22 postpartum woman for a period of 2
23 years.”.

24 (8) DEFINITIONS.—In this section:

1 (A) MATERNAL MORTALITY.—The term
2 “maternal mortality” means death of a woman
3 that occurs during pregnancy or within the one-
4 year period following the end of such preg-
5 nancy.

6 (B) SEVERE MATERNAL MORBIDITY.—The
7 term “severe maternal morbidity” includes un-
8 expected outcomes of labor and delivery that re-
9 sult in significant short-term or long-term con-
10 sequences to a woman’s health.

11 (d) INCREASING EXCISE TAXES ON CIGARETTES AND
12 ESTABLISHING EXCISE TAX EQUITY AMONG ALL TO-
13 BACCO PRODUCT TAX RATES.—

14 (1) TAX PARITY FOR ROLL-YOUR-OWN TO-
15 BACCO.—Section 5701(g) of the Internal Revenue
16 Code of 1986 is amended by striking “\$24.78” and
17 inserting “\$49.56”.

18 (2) TAX PARITY FOR PIPE TOBACCO.—Section
19 5701(f) of the Internal Revenue Code of 1986 is
20 amended by striking “\$2.8311 cents” and inserting
21 “\$49.56”.

22 (3) TAX PARITY FOR SMOKELESS TOBACCO.—

23 (A) Section 5701(e) of the Internal Rev-
24 enue Code of 1986 is amended—

1 (i) in paragraph (1), by striking
2 “\$1.51” and inserting “\$26.84”;

3 (ii) in paragraph (2), by striking
4 “50.33 cents” and inserting “\$10.74”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(3) SMOKELESS TOBACCO SOLD IN DISCRETE
8 SINGLE-USE UNITS.—On discrete single-use units,
9 \$100.66 per thousand.”.

10 (B) Section 5702(m) of such Code is
11 amended—

12 (i) in paragraph (1), by striking “or
13 chewing tobacco” and inserting “, chewing
14 tobacco, or discrete single-use unit”;

15 (ii) in paragraphs (2) and (3), by in-
16 serting “that is not a discrete single-use
17 unit” before the period in each such para-
18 graph; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(4) DISCRETE SINGLE-USE UNIT.—The term
22 ‘discrete single-use unit’ means any product con-
23 taining tobacco that—

24 “(A) is not intended to be smoked; and

1 “(B) is in the form of a lozenge, tablet,
2 pill, pouch, dissolvable strip, or other discrete
3 single-use or single-dose unit.”.

4 (4) TAX PARITY FOR SMALL CIGARS.—Para-
5 graph (1) of section 5701(a) of the Internal Revenue
6 Code of 1986 is amended by striking “\$50.33” and
7 inserting “\$100.66”.

8 (5) TAX PARITY FOR LARGE CIGARS.—

9 (A) IN GENERAL.—Paragraph (2) of sec-
10 tion 5701(a) of the Internal Revenue Code of
11 1986 is amended by striking “52.75 percent”
12 and all that follows through the period and in-
13 serting the following: “\$49.56 per pound and a
14 proportionate tax at the like rate on all frac-
15 tional parts of a pound but not less than
16 10.066 cents per cigar.”.

17 (B) GUIDANCE.—The Secretary of the
18 Treasury, or the Secretary’s delegate, may issue
19 guidance regarding the appropriate method for
20 determining the weight of large cigars for pur-
21 poses of calculating the applicable tax under
22 section 5701(a)(2) of the Internal Revenue
23 Code of 1986.

24 (6) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO
25 AND CERTAIN PROCESSED TOBACCO.—Subsection (o)

1 of section 5702 of the Internal Revenue Code of
2 1986 is amended by inserting “, and includes proc-
3 essed tobacco that is removed for delivery or deliv-
4 ered to a person other than a person with a permit
5 provided under section 5713, but does not include
6 removals of processed tobacco for exportation” after
7 “wrappers thereof”.

8 (7) CLARIFYING TAX RATE FOR OTHER TO-
9 BACCO PRODUCTS.—

10 (A) IN GENERAL.—Section 5701 of the In-
11 ternal Revenue Code of 1986 is amended by
12 adding at the end the following new subsection:

13 “(i) OTHER TOBACCO PRODUCTS.—Any product not
14 otherwise described under this section that has been deter-
15 mined to be a tobacco product by the Food and Drug Ad-
16 ministration through its authorities under the Family
17 Smoking Prevention and Tobacco Control Act shall be
18 taxed at a level of tax equivalent to the tax rate for ciga-
19 rettes on an estimated per use basis as determined by the
20 Secretary.”.

21 (B) ESTABLISHING PER USE BASIS.—For
22 purposes of section 5701(i) of the Internal Rev-
23 enue Code of 1986, not later than 12 months
24 after the later of the date of the enactment of
25 this Act or the date that a product has been de-

1 terminated to be a tobacco product by the Food
2 and Drug Administration, the Secretary of the
3 Treasury (or the Secretary of the Treasury's
4 delegate) shall issue final regulations estab-
5 lishing the level of tax for such product that is
6 equivalent to the tax rate for cigarettes on an
7 estimated per use basis.

8 (8) CLARIFYING DEFINITION OF TOBACCO
9 PRODUCTS.—

10 (A) IN GENERAL.—Subsection (c) of sec-
11 tion 5702 of the Internal Revenue Code of 1986
12 is amended to read as follows:

13 “(c) TOBACCO PRODUCTS.—The term ‘tobacco prod-
14 ucts’ means—

15 “(1) cigars, cigarettes, smokeless tobacco, pipe
16 tobacco, and roll-your-own tobacco, and

17 “(2) any other product subject to tax pursuant
18 to section 5701(i).”.

19 (B) CONFORMING AMENDMENTS.—Sub-
20 section (d) of section 5702 of such Code is
21 amended by striking “cigars, cigarettes, smoke-
22 less tobacco, pipe tobacco, or roll-your-own to-
23 bacco” each place it appears and inserting “to-
24 bacco products”.

25 (9) INCREASING TAX ON CIGARETTES.—

1 (A) SMALL CIGARETTES.—Section
2 5701(b)(1) of such Code is amended by striking
3 “\$50.33” and inserting “\$100.66”.

4 (B) LARGE CIGARETTES.—Section
5 5701(b)(2) of such Code is amended by striking
6 “\$105.69” and inserting “\$211.38”.

7 (10) TAX RATES ADJUSTED FOR INFLATION.—
8 Section 5701 of such Code, as amended by sub-
9 section (g), is amended by adding at the end the fol-
10 lowing new subsection:

11 “(j) INFLATION ADJUSTMENT.—

12 “(1) IN GENERAL.—In the case of any calendar
13 year beginning after 2021, the dollar amounts pro-
14 vided under this chapter shall each be increased by
15 an amount equal to—

16 “(A) such dollar amount, multiplied by

17 “(B) the cost-of-living adjustment deter-
18 mined under section 1(f)(3) for the calendar
19 year, determined by substituting ‘calendar year
20 2017’ for ‘calendar year 2016’ in subparagraph
21 (A)(ii) thereof.

22 “(2) ROUNDING.—If any amount as adjusted
23 under paragraph (1) is not a multiple of \$0.01, such
24 amount shall be rounded to the next highest multiple
25 of \$0.01.”.

1 (11) FLOOR STOCKS TAXES.—

2 (A) IMPOSITION OF TAX.—On tobacco
3 products manufactured in or imported into the
4 United States which are removed before any tax
5 increase date and held on such date for sale by
6 any person, there is hereby imposed a tax in an
7 amount equal to the excess of—

8 (i) the tax which would be imposed
9 under section 5701 of the Internal Rev-
10 enue Code of 1986 on the article if the ar-
11 ticle had been removed on such date, over

12 (ii) the prior tax (if any) imposed
13 under section 5701 of such Code on such
14 article.

15 (B) CREDIT AGAINST TAX.—Each person
16 shall be allowed as a credit against the taxes
17 imposed by paragraph (1) an amount equal to
18 \$500. Such credit shall not exceed the amount
19 of taxes imposed by paragraph (1) on such date
20 for which such person is liable.

21 (C) LIABILITY FOR TAX AND METHOD OF
22 PAYMENT.—

23 (i) LIABILITY FOR TAX.—A person
24 holding tobacco products on any tax in-
25 crease date to which any tax imposed by

1 paragraph (1) applies shall be liable for
2 such tax.

3 (ii) METHOD OF PAYMENT.—The tax
4 imposed by paragraph (1) shall be paid in
5 such manner as the Secretary shall pre-
6 scribe by regulations.

7 (iii) TIME FOR PAYMENT.—The tax
8 imposed by paragraph (1) shall be paid on
9 or before the date that is 120 days after
10 the effective date of the tax rate increase.

11 (D) ARTICLES IN FOREIGN TRADE
12 ZONES.—Notwithstanding the Act of June 18,
13 1934 (commonly known as the Foreign Trade
14 Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.),
15 or any other provision of law, any article which
16 is located in a foreign trade zone on any tax in-
17 crease date shall be subject to the tax imposed
18 by paragraph (1) if—

19 (i) internal revenue taxes have been
20 determined, or customs duties liquidated,
21 with respect to such article before such
22 date pursuant to a request made under the
23 1st proviso of section 3(a) of such Act; or

24 (ii) such article is held on such date
25 under the supervision of an officer of the

1 United States Customs and Border Protec-
2 tion of the Department of Homeland Secu-
3 rity pursuant to the 2d proviso of such sec-
4 tion 3(a).

5 (E) DEFINITIONS.—For purposes of this
6 subsection—

7 (i) IN GENERAL.—Any term used in
8 this subsection which is also used in sec-
9 tion 5702 of such Code shall have the
10 same meaning as such term has in such
11 section.

12 (ii) TAX INCREASE DATE.—The term
13 “tax increase date” means the effective
14 date of any increase in any tobacco prod-
15 uct excise tax rate pursuant to the amend-
16 ments made by this section (other than
17 subsection (j) thereof).

18 (iii) SECRETARY.—The term “Sec-
19 retary” means the Secretary of the Treas-
20 ury or the Secretary’s delegate.

21 (F) CONTROLLED GROUPS.—Rules similar
22 to the rules of section 5061(e)(3) of such Code
23 shall apply for purposes of this subsection.

24 (G) OTHER LAWS APPLICABLE.—All provi-
25 sions of law, including penalties, applicable with

1 respect to the taxes imposed by section 5701 of
2 such Code shall, insofar as applicable and not
3 inconsistent with the provisions of this sub-
4 section, apply to the floor stocks taxes imposed
5 by paragraph (1), to the same extent as if such
6 taxes were imposed by such section 5701. The
7 Secretary may treat any person who bore the
8 ultimate burden of the tax imposed by para-
9 graph (1) as the person to whom a credit or re-
10 fund under such provisions may be allowed or
11 made.

12 (12) EFFECTIVE DATES.—

13 (A) IN GENERAL.—Except as provided in
14 paragraphs (2) through (4), the amendments
15 made by this section shall apply to articles re-
16 moved (as defined in section 5702(j) of the In-
17 ternal Revenue Code of 1986) after the last day
18 of the month which includes the date of the en-
19 actment of this Act.

20 (B) DISCRETE SINGLE-USE UNITS AND
21 PROCESSED TOBACCO.—The amendments made
22 by subsections (c)(1)(C), (c)(2), and (f) shall
23 apply to articles removed (as defined in section
24 5702(j) of the Internal Revenue Code of 1986)

1 after the date that is 6 months after the date
2 of the enactment of this Act.

3 (C) LARGE CIGARS.—The amendments
4 made by subsection (e) shall apply to articles
5 removed after December 31, 2021.

6 (D) OTHER TOBACCO PRODUCTS.—The
7 amendments made by subsection (g)(1) shall
8 apply to products removed after the last day of
9 the month which includes the date that the Sec-
10 retary of the Treasury (or the Secretary of the
11 Treasury’s delegate) issues final regulations es-
12 tablishing the level of tax for such product.

13 **SEC. 317504. ALLOWING FOR MEDICAL ASSISTANCE UNDER**
14 **MEDICAID FOR INMATES DURING 30-DAY PE-**
15 **RIOD PRECEDING RELEASE.**

16 (a) IN GENERAL.—The subdivision (A) following
17 paragraph (30) of section 1905(a) of the Social Security
18 Act (42 U.S.C. 1396d(a)) is amended by inserting “and
19 except during the 30-day period preceding the date of re-
20 lease of such individual from such public institution” after
21 “medical institution”.

22 (b) REPORT.—Not later than June 30, 2022, the
23 Medicaid and CHIP Payment and Access Commission
24 shall submit a report to Congress on the Medicaid inmate
25 exclusion under the subdivision (A) following paragraph

1 (30) of section 1905(a) of the Social Security Act (42
2 U.S.C. 1396d(a)). Such report may, to the extent prac-
3 ticable, include the following information:

4 (1) The number of incarcerated individuals who
5 would otherwise be eligible to enroll for medical as-
6 sistance under a State plan approved under title
7 XIX of the Social Security Act (42 U.S.C. 1396 et
8 seq.) (or a waiver of such a plan).

9 (2) Access to health care for incarcerated indi-
10 viduals, including a description of medical services
11 generally available to incarcerated individuals.

12 (3) A description of current practices related to
13 the discharge of incarcerated individuals, including
14 how prisons interact with State Medicaid agencies to
15 ensure that such individuals who are eligible to en-
16 roll for medical assistance under a State plan or
17 waiver described in paragraph (1) are so enrolled.

18 (4) If determined appropriate by the Commis-
19 sion, recommendations for Congress, the Depart-
20 ment of Health and Human Services, or States re-
21 garding the Medicaid inmate exclusion.

22 (5) Any other information that the Commission
23 determines would be useful to Congress.

1 **SEC. 317505. PROVIDING FOR IMMEDIATE MEDICAID ELIGI-**
2 **BILITY FOR FORMER FOSTER YOUTH.**

3 Section 1002(a)(2) of the SUPPORT for Patients
4 and Communities Act (Public Law 115–271) is amended
5 by striking “January 1, 2023” and inserting “the date
6 of enactment of the Ending Health Disparities During
7 COVID–19 Act of 2021”.

8 **SEC. 317506. EXPANDED COVERAGE FOR FORMER FOSTER**
9 **YOUTH.**

10 (a) COVERAGE CONTINUITY FOR FORMER FOSTER
11 CARE CHILDREN UP TO AGE 26.—

12 (1) IN GENERAL.—Section 1002(a)(1)(B) of the
13 SUPPORT for Patients and Communities Act (Pub-
14 lic Law 115–271) is amended by striking all that
15 follows after “item (cc),” and inserting the following:
16 “by striking ‘responsibility of the State’ and all that
17 follows through ‘475(8)(B)(iii); and’ and inserting
18 ‘responsibility of a State on the date of attaining 18
19 years of age (or such higher age as such State has
20 elected under section 475(8)(B)(iii)), or who were in
21 such care at any age but subsequently left such care
22 to enter into a legal guardianship with a kinship
23 caregiver (without regard to whether kinship guard-
24 ianship payments are being made on behalf of the
25 child under this part) or were emancipated from
26 such care prior to attaining age 18;’”.

1 (2) AMENDMENTS TO SOCIAL SECURITY ACT.—

2 (A) IN GENERAL.—Section
3 1902(a)(10)(A)(i)(IX) of the Social Security
4 Act (42 U.S.C. 1396a(a)(10)(A)(i)(IX)), as
5 amended by section 1002(a) of the SUPPORT
6 for Patients and Communities Act (Public Law
7 115–271), is amended—

8 (i) in item (bb), by striking the semi-
9 colon at the end and inserting “; and”; and

10 (ii) by striking item (dd).

11 (B) EFFECTIVE DATE.—The amendments
12 made by this paragraph shall take effect on
13 January 1, 2023.

14 (b) OUTREACH EFFORTS FOR ENROLLMENT OF
15 FORMER FOSTER CHILDREN.—Section 1902(a) of the So-
16 cial Security Act (42 U.S.C. 1396a(a)) is amended—

17 (1) in paragraph (85), by striking “; and” and
18 inserting a semicolon;

19 (2) in paragraph (86), by striking the period at
20 the end and inserting “; and”; and

21 (3) by inserting after paragraph (86) the fol-
22 lowing new paragraph:

23 “(87) not later than January 1, 2021, establish
24 an outreach and enrollment program, in coordination
25 with the State agency responsible for administering

1 the State plan under part E of title IV and any
2 other appropriate or interested agencies, designed to
3 increase the enrollment of individuals who are eligi-
4 ble for medical assistance under the State plan
5 under paragraph (10)(A)(i)(IX) in accordance with
6 best practices established by the Secretary.”.

7 **SEC. 317507. REMOVING CITIZENSHIP AND IMMIGRATION**
8 **BARRIERS TO ACCESS TO AFFORDABLE**
9 **HEALTH CARE UNDER ACA.**

10 (a) IN GENERAL.—

11 (1) PREMIUM TAX CREDITS.—Section 36B of
12 the Internal Revenue Code of 1986 is amended—

13 (A) in subsection (c)(1)(B)—

14 (i) by amending the heading to read
15 as follows: “SPECIAL RULE FOR CERTAIN
16 INDIVIDUALS INELIGIBLE FOR MEDICAID
17 DUE TO STATUS”, and

18 (ii) in clause (ii), by striking “lawfully
19 present in the United States, but” and in-
20 serting “who”, and

21 (B) by striking subsection (e).

22 (2) COST-SHARING REDUCTIONS.—Section 1402
23 of the Patient Protection and Affordable Care Act
24 (42 U.S.C. 18071) is amended by striking sub-
25 section (e).

1 (3) BASIC HEALTH PROGRAM ELIGIBILITY.—
2 Section 1331(e)(1)(B) of the Patient Protection and
3 Affordable Care Act (42 U.S.C. 18051(e)(1)(B)) is
4 amended by striking “lawfully present in the United
5 States”.

6 (4) RESTRICTIONS ON FEDERAL PAYMENTS.—
7 Section 1412 of the Patient Protection and Afford-
8 able Care Act (42 U.S.C. 18082) is amended by
9 striking subsection (d).

10 (5) REQUIREMENT TO MAINTAIN MINIMUM ES-
11 SENTIAL COVERAGE.—Section 5000A(d) of the In-
12 ternal Revenue Code of 1986 is amended by striking
13 paragraph (3) and by redesignating paragraph (4)
14 as paragraph (3).

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 1411(a) of the Patient Protection
17 and Affordable Care Act (42 U.S.C. 18081(a)) is
18 amended by striking paragraph (1) and redesign-
19 ating paragraphs (2), (3), and (4) as paragraphs
20 (1), (2), and (3), respectively.

21 (2) Section 1312(f) of the Patient Protection
22 and Affordable Care Act (42 U.S.C. 18032(f)) is
23 amended—

1 (A) in the heading, by striking “; ACCESS
2 LIMITED TO CITIZENS AND LAWFUL RESI-
3 DENTS”; and

4 (B) by striking paragraph (3).

5 **SEC. 317508. MEDICAID IN THE TERRITORIES.**

6 (a) ELIMINATION OF GENERAL MEDICAID FUNDING
7 LIMITATIONS (“CAP”) FOR TERRITORIES.—

8 (1) IN GENERAL.—Section 1108 of the Social
9 Security Act (42 U.S.C. 1308) is amended—

10 (A) in subsection (f), in the matter pre-
11 ceding paragraph (1), by striking “subsection
12 (g)” and inserting “subsections (g) and (h)”;

13 (B) in subsection (g)(2), in the matter pre-
14 ceding subparagraph (A), by inserting “and
15 subsection (h)” after “paragraphs (3) and (5)”;
16 and

17 (C) by adding at the end the following new
18 subsection:

19 “(h) SUNSET OF MEDICAID FUNDING LIMITATIONS
20 FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE
21 UNITED STATES, GUAM, THE NORTHERN MARIANA IS-
22 LANDS, AND AMERICAN SAMOA.—Subsections (f) and (g)
23 shall not apply to Puerto Rico, the Virgin Islands of the
24 United States, Guam, the Northern Mariana Islands, and
25 American Samoa beginning with fiscal year 2022.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 1902(j) of the Social Security
3 Act (42 U.S.C. 1396a(j)) is amended by strik-
4 ing “, the limitation in section 1108(f),”.

5 (B) Section 1903(u) of the Social Security
6 Act (42 U.S.C. 1396b(u)) is amended by strik-
7 ing paragraph (4).

8 (C) Section 1323(c)(1) of the Patient Pro-
9 tection and Affordable Care Act (42 U.S.C.
10 18043(c)(1)) is amended by striking “2019”
11 and inserting “2018”.

12 (3) EFFECTIVE DATE.—The amendments made
13 by this section shall apply beginning with fiscal year
14 2022.

15 (b) ELIMINATION OF SPECIFIC FEDERAL MEDICAL
16 ASSISTANCE PERCENTAGE (FMAP) LIMITATION FOR
17 TERRITORIES.—Section 1905(b) of the Social Security
18 Act (42 U.S.C. 1396d(b)) is amended, in clause (2), by
19 inserting “for fiscal years before fiscal year 2020” after
20 “American Samoa”.

21 (c) APPLICATION OF MEDICAID WAIVER AUTHORITY
22 TO ALL OF THE TERRITORIES.—

23 (1) IN GENERAL.—Section 1902(j) of the Social
24 Security Act (42 U.S.C. 1396a(j)) is amended—

1 (A) by striking “American Samoa and the
2 Northern Mariana Islands” and inserting
3 “Puerto Rico, the Virgin Islands of the United
4 States, Guam, the Northern Mariana Islands,
5 and American Samoa”;

6 (B) by striking “American Samoa or the
7 Northern Mariana Islands” and inserting
8 “Puerto Rico, the Virgin Islands of the United
9 States, Guam, the Northern Mariana Islands,
10 or American Samoa”;

11 (C) by inserting “(1)” after “(j)”;

12 (D) by inserting “except as otherwise pro-
13 vided in this subsection,” after “Notwith-
14 standing any other requirement of this title”;
15 and

16 (E) by adding at the end the following:

17 “(2) The Secretary may not waive under this
18 subsection the requirement of subsection
19 (a)(10)(A)(i)(IX) (relating to coverage of adults for-
20 merly under foster care) with respect to any terri-
21 tory.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by this section shall apply beginning October 1,
24 2023.

1 (d) PERMITTING MEDICAID DSH ALLOTMENTS FOR
2 TERRITORIES.—Section 1923(f) of the Social Security Act
3 (42 U.S.C. 1396r–4) is amended—

4 (1) in paragraph (6), by adding at the end the
5 following new subparagraph:

6 “(C) TERRITORIES.—

7 “(i) FISCAL YEAR 2020.—For fiscal
8 year 2020, the DSH allotment for Puerto
9 Rico, the Virgin Islands of the United
10 States, Guam, the Northern Mariana Is-
11 lands, and American Samoa shall bear the
12 same ratio to \$300,000,000 as the ratio of
13 the number of individuals who are low-in-
14 come or uninsured and residing in such re-
15 spective territory (as estimated from time
16 to time by the Secretary) bears to the
17 sums of the number of such individuals re-
18 siding in all of the territories.

19 “(ii) SUBSEQUENT FISCAL YEAR.—
20 For each subsequent fiscal year, the DSH
21 allotment for each such territory is subject
22 to an increase in accordance with para-
23 graph (2).”; and

24 (2) in paragraph (9), by inserting before the pe-
25 riod at the end the following: “, and includes, begin-

1 ning with fiscal year 2021, Puerto Rico, the Virgin
2 Islands of the United States, Guam, the Northern
3 Mariana Islands, and American Samoa”.

4 **SEC. 317509. REMOVING MEDICARE BARRIER TO HEALTH**
5 **CARE.**

6 (a) PART A.—Section 1818(a)(3) of the Social Secu-
7 rity Act (42 U.S.C. 1395i–2(a)(3)) is amended by striking
8 “an alien” and all that follows through “under this sec-
9 tion” and inserting “an individual who is lawfully present
10 in the United States”.

11 (b) PART B.—Section 1836(2) of the Social Security
12 Act (42 U.S.C. 1395o(2)) is amended by striking “an
13 alien” and all that follows through “under this part” and
14 inserting “an individual who is lawfully present in the
15 United States”.

16 **SEC. 317510. REMOVING BARRIERS TO HEALTH CARE AND**
17 **NUTRITION ASSISTANCE FOR CHILDREN,**
18 **PREGNANT PERSONS, AND LAWFULLY**
19 **PRESENT INDIVIDUALS.**

20 (a) MEDICAID.—Section 1903(v) of the Social Secu-
21 rity Act (42 U.S.C. 1396b(v)) is amended by striking
22 paragraph (4) and inserting the following new paragraph:
23 “(4)(A) Notwithstanding sections 401(a), 402(b),
24 403, and 421 of the Personal Responsibility and Work Op-
25 portunity Reconciliation Act of 1996 and paragraph (1),

1 payment shall be made to a State under this section for
2 medical assistance furnished to an alien under this title
3 (including an alien described in such paragraph) who
4 meets any of the following conditions:

5 “(i) The alien is otherwise eligible for such as-
6 sistance under the State plan approved under this
7 title (other than the requirement of the receipt of
8 aid or assistance under title IV, supplemental secu-
9 rity income benefits under title XVI, or a State sup-
10 plementary payment) within either or both of the
11 following eligibility categories:

12 “(I) Children under 21 years of age, in-
13 cluding any optional targeted low-income child
14 (as such term is defined in section
15 1905(u)(2)(B)).

16 “(II) Pregnant persons during pregnancy
17 and during the 12-month period beginning on
18 the last day of the pregnancy.

19 “(ii) The alien is lawfully present in the United
20 States.

21 “(B) No debt shall accrue under an affidavit of sup-
22 port against any sponsor of an alien who meets the condi-
23 tions specified in subparagraph (A) on the basis of the
24 provision of medical assistance to such alien under this

1 paragraph and the cost of such assistance shall not be con-
2 sidered as an unreimbursed cost.”.

3 (b) SCHIP.—Subparagraph (N) of section
4 2107(e)(1) of the Social Security Act (42 U.S.C.
5 1397gg(e)(1)) is amended to read as follows:

6 “(N) Paragraph (4) of section 1903(v) (re-
7 lating to coverage of categories of children,
8 pregnant persons, and other lawfully present in-
9 dividuals).”.

10 (c) SUPPLEMENTAL NUTRITION ASSISTANCE.—Not-
11 withstanding sections 401(a), 402(a), and 403(a) of the
12 Personal Responsibility and Work Opportunity Reconcili-
13 ation Act of 1996 (8 U.S.C. 1611(a); 1612(a); 1613(a))
14 and section 6(f) of the Food and Nutrition Act of 2008
15 (7 U.S.C. 2015(f)), persons who are lawfully present in
16 the United States shall be not be ineligible for benefits
17 under the supplemental nutrition assistance program on
18 the basis of their immigration status or date of entry into
19 the United States.

20 (d) ELIGIBILITY FOR FAMILIES WITH CHILDREN.—
21 Section 421(d)(3) of the Personal Responsibility and
22 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
23 1631(d)(3)) is amended by striking “to the extent that
24 a qualified alien is eligible under section 402(a)(2)(J)”
25 and inserting, “to the extent that a child is a member of

1 a household under the supplemental nutrition assistance
2 program”.

3 (e) ENSURING PROPER SCREENING.—Section
4 11(e)(2)(B) of the Food and Nutrition Act of 2008 (7
5 U.S.C. 2020(e)(2)(B)) is amended—

6 (1) by redesignating clauses (vi) and (vii) as
7 clauses (vii) and (viii); and

8 (2) by inserting after clause (v) the following:

9 “(vi) shall provide a method for imple-
10 menting section 421 of the Personal Re-
11 sponsibility and Work Opportunity Rec-
12 onciliation Act of 1996 (8 U.S.C. 1631)
13 that does not require any unnecessary in-
14 formation from persons who may be ex-
15 empt from that provision;”.

16 **SEC. 317511. REPEAL OF REQUIREMENT FOR DOCUMENTA-**
17 **TION EVIDENCING CITIZENSHIP OR NATION-**
18 **ALITY UNDER THE MEDICAID PROGRAM.**

19 (a) REPEAL.—Subsections (i)(22) and (x) of section
20 1903 of the Social Security Act (42 U.S.C. 1396b) are
21 each repealed.

22 (b) CONFORMING AMENDMENTS.—

23 (1) STATE PAYMENTS FOR MEDICAL ASSIST-
24 ANCE.—Section 1902 of the Social Security Act (42
25 U.S.C. 1396a) is amended—

1 (A) by amending paragraph (46) of sub-
2 section (a) to read as follows:

3 “(46) provide that information is requested and
4 exchanged for purposes of income and eligibility
5 verification in accordance with a State system which
6 meets the requirements of section 1137 of this
7 Act;”;

8 (B) in subsection (e)(13)(A)(i)—

9 (i) in the matter preceding subclause
10 (I), by striking “sections 1902(a)(46)(B)
11 and 1137(d)” and inserting “section
12 1137(d)”; and

13 (ii) in subclause (IV), by striking
14 “1902(a)(46)(B) or”; and

15 (C) by striking subsection (ee).

16 (2) PAYMENT TO STATES.—Section 1903 of the
17 Social Security Act (42 U.S.C. 1396b) is amended—

18 (A) in subsection (i), by redesignating
19 paragraphs (23) through (26) as paragraphs
20 (22) through (25), respectively; and

21 (B) by redesignating subsections (y) and
22 (z) as subsections (x) and (y), respectively.

23 (3) REPEAL.—Subsection (c) of section 6036 of
24 the Deficit Reduction Act of 2005 (42 U.S.C. 1396b
25 note) is repealed.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the enact-
3 ment of the Deficit Reduction Act of 2005.

4 **PART 6—COMMUNITY BASED GRANTS**

5 **SEC. 317601. GRANTS FOR RACIAL AND ETHNIC AP-**
6 **PROACHES TO COMMUNITY HEALTH.**

7 (a) PURPOSE.—It is the purpose of this section to
8 award grants to assist communities in mobilizing and or-
9 ganizing resources in support of effective and sustainable
10 programs that will reduce or eliminate disparities in health
11 and health care experienced by racial and ethnic minority
12 individuals.

13 (b) AUTHORITY TO AWARD GRANTS.—The Secretary
14 of Health and Human Services, acting through the Ad-
15 ministrator of the Health Resources and Services Admin-
16 istration (referred to in this section as the “Secretary”),
17 shall award grants to eligible entities to assist in design-
18 ing, implementing, and evaluating culturally and linguis-
19 tically appropriate, science-based, and community-driven
20 sustainable strategies to eliminate racial and ethnic health
21 and health care disparities.

22 (c) ELIGIBLE ENTITIES.—To be eligible to receive a
23 grant under this section, an entity shall—

24 (1) represent a coalition—

1 (A) whose principal purpose is to develop
2 and implement interventions to reduce or elimi-
3 nate a health or health care disparity in a tar-
4 geted racial or ethnic minority group in the
5 community served by the coalition; and

6 (B) that includes—

7 (i) members selected from among—

8 (I) public health departments;

9 (II) community-based organiza-
10 tions;

11 (III) university and research or-
12 ganizations;

13 (IV) Indian tribes or tribal orga-
14 nizations (as such terms are defined
15 in section 4 of the Indian Self-Deter-
16 mination and Education Assistance
17 Act (25 U.S.C. 5304)), the Indian
18 Health Service, or any other organiza-
19 tion that serves Alaska Natives; and

20 (V) interested public or private
21 health care providers or organizations
22 as determined appropriate by the Sec-
23 retary; and

24 (ii) at least 1 member from a commu-
25 nity-based organization that represents the

1 targeted racial or ethnic minority group;
2 and

3 (2) submit to the Secretary an application at
4 such time, in such manner, and containing such in-
5 formation as the Secretary may require, which shall
6 include—

7 (A) a description of the targeted racial or
8 ethnic populations in the community to be
9 served under the grant;

10 (B) a description of at least 1 health dis-
11 parity that exists in the racial or ethnic tar-
12 geted populations, including health issues such
13 as infant mortality, breast and cervical cancer
14 screening and management, musculoskeletal
15 diseases and obesity, prostate cancer screening
16 and management, cardiovascular disease, diabe-
17 tes, child and adult immunization levels, oral
18 disease, or other health priority areas as des-
19 ignated by the Secretary; and

20 (C) a demonstration of a proven record of
21 accomplishment of the coalition members in
22 serving and working with the targeted commu-
23 nity.

24 (d) SUSTAINABILITY.—The Secretary shall give pri-
25 ority to an eligible entity under this section if the entity

1 agrees that, with respect to the costs to be incurred by
2 the entity in carrying out the activities for which the grant
3 was awarded, the entity (and each of the participating
4 partners in the coalition represented by the entity) will
5 maintain its expenditures of non-Federal funds for such
6 activities at a level that is not less than the level of such
7 expenditures during the fiscal year immediately preceding
8 the first fiscal year for which the grant is awarded.

9 (e) NONDUPLICATION.—Any funds provided to an eli-
10 gible entity through a grant under this section shall—

11 (1) supplement, not supplant, any other Federal
12 funds made available to the entity for the purposes
13 of this section; and

14 (2) not be used to duplicate the activities of any
15 other health disparity grant program under this sub-
16 title, including an amendment made by this subtitle.

17 (f) TECHNICAL ASSISTANCE.—The Secretary may,
18 either directly or by grant or contract, provide any entity
19 that receives a grant under this section with technical and
20 other nonfinancial assistance necessary to meet the re-
21 quirements of this section.

22 (g) DISSEMINATION.—The Secretary shall encourage
23 and enable eligible entities receiving grants under this sec-
24 tion to share best practices, evaluation results, and reports
25 with communities not affiliated with such entities, by

1 using the Internet, conferences, and other pertinent infor-
2 mation regarding the projects funded by this section, in-
3 cluding through using outreach efforts of the Office of Mi-
4 nority Health and the Centers for Disease Control and
5 Prevention.

6 (h) ADMINISTRATIVE BURDENS.—The Secretary
7 shall make every effort to minimize duplicative or unneces-
8 sary administrative burdens on eligible entities receiving
9 grants under this section.

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as may be
12 necessary to carry out this section.

13 **SEC. 317602. GRANTS TO PROMOTE HEALTH FOR UNDER-**
14 **SERVED COMMUNITIES.**

15 Part Q of title III of the Public Health Service Act
16 (42 U.S.C. 280g et seq.) is amended by adding at the end
17 the following:

18 **“SEC. 399Z-3. GRANTS TO PROMOTE HEALTH FOR UNDER-**
19 **SERVED COMMUNITIES.**

20 “(a) GRANTS AUTHORIZED.—The Secretary, in col-
21 laboration with the Administrator of the Health Resources
22 and Services Administration and other Federal officials
23 determined appropriate by the Secretary, is authorized to
24 award grants to eligible entities—

1 “(1) to promote health for underserved commu-
2 nities, with preference given to projects that benefit
3 racial and ethnic minority women, racial and ethnic
4 minority children, adolescents, and lesbian, gay, bi-
5 sexual, transgender, queer, or questioning commu-
6 nities; and

7 “(2) to strengthen health outreach initiatives in
8 medically underserved communities, including lin-
9 guistically isolated populations.

10 “(b) USE OF FUNDS.—Grants awarded pursuant to
11 subsection (a) may be used to support the activities of
12 community health workers, including such activities—

13 “(1) to educate and provide outreach regarding
14 enrollment in health insurance including the State
15 Children’s Health Insurance Program under title
16 XXI of the Social Security Act, Medicare under title
17 XVIII of such Act, and Medicaid under title XIX of
18 such Act;

19 “(2) to educate and provide outreach in a com-
20 munity setting regarding health problems prevalent
21 among underserved communities, and especially
22 among racial and ethnic minority women, racial and
23 ethnic minority children, adolescents, and lesbian,
24 gay, bisexual, transgender, queer, or questioning
25 communities;

1 “(3) to educate and provide experiential learn-
2 ing opportunities and target risk factors and healthy
3 behaviors that impede or contribute to achieving
4 positive health outcomes, including—

5 “(A) healthy nutrition;

6 “(B) physical activity;

7 “(C) overweight or obesity;

8 “(D) tobacco use, including the use of e-
9 cigarettes and vaping;

10 “(E) alcohol and substance use;

11 “(F) injury and violence;

12 “(G) sexual health;

13 “(H) mental health;

14 “(I) musculoskeletal health and arthritis;

15 “(J) prenatal and postnatal care;

16 “(K) dental and oral health;

17 “(L) understanding informed consent;

18 “(M) stigma; and

19 “(N) environmental hazards;

20 “(4) to promote community wellness and aware-
21 ness; and

22 “(5) to educate and refer target populations to
23 appropriate health care agencies and community-
24 based programs and organizations in order to in-

1 crease access to quality health care services, includ-
2 ing preventive health services.

3 “(c) APPLICATION.—

4 “(1) IN GENERAL.—Each eligible entity that
5 desires to receive a grant under subsection (a) shall
6 submit an application to the Secretary, at such time,
7 in such manner, and accompanied by such additional
8 information as the Secretary may require.

9 “(2) CONTENTS.—Each application submitted
10 pursuant to paragraph (1) shall—

11 “(A) describe the activities for which as-
12 sistance under this section is sought;

13 “(B) contain an assurance that, with re-
14 spect to each community health worker pro-
15 gram receiving funds under the grant awarded,
16 such program provides in-language training and
17 supervision to community health workers to en-
18 able such workers to provide authorized pro-
19 gram activities in (at least) the most commonly
20 used languages within a particular geographic
21 region;

22 “(C) contain an assurance that the appli-
23 cant will evaluate the effectiveness of commu-
24 nity health worker programs receiving funds
25 under the grant;

1 “(D) contain an assurance that each com-
2 munity health worker program receiving funds
3 under the grant will provide culturally com-
4 petent services in the linguistic context most
5 appropriate for the individuals served by the
6 program;

7 “(E) contain a plan to document and dis-
8 seminate project descriptions and results to
9 other States and organizations as identified by
10 the Secretary; and

11 “(F) describe plans to enhance the capac-
12 ity of individuals to utilize health services and
13 health-related social services under Federal,
14 State, and local programs by—

15 “(i) assisting individuals in estab-
16 lishing eligibility under the programs and
17 in receiving the services or other benefits
18 of the programs; and

19 “(ii) providing other services, as the
20 Secretary determines to be appropriate,
21 which may include transportation and
22 translation services.

23 “(d) PRIORITY.—In awarding grants under sub-
24 section (a), the Secretary shall give priority to those appli-
25 cants—

1 “(1) who propose to target geographic areas
2 that—

3 “(A)(i) have a high percentage of residents
4 who are uninsured or underinsured (if the tar-
5 geted geographic area is located in a State that
6 has elected to make medical assistance available
7 under section 1902(a)(10)(A)(i)(VIII) of the
8 Social Security Act to individuals described in
9 such section);

10 “(ii) have a high percentage of under-
11 insured residents in a particular geographic
12 area (if the targeted geographic area is located
13 in a State that has not so elected); or

14 “(iii) have a high number of households ex-
15 periencing extreme poverty; and

16 “(B) have a high percentage of families for
17 whom English is not their primary language or
18 including smaller limited-English-proficient
19 communities within the region that are not oth-
20 erwise reached by linguistically appropriate
21 health services;

22 “(2) with experience in providing health or
23 health-related social services to individuals who are
24 underserved with respect to such services; and

1 “(3) with documented community activity and
2 experience with community health workers.

3 “(e) COLLABORATION WITH ACADEMIC INSTITU-
4 TIONS.—The Secretary shall encourage community health
5 worker programs receiving funds under this section to col-
6 laborate with academic institutions, including minority-
7 serving institutions. Nothing in this section shall be con-
8 strued to require such collaboration.

9 “(f) QUALITY ASSURANCE AND COST EFFECTIVE-
10 NESS.—The Secretary shall establish guidelines for ensur-
11 ing the quality of the training and supervision of commu-
12 nity health workers under the programs funded under this
13 section and for ensuring the cost effectiveness of such pro-
14 grams.

15 “(g) MONITORING.—The Secretary shall monitor
16 community health worker programs identified in approved
17 applications and shall determine whether such programs
18 are in compliance with the guidelines established under
19 subsection (f).

20 “(h) TECHNICAL ASSISTANCE.—The Secretary may
21 provide technical assistance to community health worker
22 programs identified in approved applications with respect
23 to planning, developing, and operating programs under the
24 grant.

25 “(i) REPORT TO CONGRESS.—

1 “(1) IN GENERAL.—Not later than 4 years
2 after the date on which the Secretary first awards
3 grants under subsection (a), the Secretary shall sub-
4 mit to Congress a report regarding the grant
5 project.

6 “(2) CONTENTS.—The report required under
7 paragraph (1) shall include the following:

8 “(A) A description of the programs for
9 which grant funds were used.

10 “(B) The number of individuals served.

11 “(C) An evaluation of—

12 “(i) the effectiveness of these pro-
13 grams;

14 “(ii) the cost of these programs; and

15 “(iii) the impact of these programs on
16 the health outcomes of the community resi-
17 dents.

18 “(D) Recommendations for sustaining the
19 community health worker programs developed
20 or assisted under this section.

21 “(E) Recommendations regarding training
22 to enhance career opportunities for community
23 health workers.

24 “(j) DEFINITIONS.—In this section:

1 “(1) COMMUNITY HEALTH WORKER.—The term
2 ‘community health worker’ means an individual who
3 promotes health or nutrition within the community
4 in which the individual resides—

5 “(A) by serving as a liaison between com-
6 munities and health care agencies;

7 “(B) by providing guidance and social as-
8 sistance to community residents;

9 “(C) by enhancing community residents’
10 ability to effectively communicate with health
11 care providers;

12 “(D) by providing culturally and linguis-
13 tically appropriate health or nutrition edu-
14 cation;

15 “(E) by advocating for individual and com-
16 munity health, including dental, oral, mental,
17 and environmental health, or nutrition needs;

18 “(F) by taking into consideration the
19 needs of the communities served, including the
20 prevalence rates of risk factors that impede
21 achieving positive healthy outcomes among
22 women and children, especially among racial
23 and ethnic minority women and children; and

24 “(G) by providing referral and followup
25 services.

1 “(2) COMMUNITY SETTING.—The term ‘commu-
2 nity setting’ means a home or a community organi-
3 zation that serves a population.

4 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) a unit of State, territorial, local, or
7 Tribal government (including a federally recog-
8 nized Tribe or Alaska Native village); or

9 “(B) a community-based organization.

10 “(4) MEDICALLY UNDERSERVED COMMUNITY.—
11 The term ‘medically underserved community’ means
12 a community—

13 “(A) that has a substantial number of in-
14 dividuals who are members of a medically un-
15 derserved population, as defined by section
16 330(b)(3);

17 “(B) a significant portion of which is a
18 health professional shortage area as designated
19 under section 332; and

20 “(C) that includes populations that are lin-
21 guistically isolated, such as geographic areas
22 with a shortage of health professionals able to
23 provide linguistically appropriate services.

24 “(5) SUPPORT.—The term ‘support’ means the
25 provision of training, supervision, and materials

1 needed to effectively deliver the services described in
2 subsection (b), reimbursement for services, and
3 other benefits.

4 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$15,000,000 for each of fiscal years 2022 through 2028.”.

7 **SEC. 317603. ADDRESSING COVID-19 HEALTH INEQUITIES**
8 **AND IMPROVING HEALTH EQUITY.**

9 (a) IN GENERAL.—Not later than 60 days after the
10 date of enactment of this Act, the Secretary of Health and
11 Human Services (referred to in this section as the “Sec-
12 retary”), acting through the Director of the Centers for
13 Disease Control and Prevention, shall award grants to eli-
14 gible entities to establish or expand programs to improve
15 health equity regarding COVID-19 and reduce or elimi-
16 nate inequities, including racial and ethnic inequities, in
17 the incidence, prevalence, and health outcomes of COVID-
18 19.

19 (b) ELIGIBILITY.—To be eligible to receive a grant
20 under subsection (a), an entity shall—

21 (1) be a nongovernmental entity or consortium
22 of entities that works to improve health and health
23 equity in populations or communities disproportion-
24 ately affected by adverse health outcomes, includ-
25 ing—

1 (A) racial and ethnic minority commu-
2 nities;

3 (B) Indian Tribes, Tribal organizations,
4 and urban Indian organizations;

5 (C) people with disabilities;

6 (D) English language learners;

7 (E) older adults;

8 (F) low-income communities;

9 (G) justice-involved communities;

10 (H) immigrant communities; and

11 (I) communities on the basis of their sex-
12 ual orientation or gender identity;

13 (2) have demonstrated experience in success-
14 fully working in and partnering with such commu-
15 nities, and have an established record of accomplish-
16 ment in improving health outcomes or preventing,
17 reducing or eliminating health inequities, including
18 racial and ethnic inequities, in those communities;

19 (3) communicate with State, local, and Tribal
20 health departments to coordinate grant activities, as
21 appropriate; and

22 (4) submit to the Secretary an application at
23 such time, in such manner, and containing such in-
24 formation as the Secretary may require.

1 (c) USE OF FUNDS.—An entity shall use amounts re-
2 ceived under grant under this section to establish, improve
3 upon, or expand programs to improve health equity re-
4 garding COVID–19 and reduce or eliminate inequities, in-
5 cluding racial and ethnic inequities, in the incidence, prev-
6 alence, and health outcomes of COVID–19. Such uses may
7 include—

8 (1) acquiring and distributing medical supplies,
9 such as personal protective equipment, to commu-
10 nities that are at an increased risk of COVID–19;

11 (2) helping people enroll in a health insurance
12 plan that meets minimum essential coverage;

13 (3) increasing the availability of COVID–19
14 testing and any future COVID–19 treatments or
15 vaccines in communities that are at an increased
16 risk of COVID–19;

17 (4) aiding communities and individuals in fol-
18 lowing guidelines and best practices in regards to
19 COVID–19, including physical distancing guidelines;

20 (5) helping communities and COVID–19 sur-
21 vivors recover and cope with the long-term health
22 impacts of COVID–19;

23 (6) addressing social determinants of health,
24 such as transportation, nutrition, housing, discrimi-
25 nation, health care access, including mental health

1 care and substance use disorder prevention, treat-
2 ment, and recovery, health literacy, employment sta-
3 tus, and working conditions, education, income, and
4 stress, that impact COVID–19 incidence, prevalence,
5 and health outcomes, and facilitating or providing
6 access to needed services;

7 (7) the provision of anti-racism and implicit
8 and explicit bias training for health care providers
9 and other relevant professionals;

10 (8) creating and disseminating culturally in-
11 formed, linguistically appropriate, accessible, and
12 medically accurate outreach and education regarding
13 COVID–19;

14 (9) acquiring, retaining, and training a diverse
15 workforce; and

16 (10) improving the accessibility to health care,
17 including accessibility to health care providers, men-
18 tal health care, and COVID–19 testing for people
19 with disabilities.

20 (d) ADMINISTRATION.—

21 (1) PRIORITY.—In awarding grants under this
22 section, the Secretary shall give priority to eligible
23 entities that are a community-based organization or
24 have an established history of successfully working
25 in and partnering with the community or with popu-

1 lations which the entity intends to provide services
2 under the grant. The Secretary shall also utilize
3 available demographic data to give priority to eligible
4 entities working with populations or communities
5 disproportionately affected by COVID–19.

6 (2) GEOGRAPHICAL DIVERSITY.—The Secretary
7 shall seek to ensure geographical diversity among
8 grant recipients.

9 (3) REDUCTION OF BURDENS.—In admin-
10 istering the grant program under this section, the
11 Secretary shall make every effort to minimize unnec-
12 essary administrative burdens on eligible entities re-
13 ceiving such grants.

14 (4) TECHNICAL ASSISTANCE.—The Secretary
15 shall provide technical assistance to eligible entities
16 on best practices for applying grants under this sec-
17 tion.

18 (e) DURATION.—A grant awarded under this section
19 shall be for a period of 3 years.

20 (f) REPORTING.—

21 (1) BY GRANTEE.—Not later than 180 days
22 after the end of a grant period under this section,
23 the grantee shall submit to the Secretary a report on
24 the activities conducted under the grant, including—

1 (A) a description of the impact of grant
2 activities, including on—

3 (i) outreach and education related to
4 COVID–19; and

5 (ii) improving public health activities
6 related to COVID–19, including physical
7 distancing;

8 (B) the number of individuals reached by
9 the activities under the grant and, to the extent
10 known, the disaggregated demographic data of
11 such individuals, such as by race, ethnicity, sex
12 (including sexual orientation and gender iden-
13 tity), income, disability status, or primary lan-
14 guage; and

15 (C) any other information the Secretary
16 determines is necessary.

17 (2) BY SECRETARY.—Not later than 1 year
18 after the end of the grant program under this sec-
19 tion, the Secretary shall submit to Congress a report
20 on the grant program, including a summary of the
21 information gathered under paragraph (1).

22 (g) SUPPLEMENT, NOT SUPPLANT.—Grants awarded
23 under this subtitle shall be used to supplement and not
24 supplant any other Federal funds made available to carry
25 out the activities described in this subtitle.

1 (h) FUNDING.—Out of funds in the Treasury not oth-
2 erwise appropriated, there are appropriated to carry out
3 this section, \$500,000,000 for each of fiscal years 2022
4 through 2024.

5 **SEC. 317604. IMPROVING SOCIAL DETERMINANTS OF**
6 **HEALTH.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Healthy People 2020 defines social deter-
9 minants of health as conditions in the environments
10 in which people live, learn, work, play, worship, and
11 age that affect a wide range of health, functioning,
12 and quality-of-life outcomes and risks.

13 (2) One of the overarching goals of Healthy
14 People 2020 is to “create social and physical envi-
15 ronments that promote good health for all”.

16 (3) Healthy People 2020 developed a “place-
17 based” organizing framework, reflecting five key
18 areas of social determinants of health namely—

19 (A) economic stability;

20 (B) education;

21 (C) social and community context;

22 (D) health and health care; and

23 (E) neighborhood and built environment.

1 (4) It is estimated that medical care accounts
2 for only 10 to 20 percent of the modifiable contribu-
3 tors to healthy outcomes for a population.

4 (5) The Centers for Medicare & Medicaid Serv-
5 ices has indicated the importance of the social deter-
6 minants in its work stating that, “As we seek to fos-
7 ter innovation, rethink rural health, find solutions to
8 the opioid epidemic, and continue to put patients
9 first, we need to take into account social deter-
10 minants of health and recognize their importance.”.

11 (6) The Department of Health and Human
12 Services’ Public Health 3.0 initiative recognizes the
13 role of public health in working across sectors on so-
14 cial determinants of health, as well as the role of
15 public health as chief health strategist in commu-
16 nities.

17 (7) Through its Health Impact in 5 Years ini-
18 tiative, the Centers for Disease Control and Preven-
19 tion has highlighted nonclinical, community-wide ap-
20 proaches that show positive health impacts, results
21 within five years, and cost effectiveness or cost sav-
22 ings over the lifetime of the population or earlier.

23 (8) Health departments and the Centers for
24 Disease Control and Prevention are not funded for
25 such cross-cutting work.

1 (9) Providing grants to public health depart-
2 ments and other eligible entities to coordinate cross-
3 sector collaboration will allow a community-wide, evi-
4 dence-based approach to address underlying social
5 determinants of health.

6 (b) SOCIAL DETERMINANTS OF HEALTH PRO-
7 GRAM.—

8 (1) PROGRAM.—To the extent and in the
9 amounts made available in advance in appropriations
10 Acts, the Director of the Centers for Disease Control
11 and Prevention (in this section referred to as the
12 “Director”) shall carry out a program, to be known
13 as the Social Determinants of Health Program (in
14 this section referred to as the “Program”), to
15 achieve the following goals:

16 (A) Improve health outcomes and reduce
17 health inequities by coordinating social deter-
18 minants of health activities across the Centers
19 for Disease Control and Prevention.

20 (B) Improve the capacity of public health
21 agencies and community organizations to ad-
22 dress social determinants of health in commu-
23 nities.

1 (2) ACTIVITIES.—To achieve the goals listed in
2 paragraph (1), the Director shall carry out activities
3 including the following:

4 (A) Coordinating across the Centers for
5 Disease Control and Prevention to ensure that
6 relevant programs consider and incorporate so-
7 cial determinants of health in grant awards and
8 other activities.

9 (B) Awarding grants under subsection (c)
10 to State, local, territorial, and Tribal health
11 agencies and organizations, and to other eligible
12 entities, to address social determinants of
13 health in target communities.

14 (C) Awarding grants under subsection (d)
15 to nonprofit organizations and public or other
16 nonprofit institutions of higher education—

17 (i) to conduct research on best prac-
18 tices to improve social determinants of
19 health;

20 (ii) to provide technical assistance,
21 training, and evaluation assistance to
22 grantees under subsection (c); and

23 (iii) to disseminate best practices to
24 grantees under subsection (c).

1 (D) Coordinating, supporting, and aligning
2 activities of the Centers for Disease Control and
3 Prevention related to social determinants of
4 health with activities of other Federal agencies
5 related to social determinants of health, includ-
6 ing such activities of agencies in the Depart-
7 ment of Health and Human Services such as
8 the Centers for Medicare & Medicaid Services.

9 (E) Collecting and analyzing data related
10 to the social determinants of health.

11 (c) GRANTS TO ADDRESS SOCIAL DETERMINANTS OF
12 HEALTH.—

13 (1) IN GENERAL.—The Director, as part of the
14 Program, shall award grants to eligible entities to
15 address social determinants of health in their com-
16 munities.

17 (2) ELIGIBILITY.—To be eligible to apply for a
18 grant under this subsection, an entity shall be—

19 (A) a State, local, territorial, or Tribal
20 health agency or organization;

21 (B) a qualified nongovernmental entity, as
22 defined by the Director; or

23 (C) a consortium of entities that includes
24 a State, local, territorial, or Tribal health agen-
25 cy or organization.

1 (3) USE OF FUNDS.—

2 (A) IN GENERAL.—A grant under this sub-
3 section shall be used to address social deter-
4 minants of health in a target community by de-
5 signing and implementing innovative, evidence-
6 based, cross-sector strategies.

7 (B) TARGET COMMUNITY.—For purposes
8 of this subsection, a target community shall be
9 a State, county, city, or other municipality.

10 (4) PRIORITY.—In awarding grants under this
11 subsection, the Director shall prioritize applicants
12 proposing to serve target communities with signifi-
13 cant unmet health and social needs, as defined by
14 the Director.

15 (5) APPLICATION.—To seek a grant under this
16 subsection, an eligible entity shall—

17 (A) submit an application at such time, in
18 such manner, and containing such information
19 as the Director may require;

20 (B) propose a set of activities to address
21 social determinants of health through evidence-
22 based, cross-sector strategies, which activities
23 may include—

24 (i) collecting quantifiable data from
25 health care, social services, and other enti-

1 ties regarding the most significant gaps in
2 health-promoting social, economic, and en-
3 vironmental needs;

4 (ii) identifying evidence-based ap-
5 proaches to meeting the nonmedical, social
6 needs of populations identified by data col-
7 lection described in clause (i), such as un-
8 stable housing or inadequate food;

9 (iii) developing scalable methods to
10 meet patients' social needs identified in
11 clinical settings or other sites;

12 (iv) convening entities such as local
13 and State governmental and nongovern-
14 mental organizations, health systems,
15 payors, and community-based organiza-
16 tions to review, plan, and implement com-
17 munity-wide interventions and strategies to
18 advance health-promoting social conditions;

19 (v) monitoring and evaluating the im-
20 pact of activities funded through the grant
21 on the health and well-being of the resi-
22 dents of the target community and on the
23 cost of health care; and

24 (vi) such other activities as may be
25 specified by the Director;

1 (C) demonstrate how the eligible entity will
2 collaborate with—

3 (i) health systems;

4 (ii) payors, including, as appropriate,
5 medicaid managed care organizations (as
6 defined in section 1903(m)(1)(A) of the
7 Social Security Act (42 U.S.C.
8 1396b(m)(1)(A))), Medicare Advantage
9 plans under part C of title XVIII of such
10 Act (42 U.S.C. 1395w–21 et seq.), and
11 health insurance issuers and group health
12 plans (as such terms are defined in section
13 2791 of the Public Health Service Act);

14 (iii) other relevant stakeholders and
15 initiatives in areas of need, such as the Ac-
16 countable Health Communities Model of
17 the Centers for Medicare & Medicaid Serv-
18 ices, health homes under the Medicaid pro-
19 gram under title XIX of the Social Secu-
20 rity Act (42 U.S.C. 1396 et seq.), commu-
21 nity-based organizations, and human serv-
22 ices organizations;

23 (iv) other non-health care sector orga-
24 nizations, including organizations focusing

1 on transportation, housing, or food access;
2 and

3 (v) local employers; and

4 (D) identify key health inequities in the
5 target community and demonstrate how the
6 proposed efforts of the eligible entity would ad-
7 dress such inequities.

8 (6) MONITORING AND EVALUATION.—As a con-
9 dition of receipt of a grant under this subsection, a
10 grantee shall agree to submit an annual report to
11 the Director describing the activities carried out
12 through the grant and the outcomes of such activi-
13 ties.

14 (7) INDEPENDENT NATIONAL EVALUATION.—

15 (A) IN GENERAL.—Not later than 5 years
16 after the first grants are awarded under this
17 subsection, the Director shall provide for the
18 commencement of an independent national eval-
19 uation of the Program under this subsection.

20 (B) REPORT TO CONGRESS.—Not later
21 than 60 days after receiving the results of such
22 independent national evaluation, the Director
23 shall report such results to the Congress.

24 (d) RESEARCH AND TRAINING.—The Director, as
25 part of the Program—

1 (1) shall award grants to nonprofit organiza-
2 tions and public or other nonprofit institutions of
3 higher education—

4 (A) to conduct research on best practices
5 to improve social determinants of health;

6 (B) to provide technical assistance, train-
7 ing, and evaluation assistance to grantees under
8 subsection (c); and

9 (C) to disseminate best practices to grant-
10 ees under subsection (c); and

11 (2) may require a grantee under paragraph (1)
12 to provide technical assistance and capacity building
13 to entities that are eligible entities under subsection
14 (c) but not receiving funds through such subsection.

15 (e) FUNDING.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to carry out this section, \$50,000,000
18 for each of fiscal years 2022 through 2028.

19 (2) ALLOCATION.—Of the amount made avail-
20 able to carry out this section for a fiscal year, not
21 less than 75 percent shall be used for grants under
22 subsections (c) and (d).

1 **SEC. 317605. FUNDING TO STATES, LOCALITIES, AND COM-**
2 **MUNITY-BASED ORGANIZATIONS FOR EMER-**
3 **GENCY AID AND SERVICES.**

4 (a) FUNDING FOR STATES.—

5 (1) INCREASE IN FUNDING FOR SOCIAL SERV-
6 ICES BLOCK GRANT PROGRAM.—

7 (A) APPROPRIATION.—Out of any money
8 in the Treasury of the United States not other-
9 wise appropriated, there are appropriated
10 \$9,600,000,000, which shall be available for
11 payments under section 2002 of the Social Se-
12 curity Act.

13 (B) DEADLINE FOR DISTRIBUTION OF
14 FUNDS.—Within 45 days after the date of the
15 enactment of this Act, the Secretary of Health
16 and Human Services shall distribute the funds
17 made available by this paragraph, which shall
18 be made available to States on an emergency
19 basis for immediate obligation and expenditure.

20 (C) SUBMISSION OF REVISED PRE-EX-
21 PENDITURE REPORT.—Within 90 days after a
22 State receives funds made available by this
23 paragraph, the State shall submit to the Sec-
24 retary a revised pre-expenditure report pursu-
25 ant to title XX of the Social Security Act that

1 describes how the State plans to administer the
2 funds.

3 (D) OBLIGATION OF FUNDS BY STATES.—
4 A State to which funds made available by this
5 paragraph are distributed shall obligate the
6 funds not later than December 31, 2022.

7 (E) EXPENDITURE OF FUNDS BY
8 STATES.—A grantee to which a State (or a sub-
9 grantee to which a grantee) provides funds
10 made available by this paragraph shall expend
11 the funds not later than December 31, 2022.

12 (2) RULES GOVERNING USE OF ADDITIONAL
13 FUNDS.—A State to which funds made available by
14 paragraph (1)(B) are distributed shall use the funds
15 in accordance with the following:

16 (A) PURPOSE.—

17 (i) IN GENERAL.—The State shall use
18 the funds only to support the provision of
19 emergency services to disadvantaged chil-
20 dren, families, and households.

21 (ii) DISADVANTAGED DEFINED.—In
22 this paragraph, the term “disadvantaged”
23 means, with respect to an entity, that the
24 entity—

1 (I) is an individual, or is located
2 in a community, that is experiencing
3 material hardship;

4 (II) is a household in which there
5 is a child (as defined in section 12(d)
6 of the Richard B. Russell National
7 School Lunch Act) or a child served
8 under section 11(a)(1) of such Act,
9 who, if not for the closure of the
10 school attended by the child during a
11 public health emergency designation
12 and due to concerns about a COVID–
13 19 outbreak, would receive free or re-
14 duced price school meals pursuant to
15 such Act;

16 (III) is an individual, or is lo-
17 cated in a community, with barriers to
18 employment; or

19 (IV) is located in a community
20 that, as of the date of the enactment
21 of this Act, is not experiencing a 56-
22 day downward trajectory of—

23 (aa) influenza-like illnesses;

24 (bb) COVID-like syndromic
25 cases;

1 (cc) documented COVID–19
2 cases; or
3 (dd) positive test results as
4 a percentage of total COVID–19
5 tests.

6 (B) PASS-THROUGH TO LOCAL ENTI-
7 TIES.—

8 (i) In the case of a State in which a
9 county administers or contributes finan-
10 cially to the non-Federal share of the
11 amounts expended in carrying out a State
12 program funded under title IV of the So-
13 cial Security Act, the State may pass funds
14 so made available through to—

15 (I) the chief elected official of the
16 city or urban county that administers
17 the program; or

18 (II) local government and com-
19 munity-based organizations.

20 (ii) In the case of any other State, the
21 State shall—

22 (I) pass the funds through to—

23 (aa)(AA) local governments
24 that will expend or distribute the
25 funds in consultation with com-

1 community-based organizations with
2 experience serving disadvantaged
3 families or individuals; or

4 (BB) community-based or-
5 ganizations with experience serv-
6 ing disadvantaged families and
7 individuals; and

8 (bb) sub-State areas in pro-
9 portions based on the population
10 of disadvantaged individuals liv-
11 ing in the areas; and

12 (II) report to the Secretary on
13 how the State determined the
14 amounts passed through pursuant to
15 this clause.

16 (C) METHODS.—

17 (i) IN GENERAL.—The State shall use
18 the funds only for—

19 (I) administering emergency serv-
20 ices;

21 (II) providing short-term cash,
22 non-cash, or in-kind emergency dis-
23 aster relief;

24 (III) providing services with dem-
25 onstrated need in accordance with ob-

1 jective criteria that are made available
2 to the public;

3 (IV) operational costs directly re-
4 lated to providing services described
5 in subclauses (I), (II), and (III);

6 (V) local government emergency
7 social service operations; and

8 (VI) providing emergency social
9 services to rural and frontier commu-
10 nities that may not have access to
11 other emergency funding streams.

12 (ii) ADMINISTERING EMERGENCY
13 SERVICES DEFINED.—In clause (i), the
14 term “administering emergency services”
15 means—

16 (I) providing basic disaster relief,
17 economic, and well-being necessities to
18 ensure communities are able to safely
19 observe shelter-in-place and social
20 distancing orders;

21 (II) providing necessary supplies
22 such as masks, gloves, and soap, to
23 protect the public against infectious
24 disease; and

1 (III) connecting individuals, chil-
2 dren, and families to services or pay-
3 ments for which they may already be
4 eligible.

5 (D) PROHIBITIONS.—

6 (i) NO INDIVIDUAL ELIGIBILITY DE-
7 TERMINATIONS BY GRANTEES OR SUB-
8 GRANTEES.—Neither a grantee to which
9 the State provides the funds nor any sub-
10 grantee of such a grantee may exercise in-
11 dividual eligibility determinations for the
12 purpose of administering short-term, non-
13 cash, in-kind emergency disaster relief to
14 communities.

15 (ii) APPLICABILITY OF CERTAIN SO-
16 CIAL SERVICES BLOCK GRANT FUNDS USE
17 LIMITATIONS.—The State shall use the
18 funds subject to the limitations in section
19 2005 of the Social Security Act, except
20 that, for purposes of this clause, section
21 2005(a)(2) and 2005(a)(8) of such Act
22 shall not apply.

23 (iii) NO SUPPLANTATION OF CERTAIN
24 STATE FUNDS.—The State may use the

1 funds to supplement, not supplant, State
2 general revenue funds for social services.

3 (iv) BAN ON USE FOR CERTAIN COSTS
4 REIMBURSABLE BY FEMA.—The State may
5 not use the funds for costs that are reim-
6 bursable by the Federal Emergency Man-
7 agement Agency, under a contract for in-
8 surance, or by self-insurance.

9 (b) FUNDING FOR FEDERALLY RECOGNIZED INDIAN
10 TRIBES AND TRIBAL ORGANIZATIONS.—

11 (1) GRANTS.—

12 (A) IN GENERAL.—Within 90 days after
13 the date of the enactment of this Act, the Sec-
14 retary of Health and Human Services shall
15 make grants to federally recognized Indian
16 Tribes and Tribal organizations.

17 (B) AMOUNT OF GRANT.—The amount of
18 the grant for an Indian Tribe or Tribal organi-
19 zation shall bear the same ratio to the amount
20 appropriated by paragraph (3) as the total
21 amount of grants awarded to the Indian Tribe
22 or Tribal organization under the Low-Income
23 Home Energy Assistance Act of 1981 and the
24 Community Service Block Grant for fiscal year
25 2021 bears to the total amount of grants

1 awarded to all Indian Tribes and Tribal organi-
2 zations under such Act and such Grant for the
3 fiscal year.

4 (2) RULES GOVERNING USE OF FUNDS.—An
5 entity to which a grant is made under paragraph (1)
6 shall obligate the funds not later than December 31,
7 2021, and the funds shall be expended by grantees
8 and subgrantees not later than December 31, 2024,
9 and used in accordance with the following:

10 (A) PURPOSE.—

11 (i) IN GENERAL.—The grantee shall
12 use the funds only to support the provision
13 of emergency services to disadvantaged
14 households.

15 (ii) DISADVANTAGED DEFINED.—In
16 clause (i), the term “disadvantaged”
17 means, with respect to an entity, that the
18 entity—

19 (I) is an individual, or is located
20 in a community, that is experiencing
21 material hardship;

22 (II) is a household in which there
23 is a child (as defined in section 12(d)
24 of the Richard B. Russell National
25 School Lunch Act) or a child served

1 under section 11(a)(1) of such Act,
2 who, if not for the closure of the
3 school attended by the child during a
4 public health emergency designation
5 and due to concerns about a COVID–
6 19 outbreak, would receive free or re-
7 duced price school meals pursuant to
8 such Act;

9 (III) is an individual, or is lo-
10 cated in a community, with barriers to
11 employment; or

12 (IV) is located in a community
13 that, as of the date of the enactment
14 of this Act, is not experiencing a 56-
15 day downward trajectory of—

16 (aa) influenza-like illnesses;

17 (bb) COVID-like syndromic
18 cases;

19 (cc) documented COVID–19
20 cases; or

21 (dd) positive test results as
22 a percentage of total COVID–19
23 tests.

24 (B) METHODS.—

1 (i) IN GENERAL.—The grantee shall
2 use the funds only for—

3 (I) administering emergency serv-
4 ices;

5 (II) providing short-term, non-
6 cash, in-kind emergency disaster re-
7 lief; and

8 (III) tribal emergency social serv-
9 ice operations.

10 (ii) ADMINISTERING EMERGENCY
11 SERVICES DEFINED.—In clause (i), the
12 term “administering emergency services”
13 means—

14 (I) providing basic economic and
15 well-being necessities to ensure com-
16 munities are able to safely observe
17 shelter-in-place and social distancing
18 orders;

19 (II) providing necessary supplies
20 such as masks, gloves, and soap, to
21 protect the public against infectious
22 disease; and

23 (III) connecting individuals, chil-
24 dren, and families to services or pay-

1 ments for which they may already be
2 eligible.

3 (C) PROHIBITIONS.—

4 (i) NO INDIVIDUAL ELIGIBILITY DE-
5 TERMINATIONS BY GRANTEES OR SUB-
6 GRANTEES.—Neither the grantee nor any
7 subgrantee may exercise individual eligi-
8 bility determinations for the purpose of ad-
9 ministering short-term, non-cash, in-kind
10 emergency disaster relief to communities.

11 (ii) BAN ON USE FOR CERTAIN COSTS
12 REIMBURSABLE BY FEMA.—The grantee
13 may not use the funds for costs that are
14 reimbursable by the Federal Emergency
15 Management Agency, under a contract for
16 insurance, or by self-insurance.

17 (3) APPROPRIATION.—Out of any money in the
18 Treasury of the United States not otherwise appro-
19 priated, there are appropriated to the Secretary of
20 Health and Human Services \$400,000,000 to carry
21 out this subsection.

22 **SEC. 317606. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
23 **GRAM.**

24 (a) VALUE OF BENEFITS.—Notwithstanding any
25 other provision of law, beginning on June 1, 2021, and

1 for each subsequent month through September 30, 2021,
2 the value of benefits determined under section 8(a) of the
3 Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)), and
4 consolidated block grants for Puerto Rico and American
5 Samoa determined under section 19(a) of such Act (7
6 U.S.C. 2028(a)), shall be calculated using 115 percent of
7 the June 2019 value of the thrifty food plan (as defined
8 in section 3 of such Act (7 U.S.C. 2012)) if the value of
9 the benefits and block grants would be greater under that
10 calculation than in the absence of this subsection.

11 (b) MINIMUM AMOUNT.—

12 (1) IN GENERAL.—The minimum value of bene-
13 fits determined under section 8(a) of the Food and
14 Nutrition Act of 2008 (7 U.S.C. 2017(a)) for a
15 household of not more than 2 members shall be \$30.

16 (2) EFFECTIVENESS.—Paragraph (1) shall re-
17 main in effect until the date on which 8 percent of
18 the value of the thrifty food plan for a household
19 containing 1 member, rounded to the nearest whole
20 dollar increment, is equal to or greater than \$30.

21 (c) REQUIREMENTS FOR THE SECRETARY.—In car-
22 rying out this section, the Secretary shall—

23 (1) consider the benefit increases described in
24 each of subsections (a) and (b) to be a “mass
25 change”;

1 (2) require a simple process for States to notify
2 households of the increase in benefits;

3 (3) consider section 16(c)(3)(A) of the Food
4 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
5 to apply to any errors in the implementation of this
6 section, without regard to the 120-day limit de-
7 scribed in that section;

8 (4) disregard the additional amount of benefits
9 that a household receives as a result of this section
10 in determining the amount of overissuances under
11 section 13 of the Food and Nutrition Act of 2008
12 (7 U.S.C. 2022); and

13 (5) set the tolerance level for excluding small
14 errors for the purposes of section 16(c) of the Food
15 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at
16 \$50 through September 30, 2022.

17 (d) PROVISIONS FOR IMPACTED WORKERS.—Not-
18 withstanding any other provision of law, the requirements
19 under subsections (d)(1)(A)(ii) and (o) of section 6 of the
20 Food and Nutrition Act of 2008 (7 U.S.C. 2015) shall
21 not be in effect during the period beginning on June 1,
22 2022, and ending 2 years after the date of enactment of
23 this Act.

24 (e) ADMINISTRATIVE EXPENSES.—

1 (1) IN GENERAL.—For the costs of State ad-
2 ministrative expenses associated with carrying out
3 this section and administering the supplemental nu-
4 trition assistance program established under the
5 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
6 seq.), the Secretary shall make available
7 \$150,000,000 for fiscal year 2022 and
8 \$150,000,000 for fiscal year 2024.

9 (2) TIMING FOR FISCAL YEAR 2020.—Not later
10 than 60 days after the date of the enactment of this
11 Act, the Secretary shall make available to States
12 amounts for fiscal year 2022 under paragraph (1).

13 (3) ALLOCATION OF FUNDS.—Funds described
14 in paragraph (1) shall be made available as grants
15 to State agencies for each fiscal year as follows:

16 (A) 75 percent of the amounts available
17 for each fiscal year shall be allocated to States
18 based on the share of each State of households
19 that participate in the supplemental nutrition
20 assistance program as reported to the Depart-
21 ment of Agriculture for the most recent 12-
22 month period for which data are available, ad-
23 justed by the Secretary (as of the date of the
24 enactment of this Act) for participation in dis-
25 aster programs under section 5(h) of the Food

1 and Nutrition Act of 2008 (7 U.S.C. 2014(h));
2 and

3 (B) 25 percent of the amounts available
4 for each fiscal year shall be allocated to States
5 based on the increase in the number of house-
6 holds that participate in the supplemental nu-
7 trition assistance program as reported to the
8 Department of Agriculture over the most recent
9 12-month period for which data are available,
10 adjusted by the Secretary (as of the date of the
11 enactment of this Act) for participation in dis-
12 aster programs under section 5(h) of the Food
13 and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

14 (f) SNAP RULES.—No funds (including fees) made
15 available under this subtitle or any other Act for any fiscal
16 year may be used to finalize, implement, administer, en-
17 force, carry out, or otherwise give effect to—

18 (1) the final rule entitled “Supplemental Nutri-
19 tion Assistance Program: Requirements for Able-
20 Bodied Adults Without Dependents” published in
21 the Federal Register on December 5, 2019 (84 Fed.
22 Reg. 66782);

23 (2) the proposed rule entitled “Revision of Cat-
24 egorical Eligibility in the Supplemental Nutrition
25 Assistance Program (SNAP)” published in the Fed-

1 eral Register on July 24, 2019 (84 Fed. Reg.
2 35570); or

3 (3) the proposed rule entitled “Supplemental
4 Nutrition Assistance Program: Standardization of
5 State Heating and Cooling Standard Utility Allow-
6 ances” published in the Federal Register on October
7 3, 2019 (84 Fed. Reg. 52809).

8 (g) CERTAIN EXCLUSIONS FROM SNAP INCOME.—
9 A Federal pandemic unemployment compensation pay-
10 ment made to an individual under section 2104 of the
11 CARES Act (Public Law 116–136) shall not be regarded
12 as income and shall not be regarded as a resource for the
13 month of receipt and the following 9 months, for the pur-
14 pose of determining eligibility for such individual or any
15 other individual for benefits or assistance, or the amount
16 of benefits or assistance, under any programs authorized
17 under the Food and Nutrition Act of 2008 (7 U.S.C. 2011
18 et seq.).

19 (h) PUBLIC AVAILABILITY.—Not later than 10 days
20 after the date of the receipt or issuance of each document
21 listed below, the Secretary shall make publicly available
22 on the website of the Department of Agriculture the fol-
23 lowing documents:

1 (1) Any State agency request to participate in
2 the supplemental nutrition assistance program on-
3 line program under section 7(k).

4 (2) Any State agency request to waive, adjust,
5 or modify statutory or regulatory requirements
6 under the Food and Nutrition Act of 2008 related
7 to the COVID–19 outbreak.

8 (3) The Secretary’s approval or denial of each
9 such request under paragraphs (1) or (2).

10 (i) FUNDING.—There are hereby appropriated to the
11 Secretary, out of any money not otherwise appropriated,
12 such sums as may be necessary to carry out this section.

13 **PART 7—CULTURALLY AND LINGUISTICALLY**
14 **COMPETENT CARE**
15 **SEC. 317701. ENSURING STANDARDS FOR CULTURALLY AND**
16 **LINGUISTICALLY APPROPRIATE SERVICES IN**
17 **HEALTH CARE.**

18 (a) APPLICABILITY.—This section shall apply to any
19 health program or activity, any part of which is receiving
20 Federal financial assistance, including credits, subsidies,
21 or contracts of insurance, or any program or activity that
22 is administered by an executive agency or any entity estab-
23 lished under title I of the Patient Protection and Afford-
24 able Care Act (42 U.S.C. 18001 et seq.) (or amendments
25 made thereby).

1 (b) STANDARDS.—Each program or activity de-
2 scribed in subsection (a)—

3 (1) shall implement strategies to recruit, retain,
4 and promote individuals at all levels to maintain a
5 diverse staff and leadership that can provide cul-
6 turally and linguistically appropriate health care to
7 patient populations of the service area of the pro-
8 gram or activity;

9 (2) shall educate and train governance, leader-
10 ship, and workforce at all levels and across all dis-
11 ciplines of the program or activity in culturally and
12 linguistically appropriate policies and practices on an
13 ongoing basis at least yearly;

14 (3) shall offer and provide language assistance,
15 including trained and competent bilingual staff and
16 interpreter services, to individuals with limited-
17 English proficiency or who have other communica-
18 tion needs, at no cost to the individual at all points
19 of contact, and during all hours of operation, to fa-
20 cilitate timely access to health care services and
21 health-care-related services;

22 (4) shall for each language group consisting of
23 individuals with limited-English proficiency that con-
24 stitutes 5 percent or 500 individuals, whichever is
25 less, of the population of persons eligible to be

1 served or likely to be affected or encountered in the
2 service area of the program or activity, make avail-
3 able at a fifth grade reading level—

4 (A) easily understood patient-related mate-
5 rials, including print and multimedia materials,
6 in the language of such language group;

7 (B) information or notices about termi-
8 nation of benefits in such language;

9 (C) signage; and

10 (D) any other documents or types of docu-
11 ments designated by the Secretary;

12 (5) shall develop and implement clear goals,
13 policies, operational plans, and management, ac-
14 countability, and oversight mechanisms to provide
15 culturally and linguistically appropriate services and
16 infuse them throughout the planning and operations
17 of the program or activity;

18 (6) shall conduct initial and ongoing organiza-
19 tional assessments of culturally and linguistically ap-
20 propriate services-related activities and integrate
21 valid linguistic, competence-related National Stand-
22 ards for Culturally and Linguistically Appropriate
23 Services (CLAS) measures into the internal audits,
24 performance improvement programs, patient satis-
25 faction assessments, continuous quality improvement

1 activities, and outcomes-based evaluations of the
2 program or activity and develop ways to standardize
3 the assessments, and such assessments must occur
4 at least yearly;

5 (7) shall ensure that, consistent with the pri-
6 vacy protections provided for under the regulations
7 promulgated under section 264(c) of the Health In-
8 surance Portability and Accountability Act of 1996
9 (42 U.S.C. 1320–2 note), data on an individual re-
10 quired to be collected pursuant to section 3101, in-
11 cluding the individual’s alternative format pref-
12 erences and policy modification needs, are—

13 (A) collected in health records;

14 (B) integrated into the management infor-
15 mation systems of the program or activity; and

16 (C) periodically updated;

17 (8) shall maintain a current demographic, cul-
18 tural, and epidemiological profile of the community,
19 conduct regular assessments of community health
20 assets and needs, and use the results of such assess-
21 ments to accurately plan for and implement services
22 that respond to the cultural and linguistic character-
23 istics of the service area of the program or activity;

24 (9) shall develop participatory, collaborative
25 partnerships with communities and utilize a variety

1 of formal and informal mechanisms to facilitate
2 community and patient involvement in designing,
3 implementing, and evaluating policies and practices
4 to ensure culturally and linguistically appropriate
5 service-related activities;

6 (10) shall ensure that conflict and grievance
7 resolution processes are culturally and linguistically
8 appropriate and capable of identifying, preventing,
9 and resolving cross-cultural conflicts or complaints
10 by patients;

11 (11) shall regularly make available to the public
12 information about their progress and successful in-
13 novations in implementing the standards under this
14 section and provide public notice in their commu-
15 nities about the availability of this information; and

16 (12) shall, if requested, regularly make avail-
17 able to the head of each Federal entity from which
18 Federal funds are provided, information about the
19 progress and successful innovations of the program
20 or activity in implementing the standards under this
21 section as required by the head of such entity.

22 (c) COMMENTS ACCEPTED THROUGH NOTICE AND
23 COMMENT RULEMAKING.—An agency carrying out a pro-
24 gram described in subsection (a) shall ensure that com-
25 ments with respect to such program that are accepted

1 through notice and comment rulemaking be accepted in
2 all languages, may not require such comments to be sub-
3 mitted only in English, and must ensure these comments
4 are considered equally as comments submitted in English
5 during the agency’s review of comments submitted.

6 **SEC. 317702. CULTURALLY AND LINGUISTICALLY APPRO-**
7 **PRIATE HEALTH CARE IN THE PUBLIC**
8 **HEALTH SERVICE ACT.**

9 Title XXXIV of the Public Health Service Act, as
10 amended by section 104, is further amended by adding
11 at the end the following:

12 **“Subtitle B—CULTURALLY AND**
13 **LINGUISTICALLY APPRO-**
14 **PRIATE HEALTH CARE**

15 **“SEC. 3403. DEFINITIONS.**

16 “(a) IN GENERAL.—In this title:

17 “(1) BILINGUAL.—The term ‘bilingual’, with
18 respect to an individual, means a person who has
19 sufficient degree of proficiency in 2 languages.

20 “(2) CULTURAL.—The term ‘cultural’ means
21 relating to integrated patterns of human behavior
22 that include the language, thoughts, communica-
23 tions, actions, customs, beliefs, values, and institu-
24 tions of racial, ethnic, religious, or social groups, in-
25 cluding lesbian, gay, bisexual, transgender, queer,

1 and questioning individuals, and individuals with
2 physical and mental disabilities.

3 “(3) CULTURALLY AND LINGUISTICALLY AP-
4 PROPRIATE.—The term ‘culturally and linguistically
5 appropriate’ means being respectful of and respon-
6 sive to the cultural and linguistic needs of all indi-
7 viduals.

8 “(4) EFFECTIVE COMMUNICATION.—The term
9 ‘effective communication’ means an exchange of in-
10 formation between the provider of health care or
11 health-care-related services and the recipient of such
12 services who is limited in English proficiency, or has
13 a communication impairment such as a hearing, vi-
14 sion, speaking, or learning impairment, that enables
15 access to, understanding of, and benefit from health
16 care or health-care-related services, and full partici-
17 pation in the development of their treatment plan.

18 “(5) GRIEVANCE RESOLUTION PROCESS.—The
19 term ‘grievance resolution process’ means all aspects
20 of dispute resolution including filing complaints,
21 grievance and appeal procedures, and court action.

22 “(6) HEALTH CARE GROUP.—The term ‘health
23 care group’ means a group of physicians organized,
24 at least in part, for the purposes of providing physi-
25 cian services under the Medicaid program under title

1 XIX of the Social Security Act, the State Children’s
2 Health Insurance Program under title XXI of such
3 Act, or the Medicare program under title XVIII of
4 such Act and may include a hospital and any other
5 individual or entity furnishing services covered under
6 any such program that is affiliated with the health
7 care group.

8 “(7) HEALTH CARE SERVICES.—The term
9 ‘health care services’ means services that address
10 physical as well as mental health conditions in all
11 care settings.

12 “(8) HEALTH-CARE-RELATED SERVICES.—The
13 term ‘health-care-related services’ means human or
14 social services programs or activities that provide ac-
15 cess, referrals, or links to health care.

16 “(9) HEALTH EDUCATOR.—The term ‘health
17 educator’ includes a professional with a bacca-
18 laureate degree who is responsible for designing, im-
19 plementing, and evaluating individual and population
20 health promotion and chronic disease prevention pro-
21 grams.

22 “(10) INDIAN; INDIAN TRIBE.—The terms ‘In-
23 dian’ and ‘Indian Tribe’ have the meanings given
24 such terms in section 4 of the Indian Self-Deter-
25 mination and Education Assistance Act.

1 “(11) INDIVIDUAL WITH A DISABILITY.—The
2 term ‘individual with a disability’ means any indi-
3 vidual who has a disability as defined for the pur-
4 pose of section 504 of the Rehabilitation Act of
5 1973.

6 “(12) INDIVIDUAL WITH LIMITED-ENGLISH
7 PROFICIENCY.—The term ‘individual with limited-
8 English proficiency’ means an individual whose pri-
9 mary language for communication is not English
10 and who has a limited ability to read, write, speak,
11 or understand English.

12 “(13) INTEGRATED HEALTH CARE DELIVERY
13 SYSTEM.—The term ‘integrated health care delivery
14 system’ means an interdisciplinary system that
15 brings together providers from the primary health,
16 mental health, substance use disorder, and related
17 disciplines to improve the health outcomes of an in-
18 dividual. Such providers may include hospitals,
19 health, mental health, or substance use disorder clin-
20 ics and providers, home health agencies, ambulatory
21 surgery centers, skilled nursing facilities, rehabilita-
22 tion centers, and employed, independent, or con-
23 tracted physicians.

24 “(14) INTERPRETING; INTERPRETATION.—The
25 terms ‘interpreting’ and ‘interpretation’ mean the

1 transmission of a spoken, written, or signed message
2 from one language or format into another, faithfully,
3 accurately, and objectively.

4 “(15) LANGUAGE ACCESS.—The term ‘language
5 access’ means the provision of language services to
6 an individual with limited-English proficiency or an
7 individual with communication disabilities designed
8 to enhance that individual’s access to, understanding
9 of, or benefit from health care services or health-
10 care-related services.

11 “(16) LANGUAGE ASSISTANCE SERVICES.—The
12 term ‘language assistance services’ includes—

13 “(A) oral language assistance, including in-
14 terpretation in non-English languages provided
15 in-person or remotely by a qualified interpreter
16 for an individual with limited-English pro-
17 ficiency, and the use of qualified bilingual or
18 multilingual staff to communicate directly with
19 individuals with limited-English proficiency;

20 “(B) written translation, performed by a
21 qualified and competent translator, of written
22 content in paper or electronic form into lan-
23 guages other than English; and

24 “(C) taglines.

25 “(17) MINORITY.—

1 “(A) IN GENERAL.—The terms ‘minority’
2 and ‘minorities’ refer to individuals from a mi-
3 nority group.

4 “(B) POPULATIONS.—The term ‘minority’,
5 with respect to populations, refers to racial and
6 ethnic minority groups, members of sexual and
7 gender minority groups, and individuals with a
8 disability.

9 “(18) MINORITY GROUP.—The term ‘minority
10 group’ has the meaning given the term ‘racial and
11 ethnic minority group’.

12 “(19) ONSITE INTERPRETATION.—The term
13 ‘onsite interpretation’ means a method of inter-
14 preting or interpretation for which the interpreter is
15 in the physical presence of the provider of health
16 care services or health-care-related services and the
17 recipient of such services who is limited in English
18 proficiency or has a communication impairment such
19 as an impairment in hearing, vision, or learning.

20 “(20) QUALIFIED INDIVIDUAL WITH A DIS-
21 ABILITY.—The term ‘qualified individual with a dis-
22 ability’ means, with respect to a health program or
23 activity, an individual with a disability who, with or
24 without reasonable modifications to policies, prac-
25 tices, or procedures, the removal of architectural,

1 communication, or transportation barriers, or the
2 provision of auxiliary aids and services, meets the es-
3 sential eligibility requirements for the receipt of aids,
4 benefits, or services offered or provided by the health
5 program or activity.

6 “(21) QUALIFIED INTERPRETER FOR AN INDIVIDUAL WITH A DISABILITY.—The term ‘ qualified
7 interpreter for an individual with a disability’, for an
8 individual with a disability—
9 individual with a disability—

10 “(A) means an interpreter who by means
11 of a remote interpreting service or an in-side
12 appearance;

13 “(i) adheres to generally accepted in-
14 terpreter ethics principles, including client
15 confidentiality; and

16 “(ii) is able to interpret effectively, ac-
17 curately, and impartially, both receptively
18 and expressively, using any necessary spe-
19 cialized vocabulary, terminology, and phra-
20 seology; and

21 “(B) may include sign language inter-
22 preters, oral transliterators (individuals who
23 represent or spell in the characters of another
24 alphabet), and cued language transliterators

1 (individuals who represent or spell by using a
2 small number of handshapes).

3 “(22) QUALIFIED INTERPRETER FOR AN INDIVIDUAL WITH LIMITED-ENGLISH PROFICIENCY.—

4 The term ‘qualified interpreter for an individual with
5 limited-English proficiency’ means an interpreter
6 who via a remote interpreting service or an on-site
7 appearance—
8

9 “(A) adheres to generally accepted interpreter ethics principles, including client confidentiality;
10
11

12 “(B) has demonstrated proficiency in
13 speaking and understanding both spoken
14 English and one or more other spoken languages; and
15

16 “(C) is able to interpret effectively, accurately, and impartially, both receptively and expressly, to and from such languages and
17
18 English, using any necessary specialized vocabulary, terminology, and phraseology.
19
20

21 “(23) QUALIFIED TRANSLATOR.—The term
22 ‘qualified translator’ means a translator who—

23 “(A) adheres to generally accepted translator ethics principles, including client confidentiality;
24
25

1 “(B) has demonstrated proficiency in writ-
2 ing and understanding both written English
3 and one or more other written non-English lan-
4 guages; and

5 “(C) is able to translate effectively, accu-
6 rately, and impartially to and from such lan-
7 guages and English, using any necessary spe-
8 cialized vocabulary, terminology, and phrase-
9 ology.

10 “(24) RACIAL AND ETHNIC MINORITY GROUP.—
11 The term ‘racial and ethnic minority group’ means
12 Indians and Alaska Natives, African Americans (in-
13 cluding Caribbean Blacks, Africans, and other
14 Blacks), Asian Americans, Hispanics (including
15 Latinos), and Native Hawaiians and other Pacific
16 Islanders.

17 “(25) SEXUAL AND GENDER MINORITY
18 GROUP.—The term ‘sexual and gender minority
19 group’ encompasses lesbian, gay, bisexual, and
20 transgender populations, as well as those whose sex-
21 ual orientation, gender identity and expression, or
22 reproductive development varies from traditional, so-
23 cietal, cultural, or physiological norms.

24 “(26) SIGHT TRANSLATION.—The term ‘sight
25 translation’ means the transmission of a written

1 message in one language into a spoken or signed
2 message in another language, or an alternative for-
3 mat in English or another language.

4 “(27) STATE.—Notwithstanding section 2, the
5 term ‘State’ means each of the several States, the
6 District of Columbia, the Commonwealth of Puerto
7 Rico, the United States Virgin Islands, Guam,
8 American Samoa, and the Commonwealth of the
9 Northern Mariana Islands.

10 “(28) TELEPHONIC INTERPRETATION.—The
11 term ‘telephonic interpretation’ (also known as ‘over
12 the phone interpretation’ or ‘OPI’) means, with re-
13 spect to interpretation for an individual with limited-
14 English proficiency, a method of interpretation in
15 which the interpreter is not in the physical presence
16 of the provider of health care services or health-care-
17 related services and such individual receiving such
18 services, but the interpreter is connected via tele-
19 phone.

20 “(29) TRANSLATION.—The term ‘translation’
21 means the transmission of a written message in one
22 language into a written or signed message in an-
23 other language, and includes translation into an-
24 other language or alternative format, such as large
25 print font, Braille, audio recording, or CD.

1 “(30) VIDEO REMOTE INTERPRETING SERV-
2 ICES.—The term ‘video remote interpreting services’
3 means the provision, in health care services or
4 health-care-related services, through a qualified in-
5 terpreter for an individual with limited-English pro-
6 ficiency, of video remote interpreting services that
7 are—

8 “(A) in real-time, full-motion video, and
9 audio over a dedicated high-speed, wide-band-
10 width video connection or wireless connection
11 that delivers high quality video images that do
12 not produce lags, choppy, blurry, or grainy im-
13 ages, or irregular pauses in communication; and

14 “(B) in a sharply delineated image that is
15 large enough to display.

16 “(31) VITAL DOCUMENT.—The term ‘vital doc-
17 ument’ includes applications for government pro-
18 grams that provide health care services, medical or
19 financial consent forms, financial assistance docu-
20 ments, letters containing important information re-
21 garding patient instructions (such as prescriptions,
22 referrals to other providers, and discharge plans)
23 and participation in a program (such as a Medicaid
24 managed care program), notices pertaining to the
25 reduction, denial, or termination of services or bene-

1 fits, notices of the right to appeal such actions, and
2 notices advising individuals with limited-English pro-
3 ficiency with communication disabilities of the avail-
4 ability of free language services, alternative formats,
5 and other outreach materials.

6 “(b) REFERENCE.—In any reference in this title to
7 a regulatory provision applicable to a ‘handicapped indi-
8 vidual’, the term ‘handicapped individual’ in such provi-
9 sion shall have the same meaning as the term ‘individual
10 with a disability’ as defined in subsection (a).

11 **“CHAPTER 1—RESOURCES AND INNOVA-**
12 **TION FOR CULTURALLY AND LINGUIS-**
13 **TICALLY APPROPRIATE HEALTH CARE**

14 **“SEC. 3404. ROBERT T. MATSUI CENTER FOR CULTURALLY**
15 **AND LINGUISTICALLY APPROPRIATE HEALTH**
16 **CARE.**

17 “(a) ESTABLISHMENT.—The Secretary, acting
18 through the Director of the Agency for Healthcare Re-
19 search and Quality, shall establish and support a center
20 to be known as the ‘Robert T. Matsui Center for Cul-
21 turally and Linguistically Appropriate Health Care’ (re-
22 ferred to in this section as the ‘Center’) to carry out each
23 of the following activities:

24 “(1) INTERPRETATION SERVICES.—The Center
25 shall provide resources via the internet to identify

1 and link health care providers to competent inter-
2 preter and translation services.

3 “(2) TRANSLATION OF WRITTEN MATERIAL.—

4 “(A) VITAL DOCUMENTS.—The Center
5 shall provide, directly or through contract, vital
6 documents from competent translation services
7 for providers of health care services and health-
8 care-related services at no cost to such pro-
9 viders. Such documents may be submitted by
10 covered entities (as defined in section 92.4 of
11 title 42, Code of Federal Regulations, as in ef-
12 fect on May 16, 2016) for translation into non-
13 English languages or alternative formats at a
14 fifth-grade reading level. Such translation serv-
15 ices shall be provided in a timely and reason-
16 able manner. The quality of such translation
17 services shall be monitored and reported pub-
18 licly.

19 “(B) FORMS.—For each form developed or
20 revised by the Secretary that will be used by in-
21 dividuals with limited-English proficiency in
22 health care or health-care-related settings, the
23 Center shall translate the form, at a minimum,
24 into the top 15 non-English languages in the
25 United States according to the most recent data

1 from the American Community Survey or its re-
2 placement. The translation shall be completed
3 within 45 calendar days of the Secretary receiv-
4 ing final approval of the form from the Office
5 of Management and Budget. The Center shall
6 post all translated forms on its website so that
7 other entities may use the same translations.

8 “(3) TOLL-FREE CUSTOMER SERVICE TELE-
9 PHONE NUMBER.—The Center shall provide,
10 through a toll-free number, a customer service line
11 for individuals with limited-English proficiency—

12 “(A) to obtain information about federally
13 conducted or funded health programs, including
14 the Medicare program under title XVIII of the
15 Social Security Act, the Medicaid program
16 under title XIX of such Act, and the State Chil-
17 dren’s Health Insurance Program under title
18 XXI of such Act, marketplace coverage avail-
19 able pursuant to title XXVII of this Act and
20 the Patient Protection and Affordable Care Act,
21 and other sources of free or reduced care in-
22 cluding federally qualified health centers, title
23 X clinics, and public health departments;

1 “(B) to obtain assistance with applying for
2 or accessing these programs and understanding
3 Federal notices written in English; and

4 “(C) to learn how to access language serv-
5 ices.

6 “(4) HEALTH INFORMATION CLEARING-
7 HOUSE.—

8 “(A) IN GENERAL.—The Center shall de-
9 velop and maintain an information clearing-
10 house to facilitate the provision of language
11 services by providers of health care services and
12 health-care-related services to reduce medical
13 errors, improve medical outcomes, improve cul-
14 tural competence, reduce health care costs
15 caused by miscommunication with individuals
16 with limited-English proficiency, and reduce or
17 eliminate the duplication of efforts to translate
18 materials. The clearinghouse shall include the
19 information described in subparagraphs (B)
20 through (F) and make such information avail-
21 able on the internet and in print.

22 “(B) DOCUMENT TEMPLATES.—The Cen-
23 ter shall collect and evaluate for accuracy, de-
24 velop, and make available templates for stand-
25 ard documents that are necessary for patients

1 and consumers to access and make educated de-
2 cisions about their health care, including tem-
3 plates for each of the following:

4 “(i) Administrative and legal docu-
5 ments, including—

6 “(I) intake forms;

7 “(II) forms related to the Medi-
8 care program under title XVIII of the
9 Social Security Act, the Medicaid pro-
10 gram under title XIX of such Act,
11 and the State Children’s Health In-
12 surance Program under title XXI of
13 such Act, including eligibility informa-
14 tion for such programs;

15 “(III) forms informing patients
16 of the compliance and consent re-
17 quirements pursuant to the regula-
18 tions under section 264(c) of the
19 Health Insurance Portability and Ac-
20 countability Act of 1996 (42 U.S.C.
21 1320–2 note); and

22 “(IV) documents concerning in-
23 formed consent, advanced directives,
24 and waivers of rights.

1 “(ii) Clinical information, such as how
2 to take medications, how to prevent trans-
3 mission of a contagious disease, and other
4 prevention and treatment instructions.

5 “(iii) Public health, patient education,
6 and outreach materials, such as immuniza-
7 tion notices, health warnings, or screening
8 notices.

9 “(iv) Additional health or health-care-
10 related materials as determined appro-
11 priate by the Director of the Center.

12 “(C) STRUCTURE OF FORMS.—In oper-
13 ating the clearinghouse, the Center shall—

14 “(i) ensure that the documents posted
15 in English and non-English languages are
16 culturally and linguistically appropriate;

17 “(ii) allow public review of the docu-
18 ments before dissemination in order to en-
19 sure that the documents are understand-
20 able and culturally and linguistically ap-
21 propriate for the target populations;

22 “(iii) allow health care providers to
23 customize the documents for their use;

24 “(iv) facilitate access to these docu-
25 ments;

1 “(v) provide technical assistance with
2 respect to the access and use of such infor-
3 mation; and

4 “(vi) carry out any other activities the
5 Secretary determines to be useful to fulfill
6 the purposes of the clearinghouse.

7 “(D) LANGUAGE ASSISTANCE PRO-
8 GRAMS.—The Center shall provide for the col-
9 lection and dissemination of information on cur-
10 rent examples of language assistance programs
11 and strategies to improve language services for
12 individuals with limited-English proficiency, in-
13 cluding case studies using de-identified patient
14 information, program summaries, and program
15 evaluations.

16 “(E) CULTURALLY AND LINGUISTICALLY
17 APPROPRIATE MATERIALS.—The Center shall
18 provide information relating to culturally and
19 linguistically appropriate health care for minor-
20 ity populations residing in the United States to
21 all health care providers and health-care-related
22 services at no cost. Such information shall in-
23 clude—

24 “(i) tenets of culturally and linguis-
25 tically appropriate care;

1 “(ii) culturally and linguistically ap-
2 propriate self-assessment tools;

3 “(iii) culturally and linguistically ap-
4 propriate training tools;

5 “(iv) strategic plans to increase cul-
6 tural and linguistic appropriateness in dif-
7 ferent types of providers of health care
8 services and health-care-related services,
9 including regional collaborations among
10 health care organizations; and

11 “(v) culturally and linguistically ap-
12 propriate information for educators, practi-
13 tioners, and researchers.

14 “(F) TRANSLATION GLOSSARIES.—The
15 Center shall—

16 “(i) develop and publish on its website
17 translation glossaries that provide stand-
18 ardized translations of commonly used
19 terms and phrases utilized in documents
20 translated by the Center; and

21 “(ii) make these glossaries available—

22 “(I) free of charge;

23 “(II) in the 15 languages in
24 which the Center translates materials;
25 and

1 “(III) in alternative formats in
2 accordance with the Americans with
3 Disabilities Act of 1990 (42 U.S.C.
4 12101 et seq.).

5 “(G) INFORMATION ABOUT PROGRESS.—
6 The Center shall regularly collect and make
7 publicly available information about the
8 progress of entities receiving grants under sec-
9 tion 3402 regarding successful innovations in
10 implementing the obligations under this sub-
11 section and provide public notice in the entities’
12 communities about the availability of this infor-
13 mation.

14 “(b) DIRECTOR.—The Center shall be headed by a
15 Director who shall be appointed by, and who shall report
16 to, the Director of the Agency for Healthcare Research
17 and Quality.

18 “(c) AVAILABILITY OF LANGUAGE ACCESS.—The Di-
19 rector shall collaborate with the Deputy Assistant Sec-
20 retary for Minority Health, the Administrator of the Cen-
21 ters for Medicare & Medicaid Services, and the Adminis-
22 trator of the Health Resources and Services Administra-
23 tion to notify health care providers and health care organi-
24 zations about the availability of language access services
25 by the Center.

1 “(d) EDUCATION.—The Secretary, directly or
2 through contract, shall undertake a national education
3 campaign to inform providers, individuals with limited-
4 English proficiency, individuals with hearing or vision im-
5 pairments, health professionals, graduate schools, and
6 community health centers about—

7 “(1) Federal and State laws and guidelines gov-
8 erning access to language services;

9 “(2) the value of using trained and competent
10 interpreters and the risks associated with using fam-
11 ily members, friends, minors, and untrained bilin-
12 gual staff;

13 “(3) funding sources for developing and imple-
14 menting language services; and

15 “(4) promising practices to effectively provide
16 language services.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$5,000,000 for each of fiscal years 2023 through 2026.

20 **“SEC. 3405. INNOVATIONS IN CULTURALLY AND LINGUIS-**
21 **TICALLY APPROPRIATE HEALTH CARE**
22 **GRANTS.**

23 “(a) IN GENERAL.—

24 “(1) GRANTS.—The Secretary, acting through
25 the Director of the Agency for Healthcare Research

1 and Quality, shall award grants to eligible entities to
2 enable such entities to design, implement, and evalu-
3 ate innovative, cost-effective programs to improve
4 culturally and linguistically appropriate access to
5 health care services for individuals with limited-
6 English proficiency.

7 “(2) COORDINATION.—The Director of the
8 Agency for Healthcare Research and Quality shall
9 coordinate with, and ensure the participation of,
10 other agencies including the Health Resources and
11 Services Administration, the National Institute on
12 Minority Health and Health Disparities at the Na-
13 tional Institutes of Health, and the Office of Minor-
14 ity Health, regarding the design and evaluation of
15 the grants program.

16 “(b) ELIGIBILITY.—To be eligible to receive a grant
17 under subsection (a), an entity shall—

18 “(1) be—

19 “(A) a city, county, Indian Tribe, State, or
20 subdivision thereof;

21 “(B) an organization described in section
22 501(c)(3) of the Internal Revenue Code of 1986
23 and exempt from tax under section 501(a) of
24 such Code;

1 “(C) a community health, mental health,
2 or substance use disorder center or clinic;

3 “(D) a solo or group physician practice;

4 “(E) an integrated health care delivery
5 system;

6 “(F) a public hospital;

7 “(G) a health care group, university, or
8 college; or

9 “(H) any other entity designated by the
10 Secretary; and

11 “(2) prepare and submit to the Secretary an
12 application, at such time, in such manner, and con-
13 taining such additional information as the Secretary
14 may reasonably require.

15 “(c) USE OF FUNDS.—An entity shall use funds re-
16 ceived through a grant under this section to—

17 “(1) develop, implement, and evaluate models of
18 providing competent interpretation services through
19 onsite interpretation, telephonic interpretation, or
20 video remote interpreting services;

21 “(2) implement strategies to recruit, retain, and
22 promote individuals at all levels of the organization
23 to maintain a diverse staff and leadership that can
24 promote and provide language services to patient
25 populations of the service area of the entity;

1 “(3) develop and maintain a needs assessment
2 that identifies the current demographic, cultural,
3 and epidemiological profile of the community to ac-
4 curately plan for and implement language services
5 needed in the service area of the entity;

6 “(4) develop a strategic plan to implement lan-
7 guage services;

8 “(5) develop participatory, collaborative part-
9 nerships with communities encompassing the patient
10 populations of individuals with limited-English pro-
11 ficiency served by the grant to gain input in design-
12 ing and implementing language services;

13 “(6) develop and implement grievance resolu-
14 tion processes that are culturally and linguistically
15 appropriate and capable of identifying, preventing,
16 and resolving complaints by individuals with limited-
17 English proficiency;

18 “(7) develop short-term medical and mental
19 health interpretation training courses and incentives
20 for bilingual health care staff who are asked to pro-
21 vide interpretation services in the workplace;

22 “(8) develop formal training programs, includ-
23 ing continued professional development and edu-
24 cation programs as well as supervision, for individ-
25 uals interested in becoming dedicated health care in-

1 interpreters and culturally and linguistically appro-
2 priate providers;

3 “(9) provide staff language training instruction,
4 which shall include information on the practical limi-
5 tations of such instruction for nonnative speakers;

6 “(10) develop policies that address compensa-
7 tion in salary for staff who receive training to be-
8 come either a staff interpreter or bilingual provider;

9 “(11) develop other language assistance services
10 as determined appropriate by the Secretary;

11 “(12) develop, implement, and evaluate models
12 of improving cultural competence, including cultural
13 competence programs for community health workers;
14 and

15 “(13) ensure that, consistent with the privacy
16 protections provided for under the regulations pro-
17 mulgated under section 264(c) of the Health Insur-
18 ance Portability and Accountability Act of 1996 and
19 any applicable State privacy laws, data on the indi-
20 vidual patient or recipient’s race, ethnicity, and pri-
21 mary language are collected (and periodically up-
22 dated) in health records and integrated into the or-
23 ganization’s information management systems or
24 any similar system used to store and retrieve data.

1 “(d) PRIORITY.—In awarding grants under this sec-
2 tion, the Secretary shall give priority to entities that pri-
3 marily engage in providing direct care and that have devel-
4 oped partnerships with community organizations or with
5 agencies with experience in improving language access.

6 “(e) EVALUATION.—

7 “(1) BY GRANTEES.—An entity that receives a
8 grant under this section shall submit to the Sec-
9 retary an evaluation that describes, in the manner
10 and to the extent required by the Secretary, the ac-
11 tivities carried out with funds received under the
12 grant, and how such activities improved access to
13 health care services and health-care-related services
14 and the quality of health care for individuals with
15 limited-English proficiency. Such evaluation shall be
16 collected and disseminated through the Robert T.
17 Matsui Center for Culturally and Linguistically Ap-
18 propriate Health Care established under section
19 3401. The Director of the Agency for Healthcare
20 Research and Quality shall notify grantees of the
21 availability of technical assistance for the evaluation
22 and provide such assistance upon request.

23 “(2) BY SECRETARY.—The Director of the
24 Agency for Healthcare Research and Quality shall
25 evaluate or arrange with other individuals or organi-

1 zations to evaluate projects funded under this sec-
2 tion.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section,
5 \$5,000,000 for each of fiscal years 2022 through 2026.

6 **“SEC. 3406. RESEARCH ON CULTURAL AND LANGUAGE COM-
7 PETENCE.**

8 “(a) IN GENERAL.—The Secretary, acting through
9 the Director of the Agency for Healthcare Research and
10 Quality, shall expand research concerning language access
11 in the provision of health care services.

12 “(b) ELIGIBILITY.—The Director of the Agency for
13 Healthcare Research and Quality may conduct the re-
14 search described in subsection (a) or enter into contracts
15 with other individuals or organizations to conduct such re-
16 search.

17 “(c) USE OF FUNDS.—Research conducted under
18 this section shall be designed to do one or more of the
19 following:

20 “(1) To identify the barriers to mental and be-
21 havioral services that are faced by individuals with
22 limited-English proficiency.

23 “(2) To identify health care providers’ and
24 health administrators’ attitudes, knowledge, and
25 awareness of the barriers to quality health care serv-

1 ices that are faced by individuals with limited-
2 English proficiency.

3 “(3) To identify optimal approaches for deliv-
4 ering language access.

5 “(4) To identify best practices for data collec-
6 tion, including—

7 “(A) the collection by providers of health
8 care services and health-care-related services of
9 data on the race, ethnicity, and primary lan-
10 guage of recipients of such services, taking into
11 account existing research conducted by the Gov-
12 ernment or private sector;

13 “(B) the development and implementation
14 of data collection and reporting systems; and

15 “(C) effective privacy safeguards for col-
16 lected data.

17 “(5) To develop a minimum data collection set
18 for primary language.

19 “(6) To evaluate the most effective ways in
20 which the Secretary can create or coordinate, and
21 subsidize or otherwise fund, telephonic interpretation
22 services for health care providers, taking into consid-
23 eration, among other factors, the flexibility necessary
24 for such a system to accommodate variations in—

25 “(A) provider type;

1 “(B) languages needed and their frequency
2 of use;

3 “(C) type of encounter;

4 “(D) time of encounter, including regular
5 business hours and after hours; and

6 “(E) location of encounter.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$5,000,000 for each of fiscal years 2022 through 2026.”.

10 **SEC. 317703. TRAINING TOMORROW’S DOCTORS FOR CUL-**
11 **TURALLY AND LINGUISTICALLY APPRO-**
12 **PRIATE CARE: GRADUATE MEDICAL EDU-**
13 **CATION.**

14 (a) DIRECT GRADUATE MEDICAL EDUCATION.—Sec-
15 tion 1886(h)(4) of the Social Security Act (42 U.S.C.
16 1395ww(h)(4)) is amended by adding at the end the fol-
17 lowing new subparagraph:

18 “(L) TREATMENT OF CULTURALLY AND
19 LINGUISTICALLY APPROPRIATE TRAINING.—In
20 determining a hospital’s number of full-time
21 equivalent residents for purposes of this sub-
22 section, all the time that is spent by an intern
23 or resident in an approved medical residency
24 training program for education and training in
25 culturally and linguistically appropriate service

1 delivery, which shall include all diverse popu-
2 lations including people with disabilities and the
3 Lesbian, gay, bisexual, transgender, queer,
4 questioning, questioning and intersex
5 (LGBTQIA) community, shall be counted to-
6 ward the determination of full-time equiva-
7 lency.”.

8 (b) INDIRECT MEDICAL EDUCATION.—Section
9 1886(d)(5)(B) of the Social Security Act (42 U.S.C.
10 1395ww(d)(5)(B)) is amended—

11 (1) by redesignating the clause (x) added by
12 section 5505(b) of the Patient Protection and Af-
13 fordable Care Act as clause (xi); and

14 (2) by adding at the end the following new
15 clause:

16 “(xii) The provisions of subparagraph (L) of
17 subsection (h)(4) shall apply under this subpara-
18 graph in the same manner as they apply under such
19 subsection.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 subsections (a) and (b) shall apply with respect to pay-
22 ments made to hospitals on or after the date that is one
23 year after the date of the enactment of this Act.

1 **SEC. 317704. FEDERAL REIMBURSEMENT FOR CULTURALLY**
2 **AND LINGUISTICALLY APPROPRIATE SERV-**
3 **ICES UNDER THE MEDICARE, MEDICAID, AND**
4 **STATE CHILDREN'S HEALTH INSURANCE**
5 **PROGRAMS.**

6 (a) LANGUAGE ACCESS GRANTS FOR MEDICARE
7 PROVIDERS.—

8 (1) ESTABLISHMENT.—

9 (A) IN GENERAL.—Not later than 6
10 months after the date of the enactment of this
11 Act, the Secretary of Health and Human Serv-
12 ices, acting through the Centers for Medicare &
13 Medicaid Services and in consultation with the
14 Center for Medicare and Medicaid Innovation
15 (as referred to in section 1115A of the Social
16 Security Act (42 U.S.C. 1315a)), shall establish
17 a demonstration program under which the Sec-
18 retary shall award grants to eligible Medicare
19 service providers to improve communication be-
20 tween such providers and Medicare beneficiaries
21 who are limited English proficient, including
22 beneficiaries who live in diverse and under-
23 served communities.

24 (B) APPLICATION OF INNOVATION
25 RULES.—The demonstration project under sub-
26 paragraph (A) shall be conducted in a manner

1 that is consistent with the applicable provisions
2 of subsections (b), (c), and (d) of section 1115A
3 of the Social Security Act (42 U.S.C. 1315a).

4 (C) NUMBER OF GRANTS.—To the extent
5 practicable, the Secretary shall award not less
6 than 24 grants under this subsection.

7 (D) GRANT PERIOD.—Except as provided
8 under paragraph (2)(D), each grant awarded
9 under this subsection shall be for a 3-year pe-
10 riod.

11 (2) ELIGIBILITY REQUIREMENTS.—To be eligi-
12 ble for a grant under this subsection, an entity must
13 meet the following requirements:

14 (A) MEDICARE PROVIDER.—The entity
15 must be—

16 (i) a provider of services under part A
17 of title XVIII of the Social Security Act
18 (42 U.S.C. 1395c et seq.);

19 (ii) a provider of services under part
20 B of such title (42 U.S.C. 1395j et seq.);

21 (iii) a Medicare Advantage organiza-
22 tion offering a Medicare Advantage plan
23 under part C of such title (42 U.S.C.
24 1395w–21 et seq.); or

1 (iv) a PDP sponsor offering a pre-
2 scription drug plan under part D of such
3 title (42 U.S.C. 1395w–101 et seq.).

4 (B) UNDERSERVED COMMUNITIES.—The
5 entity must serve a community that, with re-
6 spect to necessary language services for improv-
7 ing access and utilization of health care among
8 English learners, is disproportionately under-
9 served.

10 (C) APPLICATION.—The entity must pre-
11 pare and submit to the Secretary an applica-
12 tion, at such time, in such manner, and accom-
13 panied by such additional information as the
14 Secretary may require.

15 (D) REPORTING.—In the case of a grantee
16 that received a grant under this subsection in
17 a previous year, such grantee is only eligible for
18 continued payments under a grant under this
19 subsection if the grantee met the reporting re-
20 quirements under paragraph (9) for such year.
21 If a grantee fails to meet the requirement of
22 such paragraph for the first year of a grant, the
23 Secretary may terminate the grant and solicit
24 applications from new grantees to participate in
25 the demonstration program.

1 (3) DISTRIBUTION.—To the extent feasible, the
2 Secretary shall award—

3 (A) at least 6 grants to providers of serv-
4 ices described in paragraph (2)(A)(i);

5 (B) at least 6 grants to service providers
6 described in paragraph (2)(A)(ii);

7 (C) at least 6 grants to organizations de-
8 scribed in paragraph (2)(A)(iii); and

9 (D) at least 6 grants to sponsors described
10 in paragraph (2)(A)(iv).

11 (4) CONSIDERATIONS IN AWARDING GRANTS.—

12 (A) VARIATION IN GRANTEES.—In award-
13 ing grants under this subsection, the Secretary
14 shall select grantees to ensure the following:

15 (i) The grantees provide many dif-
16 ferent types of language services.

17 (ii) The grantees serve Medicare bene-
18 ficiaries who speak different languages,
19 and who, as a population, have differing
20 needs for language services.

21 (iii) The grantees serve Medicare
22 beneficiaries in both urban and rural set-
23 tings.

1 (iv) The grantees serve Medicare
2 beneficiaries in at least two geographic re-
3 gions, as defined by the Secretary.

4 (v) The grantees serve Medicare bene-
5 ficiaries in at least two large metropolitan
6 statistical areas with racial, ethnic, sexual,
7 gender, disability, and economically diverse
8 populations.

9 (B) PRIORITY FOR PARTNERSHIPS WITH
10 COMMUNITY ORGANIZATIONS AND AGENCIES.—
11 In awarding grants under this subsection, the
12 Secretary shall give priority to eligible entities
13 that have a partnership with—

14 (i) a community organization; or
15 (ii) a consortia of community organi-
16 zations, State agencies, and local agencies,
17 that has experience in providing language serv-
18 ices.

19 (5) USE OF FUNDS FOR COMPETENT LANGUAGE
20 SERVICES.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (E), a grantee may only use grant funds
23 received under this subsection to pay for the
24 provision of competent language services to

1 Medicare beneficiaries who are English learn-
2 ers.

3 (B) COMPETENT LANGUAGE SERVICES DE-
4 FINED.—For purposes of this subsection, the
5 term “competent language services” means—

6 (i) interpreter and translation services
7 that—

8 (I) subject to the exceptions
9 under subparagraph (C)—

10 (aa) if the grantee operates
11 in a State that has statewide
12 health care interpreter standards,
13 meet the State standards cur-
14 rently in effect; or

15 (bb) if the grantee operates
16 in a State that does not have
17 statewide health care interpreter
18 standards, utilizes competent in-
19 terpreters who follow the Na-
20 tional Council on Interpreting in
21 Health Care’s Code of Ethics and
22 Standards of Practice and com-
23 ply with the requirements of sec-
24 tion 1557 of the Patient Protec-
25 tion and Affordable Care Act (42

1 U.S.C. 18116) as published in
2 the Federal Register on May 18,
3 2016; and

4 (II) that, in the case of inter-
5 preter services, are provided
6 through—

7 (aa) onsite interpretation;

8 (bb) telephonic interpreta-
9 tion; or

10 (cc) video interpretation;

11 and

12 (ii) the direct provision of health care
13 or health-care-related services by a com-
14 petent bilingual health care provider.

15 (C) EXCEPTIONS.—The requirements of
16 subparagraph (B)(i)(I) do not apply, with re-
17 spect to interpreter and translation services and
18 a grantee—

19 (i) in the case of a Medicare bene-
20 ficiary who is an English learner if—

21 (I) such beneficiary has been in-
22 formed, in the beneficiary's primary
23 language, of the availability of free in-
24 terpreter and translation services and
25 the beneficiary instead requests that a

1 family member, friend, or other per-
2 son provide such services; and

3 (II) the grantee documents such
4 request in the beneficiary's medical
5 record; or

6 (ii) in the case of a medical emergency
7 where the delay directly associated with ob-
8 taining a competent interpreter or trans-
9 lation services would jeopardize the health
10 of the patient.

11 Clause (ii) shall not be construed to exempt
12 emergency rooms or similar entities that regu-
13 larly provide health care services in medical
14 emergencies to patients who are English learn-
15 ers from any applicable legal or regulatory re-
16 quirements related to providing competent in-
17 terpreter and translation services without undue
18 delay.

19 (D) MEDICARE ADVANTAGE ORGANIZA-
20 TIONS AND PDP SPONSORS.—If a grantee is a
21 Medicare Advantage organization offering a
22 Medicare Advantage plan under part C of title
23 XVIII of the Social Security Act (42 U.S.C.
24 1395w–21 et seq.) or a PDP sponsor offering
25 a prescription drug plan under part D of such

1 title (42 U.S.C. 1395w–101 et seq.), such entity
2 must provide at least 50 percent of the grant
3 funds that the entity receives under this sub-
4 section directly to the entity’s network providers
5 (including all health providers and pharmacists)
6 for the purpose of providing support for such
7 providers to provide competent language serv-
8 ices to Medicare beneficiaries who are English
9 learners.

10 (E) ADMINISTRATIVE AND REPORTING
11 COSTS.—A grantee may use up to 10 percent of
12 the grant funds to pay for administrative costs
13 associated with the provision of competent lan-
14 guage services and for reporting required under
15 paragraph (9).

16 (6) DETERMINATION OF AMOUNT OF GRANT
17 PAYMENTS.—

18 (A) IN GENERAL.—Payments to grantees
19 under this subsection shall be calculated based
20 on the estimated numbers of Medicare bene-
21 ficiaries who are English learners in a grantee’s
22 service area utilizing—

23 (i) data on the numbers of English
24 learners who speak English less than “very
25 well” from the most recently available data

1 from the Bureau of the Census or other
2 State-based study the Secretary determines
3 likely to yield accurate data regarding the
4 number of such individuals in such service
5 area; or

6 (ii) data provided by the grantee, if
7 the grantee routinely collects data on the
8 primary language of the Medicare bene-
9 ficiaries that the grantee serves and the
10 Secretary determines that the data is accu-
11 rate and shows a greater number of
12 English learners than would be estimated
13 using the data under clause (i).

14 (B) DISCRETION OF SECRETARY.—Subject
15 to subparagraph (C), the amount of payment
16 made to a grantee under this subsection may be
17 modified annually at the discretion of the Sec-
18 retary, based on changes in the data under sub-
19 paragraph (A) with respect to the service area
20 of a grantee for the year.

21 (C) LIMITATION ON AMOUNT.—The
22 amount of a grant made under this subsection
23 to a grantee may not exceed \$500,000 for the
24 period under paragraph (1)(D).

1 (7) ASSURANCES.—Grantees under this sub-
2 section shall, as a condition of receiving a grant
3 under this subsection—

4 (A) ensure that clinical and support staff
5 receive appropriate ongoing education and
6 training in linguistically appropriate service de-
7 livery;

8 (B) ensure the linguistic competence of bi-
9 lingual providers;

10 (C) offer and provide appropriate language
11 services at no additional charge to each patient
12 who is an English learner for all points of con-
13 tact between the patient and the grantee, in a
14 timely manner during all hours of operation;

15 (D) notify Medicare beneficiaries of their
16 right to receive language services in their pri-
17 mary language;

18 (E) post signage in the primary languages
19 commonly used by the patient population in the
20 service area of the organization; and

21 (F) ensure that—

22 (i) primary language data are col-
23 lected for recipients of language services
24 and such data are consistent with stand-
25 ards developed under title XXXIV of the

1 Public Health Service Act, as added by
2 section 317202 of this subtitle, to the ex-
3 tent such standards are available upon the
4 initiation of the demonstration program;
5 and

6 (ii) consistent with the privacy protec-
7 tions provided under the regulations pro-
8 mulgated pursuant to section 264(c) of the
9 Health Insurance Portability and Account-
10 ability Act of 1996 (42 U.S.C. 1320d-2
11 note), if the recipient of language services
12 is a minor or is incapacitated, primary lan-
13 guage data are collected on the parent or
14 legal guardian of such recipient.

15 (8) NO COST SHARING.—Medicare beneficiaries
16 who are English learners shall not have to pay cost
17 sharing or co-payments for competent language serv-
18 ices provided under this demonstration program.

19 (9) REPORTING REQUIREMENTS FOR GRANT-
20 EES.—Not later than the end of each calendar year,
21 a grantee that receives funds under this subsection
22 in such year shall submit to the Secretary a report
23 that includes the following information:

1 (A) The number of Medicare beneficiaries
2 to whom competent language services are pro-
3 vided.

4 (B) The primary languages of those Medi-
5 care beneficiaries.

6 (C) The types of language services pro-
7 vided to such beneficiaries.

8 (D) Whether such language services were
9 provided by employees of the grantee or
10 through a contract with external contractors or
11 agencies.

12 (E) The types of interpretation services
13 provided to such beneficiaries, and the approxi-
14 mate length of time such service is provided to
15 such beneficiaries.

16 (F) The costs of providing competent lan-
17 guage services.

18 (G) An account of the training or accredi-
19 tation of bilingual staff, interpreters, and trans-
20 lators providing services funded by the grant
21 under this subsection.

22 (10) EVALUATION AND REPORT TO CON-
23 GRESS.—Not later than 1 year after the completion
24 of a 3-year grant under this subsection, the Sec-
25 retary shall conduct an evaluation of the demonstra-

1 tion program under this subsection and shall submit
2 to the Congress a report that includes the following:

3 (A) An analysis of the patient outcomes
4 and the costs of furnishing care to the Medicare
5 beneficiaries who are English learners partici-
6 pating in the project as compared to such out-
7 comes and costs for such Medicare beneficiaries
8 not participating, based on the data provided
9 under paragraph (9) and any other information
10 available to the Secretary.

11 (B) The effect of delivering language serv-
12 ices on—

13 (i) Medicare beneficiary access to care
14 and utilization of services;

15 (ii) the efficiency and cost effective-
16 ness of health care delivery;

17 (iii) patient satisfaction;

18 (iv) health outcomes; and

19 (v) the provision of culturally appro-
20 priate services provided to such bene-
21 ficiaries.

22 (C) The extent to which bilingual staff, in-
23 terpreters, and translators providing services
24 under such demonstration were trained or ac-
25 credited and the nature of accreditation or

1 training needed by type of provider, service, or
2 other category as determined by the Secretary
3 to ensure the provision of high-quality interpretation,
4 translation, or other language services to
5 Medicare beneficiaries if such services are expanded
6 pursuant to section 1115A(c) of the Social Security
7 Act (42 U.S.C. 1315a(c)).

8 (D) Recommendations, if any, regarding
9 the extension of such project to the entire Medicare
10 Program, subject to the provisions of such
11 section 1115A(c).

12 (11) APPROPRIATIONS.—There is appropriated
13 to carry out this subsection, in equal parts from the
14 Federal Hospital Insurance Trust Fund under section
15 1817 of the Social Security Act (42 U.S.C.
16 1395i) and the Federal Supplementary Medical Insurance
17 Trust Fund under section 1841 of such Act
18 (42 U.S.C. 1395t), \$16,000,000 for each fiscal year
19 of the demonstration program.

20 (12) ENGLISH LEARNER DEFINED.—In this
21 subsection, the term “English learner” has the
22 meaning given such term in section 8101(20) of the
23 Elementary and Secondary Education Act of 1965,
24 except that subparagraphs (A), (B), and (D) of such
25 section shall not apply.

1 (b) LANGUAGE ASSISTANCE SERVICES UNDER THE
2 MEDICARE PROGRAM.—

3 (1) INCLUSION AS RURAL HEALTH CLINIC
4 SERVICES.—Section 1861 of the Social Security Act
5 (42 U.S.C. 1395x) is amended—

6 (A) in subsection (aa)(1)—

7 (i) in subparagraph (B), by striking
8 “and” at the end;

9 (ii) by adding “and” at the end of
10 subparagraph (C); and

11 (iii) by inserting after subparagraph
12 (C) the following new subparagraph:

13 “(D) language assistance services as defined in
14 subsection (jjj)(1),”; and

15 (B) by adding at the end the following new
16 subsection:

17 “Language Assistance Services and Related Terms

18 “(kkk)(1) The term ‘language assistance services’
19 means ‘language access’ or ‘language assistance services’
20 (as those terms are defined in section 3400 of the Public
21 Health Service Act) furnished by a ‘qualified interpreter
22 for an individual with limited-English proficiency’ or a
23 ‘qualified translator’ (as those terms are defined in such
24 section 3400) to an ‘individual with limited English pro-

1 iciency’ (as defined in such section 3400) or an ‘English
2 learner’ (as defined in paragraph (2)).

3 “(2) The term ‘English learner’ has the meaning
4 given that term in section 8101(20) of the Elementary and
5 Secondary Education Act of 1965, except that subpara-
6 graphs (A), (B), and (D) of such section shall not apply.”.

7 (2) COVERAGE.—Section 1832(a)(2) of the So-
8 cial Security Act (42 U.S.C. 1395k(a)(2)) is amend-
9 ed—

10 (A) by striking “and” at the end of sub-
11 paragraph (I);

12 (B) by striking the period at the end of
13 subparagraph (J) and inserting “; and”; and

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

16 “(K) language assistance services (as de-
17 fined in section 1861(jjj)(1)).”.

18 (3) PAYMENT.—Section 1833(a) of the Social
19 Security Act (42 U.S.C. 1395l(a)) is amended—

20 (A) by striking “and” at the end of para-
21 graph (8);

22 (B) by striking the period at the end of
23 paragraph (9) and inserting “; and”; and

24 (C) by inserting after paragraph (9) the
25 following new paragraph:

1 “(10) in the case of language assistance serv-
 2 ices (as defined in section 1861(jjj)(1)), 100 percent
 3 of the reasonable charges for such services, as deter-
 4 mined in consultation with the Medicare Payment
 5 Advisory Commission.”.

6 (4) WAIVER OF BUDGET NEUTRALITY.—For
 7 the 3-year period beginning on the date of enact-
 8 ment of this section, the budget neutrality provision
 9 of section 1848(c)(2)(B)(ii) of the Social Security
 10 Act (42 U.S.C. 1395w–4(c)(2)(B)(ii)) shall not
 11 apply with respect to language assistance services
 12 (as defined in section 1861(kkk)(1) of such Act).

13 (c) MEDICARE PARTS C AND D.—

14 (1) IN GENERAL.—Medicare Advantage plans
 15 under part C of title XVIII of the Social Security
 16 Act (42 U.S.C. 1395w–21 et seq.) and prescription
 17 drug plans under part D of such title (42 U.S.C.
 18 1395q–101) shall comply with title VI of the Civil
 19 Rights Act of 1964 (42 U.S.C. 2000d et seq.) and
 20 section 1557 of the Patient Protection and Afford-
 21 able Care Act (42 U.S.C. 18116) to provide effective
 22 language services to enrollees of such plans.

23 (2) MEDICARE ADVANTAGE PLANS AND PRE-
 24 SCRIPTION DRUG PLANS REPORTING REQUIRE-
 25 MENT.—Section 1857(e) of the Social Security Act

1 (42 U.S.C. 1395w–27(e)) is amended by adding at
2 the end the following new paragraph:

3 “(5) REPORTING REQUIREMENTS RELATING TO
4 EFFECTIVE LANGUAGE SERVICES.—A contract under
5 this part shall require a Medicare Advantage organi-
6 zation (and, through application of section 1860D–
7 12(b)(3)(D), a contract under section 1860D–12
8 shall require a PDP sponsor) to annually submit
9 (for each year of the contract) a report that contains
10 information on the internal policies and procedures
11 of the organization (or sponsor) related to recruit-
12 ment and retention efforts directed to workforce di-
13 versity and linguistically and culturally appropriate
14 provision of services in each of the following con-
15 texts:

16 “(A) The collection of data in a manner
17 that meets the requirements of title I of the
18 Ending Health Disparities During COVID–19
19 Act of 2021, regarding the enrollee population.

20 “(B) Education of staff and contractors
21 who have routine contact with enrollees regard-
22 ing the various needs of the diverse enrollee
23 population.

24 “(C) Evaluation of the language services
25 programs and services offered by the organiza-

tion (or sponsor) with respect to the enrollee population, such as through analysis of complaints or satisfaction survey results.

“(D) Methods by which the plan provides to the Secretary information regarding the ethnic diversity of the enrollee population.

“(E) The periodic provision of educational information to plan enrollees on the language services and programs offered by the organization (or sponsor).”.

(d) IMPROVING LANGUAGE SERVICES IN MEDICAID AND CHIP.—

(1) PAYMENTS TO STATES.—Section 1903(a)(2)(E) of the Social Security Act (42 U.S.C. 1396b(a)(2)(E)), as amended by section 203(g)(3), is further amended by—

(A) striking “75” and inserting “95”;

(B) striking “translation or interpretation services” and inserting “language assistance services”; and

(C) striking “children of families” and inserting “individuals”.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a)(10)(A) of the Social Security Act (42

1 U.S.C. 1396a(a)(10)(A)) is amended by striking
2 “and (29)” and inserting “(29), and (30)”.

3 (3) DEFINITION OF MEDICAL ASSISTANCE.—
4 Section 1905(a) of the Social Security Act (42
5 U.S.C. 1396d(a)) is amended by—

6 (A) in paragraph (29), by striking “and”
7 at the end;

8 (B) by redesignating paragraph (30) as
9 paragraph (31); and

10 (C) by inserting after paragraph (29) the
11 following new paragraph:

12 “(30) language assistance services, as such
13 term is defined in section 1861(kkk)(1), provided in
14 a timely manner to individuals with limited-English
15 proficiency as defined in section 3400 of the Public
16 Health Service Act; and”.

17 (4) USE OF DEDUCTIONS AND COST SHAR-
18 ING.—Section 1916(a)(2) of the Social Security Act
19 (42 U.S.C. 1396o(a)(2)) is amended by—

20 (A) by striking “or” at the end of subpara-
21 graph (D);

22 (B) by striking “; and” at the end of sub-
23 paragraph (E) and inserting “, or”; and

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

1 “(F) language assistance services described
2 in section 1905(a)(29); and”.

3 (5) CHIP COVERAGE REQUIREMENTS.—Section
4 2103 of the Social Security Act (42 U.S.C. 1397cc)
5 is amended—

6 (A) in subsection (a), in the matter before
7 paragraph (1), by striking “and (7)” and in-
8 serting “(7), and (10)”; and

9 (B) in subsection (c), by adding at the end
10 the following new paragraph:

11 “(10) LANGUAGE ASSISTANCE SERVICES.—The
12 child health assistance provided to a targeted low-in-
13 come child shall include coverage of language assist-
14 ance services, as such term is defined in section
15 1861(jjj)(1), provided in a timely manner to individ-
16 uals with limited-English proficiency (as defined in
17 section 3400 of the Public Health Service Act).”;
18 and

19 (C) in subsection (e)(2)—

20 (i) in the heading, by striking “PRE-
21 VENTIVE” and inserting “CERTAIN”; and

22 (ii) by inserting “or subsection
23 (c)(10)” after “subsection (c)(1)(D)”.

24 (6) DEFINITION OF CHILD HEALTH ASSIST-
25 ANCE.—Section 2110(a)(27) of the Social Security

1 Act (42 U.S.C. 1397jj(a)(27)) is amended by strik-
2 ing “translation” and inserting “language assistance
3 services as described in section 2103(c)(10)”.

4 (7) STATE DATA COLLECTION.—Pursuant to
5 the reporting requirement described in section
6 2107(b)(1) of the Social Security Act (42 U.S.C.
7 1397gg(b)(1)), the Secretary of Health and Human
8 Services shall require that States collect data on—

9 (A) the primary language of individuals re-
10 ceiving child health assistance under title XXI
11 of the Social Security Act (42 U.S.C. 1397aa et
12 seq.); and

13 (B) in the case of such individuals who are
14 minors or incapacitated, the primary language
15 of the individual’s parent or guardian.

16 (8) CHIP PAYMENTS TO STATES.—Section
17 2105 of the Social Security Act (42 U.S.C. 1397ee)
18 is amended—

19 (A) in subsection (a)(1), by striking “75”
20 and inserting “90”; and

21 (B) in subsection (c)(2)(A), by inserting
22 before the period at the end the following: “,
23 except that expenditures pursuant to clause (iv)
24 of subparagraph (D) of such paragraph shall
25 not count towards this total”.

1 (e) FUNDING LANGUAGE ASSISTANCE SERVICES
2 FURNISHED BY PROVIDERS OF HEALTH CARE AND
3 HEALTH-CARE-RELATED SERVICES THAT SERVE HIGH
4 RATES OF UNINSURED LEP INDIVIDUALS.—

5 (1) PAYMENT OF COSTS.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), the Secretary of Health and Human
8 Services (referred to in this subsection as the
9 “Secretary”) shall make payments (on a quar-
10 terly basis) directly to eligible entities to sup-
11 port the provision of language assistance serv-
12 ices to English learners in an amount equal to
13 an eligible entity’s eligible costs for providing
14 such services for the quarter.

15 (B) FUNDING.—Out of any funds in the
16 Treasury not otherwise appropriated, there are
17 appropriated to the Secretary of Health and
18 Human Services such sums as may be nec-
19 essary for each of fiscal years 2023 through
20 2027.

21 (C) RELATION TO MEDICAID DSH.—Pay-
22 ments under this subsection shall not offset or
23 reduce payments under section 1923 of the So-
24 cial Security Act (42 U.S.C. 1396r–4), nor
25 shall payments under such section be consid-

1 ered when determining uncompensated costs as-
2 sociated with the provision of language assist-
3 ance services for the purposes of this section.

4 (2) METHODODOLOGY FOR PAYMENT OF
5 CLAIMS.—

6 (A) IN GENERAL.—The Secretary shall es-
7 tablish a methodology to determine the average
8 per person cost of language assistance services.

9 (B) DIFFERENT ENTITIES.—In estab-
10 lishing such methodology, the Secretary may es-
11 tablish different methodologies for different
12 types of eligible entities.

13 (C) NO INDIVIDUAL CLAIMS.—The Sec-
14 retary may not require eligible entities to sub-
15 mit individual claims for language assistance
16 services for individual patients as a requirement
17 for payment under this subsection.

18 (3) DATA COLLECTION INSTRUMENT.—For pur-
19 poses of this subsection, the Secretary shall create a
20 standard data collection instrument that is con-
21 sistent with any existing reporting requirements by
22 the Secretary or relevant accrediting organizations
23 regarding the number of individuals to whom lan-
24 guage access are provided.

1 (4) GUIDELINES.—Not later than 6 months
2 after the date of enactment of this Act, the Sec-
3 retary shall establish and distribute guidelines con-
4 cerning the implementation of this subsection.

5 (5) REPORTING REQUIREMENTS.—

6 (A) REPORT TO SECRETARY.—Entities re-
7 ceiving payment under this subsection shall pro-
8 vide the Secretary with a quarterly report on
9 how the entity used such funds. Such report
10 shall contain aggregate (and may not contain
11 individualized) data collected using the instru-
12 ment under paragraph (3) and shall otherwise
13 be in a form and manner determined by the
14 Secretary.

15 (B) REPORT TO CONGRESS.—Not later
16 than 2 years after the date of enactment of this
17 Act, and every 2 years thereafter, the Secretary
18 shall submit a report to Congress concerning
19 the implementation of this subsection.

20 (6) DEFINITIONS.—In this subsection:

21 (A) ELIGIBLE COSTS.—The term “eligible
22 costs” means, with respect to an eligible entity
23 that provides language assistance services to
24 English learners, the product of—

1 (i) the average per person cost of lan-
2 guage assistance services, determined ac-
3 cording to the methodology devised under
4 paragraph (2); and

5 (ii) the number of English learners
6 who are provided language assistance serv-
7 ices by the entity and for whom no reim-
8 bursement is available for such services
9 under the amendments made by sub-
10 sections (a), (b), (c), or (d) or by private
11 health insurance.

12 (B) ELIGIBLE ENTITY.—The term “eligible
13 entity” means an entity that—

14 (i) is a Medicaid provider that is—

15 (I) a physician;

16 (II) a hospital with a low-income
17 utilization rate (as defined in section
18 1923(b)(3) of the Social Security Act
19 (42 U.S.C. 1396r–4(b)(3))) of greater
20 than 25 percent; or

21 (III) a federally qualified health
22 center (as defined in section
23 1905(l)(2)(B) of the Social Security
24 Act (42 U.S.C. 1396d(l)(2)(B)));

1 (ii) not later than 6 months after the
2 date of the enactment of this Act, provides
3 language assistance services to not less
4 than 8 percent of the entity's total number
5 of patients; and

6 (iii) prepares and submits an applica-
7 tion to the Secretary, at such time, in such
8 manner, and accompanied by such infor-
9 mation as the Secretary may require, to
10 ascertain the entity's eligibility for funding
11 under this subsection.

12 (C) ENGLISH LEARNER.—The term
13 “English learner” has the meaning given such
14 term in section 8101(20) of the Elementary
15 and Secondary Education Act of 1965 (20
16 U.S.C. 7801(20)), except that subparagraphs
17 (A), (B), and (D) of such section shall not
18 apply.

19 (D) LANGUAGE ASSISTANCE SERVICES.—
20 The term “language assistance services” has
21 the meaning given such term in section
22 1861(kkk)(1) of the Social Security Act, as
23 added by subsection (b).

24 (f) APPLICATION OF CIVIL RIGHTS ACT OF 1964,
25 SECTION 1557 OF THE AFFORDABLE CARE ACT, AND

1 OTHER LAWS.—Nothing in this section shall be construed
2 to limit otherwise existing obligations of recipients of Fed-
3 eral financial assistance under title VI of the Civil Rights
4 Act of 1964 (42 U.S.C. 2000d et seq.), section 1557 of
5 the Affordable Care Act, or other laws that protect the
6 civil rights of individuals.

7 (g) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided and subject to paragraph (2), the amendments
10 made by this section shall take effect on January 1,
11 2023.

12 (2) EXCEPTION IF STATE LEGISLATION RE-
13 QUIRED.—In the case of a State plan for medical as-
14 sistance under title XIX of the Social Security Act
15 (42 U.S.C. 1396 et seq.) which the Secretary of
16 Health and Human Services determines requires
17 State legislation (other than legislation appro-
18 priating funds) in order for the plan to meet the ad-
19 ditional requirement imposed by the amendments
20 made by this section, the State plan shall not be re-
21 garded as failing to comply with the requirements of
22 such title solely on the basis of its failure to meet
23 this additional requirement before the first day of
24 the first calendar quarter beginning after the close
25 of the first regular session of the State legislature

1 that begins after the date of the enactment of this
2 Act. For purposes of the previous sentence, in the
3 case of a State that has a 2-year legislative session,
4 each year of such session shall be deemed to be a
5 separate regular session of the State legislature.

6 **SEC. 317705. REQUIREMENTS FOR HEALTH PROGRAMS OR**
7 **ACTIVITIES RECEIVING FEDERAL FUNDS.**

8 (a) COVERED ENTITY; COVERED PROGRAM OR AC-
9 TIVITY.—In this section—

10 (1) The term “covered entity” has the meaning
11 given such term in section 92.4 of title 42, Code of
12 Federal Regulations, as in effect on May 16, 2016;
13 and

14 (2) The term “covered program or activity” has
15 the meaning given such term in section 92.4 of title
16 42, Code of Federal Regulations, as in effect on May
17 16, 2016.

18 (b) REQUIREMENTS.—A covered entity, in order to
19 ensure the right of individuals with limited English pro-
20 ficiency to receive access to high-quality health care
21 through the covered program or activity, shall—

22 (1) ensure that appropriate clinical and support
23 staff receive ongoing education and training in cul-
24 turally and linguistically appropriate service delivery;

1 (2) offer and provide appropriate language as-
2 sistance services at no additional charge to each pa-
3 tient that is an individual with limited-English pro-
4 ficiency at all points of contact, in a timely manner
5 during all hours of operation;

6 (3) notify patients of their right to receive lan-
7 guage services in their primary language; and

8 (4) utilize only qualified interpreters for an in-
9 dividual with limited-English proficiency or qualified
10 translators, except as provided in subsection (c).

11 (c) EXEMPTIONS.—The requirements of subsection
12 (b)(4) shall not apply as follows:

13 (1) When a patient requests the use of family,
14 friends, or other persons untrained in interpretation
15 or translation if each of the following conditions are
16 met:

17 (A) The interpreter requested by the pa-
18 tient is over the age of 18.

19 (B) The covered entity informs the patient
20 in the primary language of the patient that he
21 or she has the option of having the entity pro-
22 vide to the patient an interpreter and trans-
23 lation services without charge.

24 (C) The covered entity informs the patient
25 that the entity may not require an individual

1 with a limited-English proficiency to use a fam-
2 ily member or friend as an interpreter.

3 (D) The covered entity evaluates whether
4 the person the patient wishes to use as an in-
5 terpreter is competent. If the covered entity has
6 reason to believe that such person is not com-
7 petent as an interpreter, the entity provides its
8 own interpreter to protect the covered entity
9 from liability if the patient's interpreter is later
10 found not competent.

11 (E) If the covered entity has reason to be-
12 lieve that there is a conflict of interest between
13 the interpreter and patient, the covered entity
14 may not use the patient's interpreter.

15 (F) The covered entity has the patient sign
16 a waiver, witnessed by at least 1 individual not
17 related to the patient, that includes the infor-
18 mation stated in subparagraphs (A) through
19 (E) and is translated into the patient's primary
20 language.

21 (2) When a medical emergency exists and the
22 delay directly associated with obtaining competent
23 interpreter or translation services would jeopardize
24 the health of the patient, but only until a competent
25 interpreter or translation service is available.

1 (d) RULE OF CONSTRUCTION.—Subsection (c)(2)
2 shall not be construed to mean that emergency rooms or
3 similar entities that regularly provide health care services
4 in medical emergencies are exempt from legal or regu-
5 latory requirements related to competent interpreter serv-
6 ices.

7 **SEC. 317706. REPORT ON FEDERAL EFFORTS TO PROVIDE**
8 **CULTURALLY AND LINGUISTICALLY APPRO-**
9 **PRIATE HEALTH CARE SERVICES.**

10 (a) REPORT.—Not later than 1 year after the date
11 of enactment of this Act and annually thereafter, the Sec-
12 retary of Health and Human Services shall enter into a
13 contract with the National Academy of Medicine for the
14 preparation and publication of a report that describes
15 Federal efforts to ensure that all individuals with limited-
16 English proficiency have meaningful access to health care
17 services and health-care-related services that are culturally
18 and linguistically appropriate. Such report shall include—

19 (1) a description and evaluation of the activities
20 carried out under this subtitle;

21 (2) a description and analysis of best practices,
22 model programs, guidelines, and other effective
23 strategies for providing access to culturally and lin-
24 guistically appropriate health care services;

1 (3) recommendations on the development and
2 implementation of policies and practices by providers
3 of health care services and health-care-related serv-
4 ices for individuals with limited-English proficiency,
5 including people with cognitive, hearing, vision, or
6 print impairments;

7 (4) recommend guidelines or standards for
8 health literacy and plain language, informed consent,
9 discharge instructions, and written communications,
10 and for improvement of health care access;

11 (5) a description of the effect of providing lan-
12 guage services on quality of health care and access
13 to care; and

14 (6) a description of the costs associated with or
15 savings related to the provision of language services.

16 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
17 are authorized to be appropriated to carry out this section
18 such sums as may be necessary for each of fiscal years
19 2023 through 2027.

20 **SEC. 317707. HEALTH PROFESSIONS COMPETENCIES TO AD-**
21 **DRESS RACIAL AND ETHNIC MENTAL HEALTH**
22 **DISPARITIES.**

23 (a) **IN GENERAL.**—The Secretary of Health and
24 Human Services, acting through the Assistant Secretary

1 for Mental Health and Substance Use, shall award grants
2 to qualified national organizations for the purposes of—

3 (1) developing, and disseminating to health pro-
4 fessional educational programs curricula or core
5 competencies addressing mental health inequities
6 among racial and ethnic minority groups for use in
7 the training of students in the professions of social
8 work, psychology, psychiatry, marriage and family
9 therapy, mental health counseling, peer support, and
10 substance abuse counseling; and

11 (2) certifying community health workers and
12 peer wellness specialists with respect to such cur-
13 ricula and core competencies and integrating and ex-
14 panding the use of such workers and specialists into
15 health care and community-based settings to address
16 mental health disparities among racial and ethnic
17 minority groups.

18 (b) CURRICULA; CORE COMPETENCIES.—Organiza-
19 tions receiving funds under subsection (a) may use the
20 funds to engage in the following activities related to the
21 development and dissemination of curricula or core com-
22 petencies described in subsection (a)(1):

23 (1) Formation of committees or working groups
24 comprised of experts from accredited health profes-
25 sions schools to identify core competencies relating

1 to mental health disparities among racial and ethnic
2 minority groups.

3 (2) Planning of workshops in national fora to
4 allow for public input, including input from commu-
5 nities of color with lived experience, into the edu-
6 cational needs associated with mental health dispari-
7 ties among racial and ethnic minority groups.

8 (3) Dissemination and promotion of the use of
9 curricula or core competencies in undergraduate and
10 graduate health professions training programs na-
11 tionwide.

12 (4) Establishing external stakeholder advisory
13 boards to provide meaningful input into policy and
14 program development and best practices to reduce
15 mental health inequities among racial and ethnic
16 groups, including participation from communities of
17 color with lived experience of the impacts of mental
18 health disparities.

19 (c) DEFINITIONS.—In this section:

20 (1) QUALIFIED NATIONAL ORGANIZATION.—The
21 term “qualified national organization” means a na-
22 tional organization that focuses on the education of
23 students in programs of social work, occupational
24 therapy, psychology, psychiatry, and marriage and
25 family therapy.

1 (2) RACIAL AND ETHNIC MINORITY GROUP.—

2 The term “racial and ethnic minority group” has the
3 meaning given to such term in section 1707(g) of
4 the Public Health Service Act (42 U.S.C. 300u–
5 6(g)).

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 such sums as may be necessary for each of fiscal years
9 2023 through 2027.

10 **SEC. 317708. STUDY ON THE UNINSURED.**

11 (a) IN GENERAL.—The Secretary of Health and
12 Human Services (in this section referred to as the “Sec-
13 retary”) shall—

14 (1) conduct a study, in accordance with the
15 standards under section 3101 of the Public Health
16 Service Act (42 U.S.C. 300kk), on the demographic
17 characteristics of the population of individuals who
18 do not have health insurance coverage or oral health
19 coverage; and

20 (2) predict, based on such study, the demo-
21 graphic characteristics of the population of individ-
22 uals who would remain without health insurance cov-
23 erage after the end of any annual open enrollment
24 or any special enrollment period or upon enactment
25 and implementation of any legislative changes to the

1 Patient Protection and Affordable Care Act (Public
2 Law 111–148) that affect the number of persons eli-
3 gible for coverage.

4 (b) REPORTING REQUIREMENTS.—

5 (1) IN GENERAL.—Not later than 12 months
6 after the date of the enactment of this Act, the Sec-
7 retary shall submit to the Congress the results of
8 the study under subsection (a)(1) and the prediction
9 made under subsection (a)(2).

10 (2) REPORTING OF DEMOGRAPHIC CHARACTER-
11 ISTICS.—The Secretary shall—

12 (A) report the demographic characteristics
13 under paragraphs (1) and (2) of subsection (a)
14 on the basis of racial and ethnic group, and
15 shall stratify the reporting on each racial and
16 ethnic group by other demographic characteris-
17 tics that can impact access to health insurance
18 coverage, such as sexual orientation, gender
19 identity, primary language, disability status,
20 sex, socioeconomic status, age group, and citi-
21 zenship and immigration status, in a manner
22 consistent with part 1 of this subtitle, including
23 the amendments made by such part; and

24 (B) not use such report to engage in or an-
25 ticipate any deportation or immigration related

1 enforcement action by any entity, including the
2 Department of Homeland Security.

3 **PART 8—AID TO PROVIDERS SERVING MINORITY**
4 **COMMUNITIES**

5 **SEC. 317801. TEMPORARY INCREASE IN MEDICAID DSH AL-**
6 **LOTMENTS.**

7 (a) IN GENERAL.—Section 1923(f)(3) of the Social
8 Security Act (42 U.S.C. 1396r–4(f)(3)) is amended—

9 (1) in subparagraph (A), by striking “and sub-
10 paragraph (E)” and inserting “and subparagraphs
11 (E) and (F)”;

12 (2) by adding at the end the following new sub-
13 paragraph:

14 “(F) TEMPORARY INCREASE IN ALLOT-
15 MENTS DURING CERTAIN PUBLIC HEALTH
16 EMERGENCY.—The DSH allotment for any
17 State for each of fiscal years 2022 and 2023 is
18 equal to 102.5 percent of the DSH allotment
19 that would be determined under this paragraph
20 for the State for each respective fiscal year
21 without application of this subparagraph, not-
22 withstanding subparagraphs (B) and (C). For
23 each fiscal year after fiscal year 2021, the DSH
24 allotment for a State for such fiscal year is
25 equal to the DSH allotment that would have

1 been determined under this paragraph for such
2 fiscal year if this subparagraph had not been
3 enacted.”.

4 (b) DSH ALLOTMENT ADJUSTMENT FOR TEN-
5 NESSEE.—Section 1923(f)(6)(A)(vi) of the Social Security
6 Act (42 U.S.C. 1396r–4(f)(6)(A)(vi)) is amended—

7 (1) by striking “Notwithstanding any other pro-
8 vision of this subsection” and inserting the fol-
9 lowing:

10 “(I) IN GENERAL.—Notwith-
11 standing any other provision of this
12 subsection (except as provided in sub-
13 clause (II) of this clause)”;

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

15 “(II) TEMPORARY INCREASE IN
16 ALLOTMENTS.—The DSH allotment
17 for Tennessee for each of fiscal years
18 2022 and 2023 shall be equal to
19 \$54,427,500.”.

20 (c) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that a State should prioritize making payments
22 under the State plan of the State under title XIX of the
23 Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver
24 of such plan) to disproportionate share hospitals that have

1 a higher share of COVID–19 patients relative to other
2 such hospitals in the State.

3 **SEC. 317802. COVID–19-RELATED TEMPORARY INCREASE OF**
4 **MEDICAID FMAP.**

5 (a) IN GENERAL.—Section 6008 of the Families
6 First Coronavirus Response Act (42 U.S.C. 1396d note)
7 is amended—

8 (1) in subsection (a)—

9 (A) by inserting “(or, if later, June 30,
10 2021)” after “last day of such emergency pe-
11 riod occurs”; and

12 (B) by striking “6.2 percentage points.”
13 and inserting “the percentage points specified
14 in subsection (e). In no case may the applica-
15 tion of this section result in the Federal medical
16 assistance percentage determined for a State
17 being more than 95 percent.”; and

18 (2) by adding at the end the following new sub-
19 sections:

20 “(e) SPECIFIED PERCENTAGE POINTS.—For pur-
21 poses of subsection (a), the percentage points specified in
22 this subsection are—

23 “(1) for each calendar quarter occurring during
24 the period beginning on the first day of the emer-
25 gency period described in paragraph (1)(B) of sec-

1 tion 1135(g) of the Social Security Act (42 U.S.C.
2 1320b-5(g)) and ending on June 30, 2022, 6.2 per-
3 centage points;

4 “(2) for each calendar quarter occurring during
5 the period beginning on July 1, 2022, and ending on
6 June 30, 2023, 14 percentage points; and

7 “(3) for each calendar quarter, if any, occurring
8 during the period beginning on July 1, 2023, and
9 ending on the last day of the calendar quarter in
10 which the last day of such emergency period occurs,
11 6.2 percentage points.

12 “(f) CLARIFICATIONS.—

13 “(1) In the case of a State that treats an indi-
14 vidual described in subsection (b)(3) as eligible for
15 the benefits described in such subsection, for the pe-
16 riod described in subsection (a), expenditures for
17 medical assistance and administrative costs attrib-
18 utable to such individual that would not otherwise be
19 included as expenditures under section 1903 of the
20 Social Security Act shall be regarded as expendi-
21 tures under the State plan approved under title XIX
22 of the Social Security Act or for administration of
23 such State plan.

24 “(2) The limitations on payment under sub-
25 sections (f) and (g) of section 1108 of the Social Se-

1 security Act (42 U.S.C. 1308) shall not apply to Fed-
2 eral payments made under section 1903(a)(1) of the
3 Social Security Act (42 U.S.C. 1396b(a)(1)) attrib-
4 utable to the increase in the Federal medical assist-
5 ance percentage under this section.

6 “(3) Expenditures attributable to the increased
7 Federal medical assistance percentage under this
8 section shall not be counted for purposes of the limi-
9 tations under section 2104(b)(4) of such Act (42
10 U.S.C. 1397dd(b)(4)).

11 “(4) Notwithstanding the first sentence of sec-
12 tion 2105(b) of the Social Security Act (42 U.S.C.
13 1397ee(b)), the application of the increase under
14 this section may result in the enhanced FMAP of a
15 State for a fiscal year under such section exceeding
16 85 percent, but in no case may the application of
17 such increase before application of the second sen-
18 tence of such section result in the enhanced FMAP
19 of the State exceeding 95 percent.

20 “(g) SCOPE OF APPLICATION.—An increase in the
21 Federal medical assistance percentage for a State under
22 this section shall not be taken into account for purposes
23 of payments under part D of title IV of the Social Security
24 Act (42 U.S.C. 651 et seq.).”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect and apply as if included
3 in the enactment of section 6008 of the Families First
4 Coronavirus Response Act (Public Law 116–127).

5 **SEC. 317803. APPROPRIATION FOR PRIMARY HEALTH CARE.**

6 For an additional amount for “Department of Health
7 and Human Services—Health Resources and Services Ad-
8 ministration—Primary Health Care”, \$7,600,000,000, to
9 remain available until September 30, 2027, for necessary
10 expenses to prevent, prepare for, and respond to
11 coronavirus, for grants and cooperative agreements under
12 the Health Centers Program, as defined by section 330
13 of the Public Health Service Act, and for grants to Feder-
14 ally qualified health centers, as defined in section
15 1861(aa)(4)(B) of the Social Security Act, and for eligible
16 entities under the Native Hawaiian Health Care Improve-
17 ment Act, including maintenance or expansion of health
18 center and system capacity and staffing levels: *Provided*,
19 That sections 330(r)(2)(B), 330(e)(6)(A)(iii), and
20 330(e)(6)(B)(iii) shall not apply to funds provided under
21 this heading in this section: *Provided further*, That funds
22 provided under this heading in this section may be used
23 to (1) purchase equipment and supplies to conduct mobile
24 testing for SARS-CoV-2 or COVID-19; (2) purchase and
25 maintain mobile vehicles and equipment to conduct such

1 testing; and (3) hire and train laboratory personnel and
2 other staff to conduct such mobile testing: *Provided fur-*
3 *ther*, That such amount is designated by the Congress as
4 being for an emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 **SEC. 317804. AMENDMENT TO THE PUBLIC HEALTH SERV-**
8 **ICE ACT.**

9 Title XXXIV of the Public Health Service Act, as
10 amended by sections 104 and 702, is further amended by
11 adding at the following:

12 **“Subtitle C—Reconstruction and**
13 **Improvement Grants for Public**
14 **Health Care Facilities Serving**
15 **Pacific Islanders and the Insu-**
16 **lar Areas**

17 **“SEC. 3407. GRANT SUPPORT FOR QUALITY IMPROVEMENT**
18 **INITIATIVES.**

19 “(a) IN GENERAL.—The Secretary, in collaboration
20 with the Administrator of the Health Resources and Serv-
21 ices Administration, the Director of the Agency for
22 Healthcare Research and Quality, and the Administrator
23 of the Centers for Medicare & Medicaid Services, shall
24 award grants to eligible entities for the conduct of dem-

1 onstration projects to improve the quality of and access
2 to health care.

3 “(b) ELIGIBILITY.—To be eligible to receive a grant
4 under subsection (a), an entity shall—

5 “(1) be a health center, hospital, health plan,
6 health system, community clinic, or other health en-
7 tity determined appropriate by the Secretary—

8 “(A) that, by legal mandate or explicitly
9 adopted mission, provides patients with access
10 to services regardless of their ability to pay;

11 “(B) that provides care or treatment for a
12 substantial number of patients who are unin-
13 sured, are receiving assistance under a State
14 plan under title XIX of the Social Security Act
15 (or under a waiver of such plan), or are mem-
16 bers of vulnerable populations, as determined
17 by the Secretary; and

18 “(C)(i) with respect to which, not less than
19 50 percent of the entity’s patient population is
20 made up of racial and ethnic minority groups;
21 or

22 “(ii) that—

23 “(I) serves a disproportionate
24 percentage of local patients that are
25 from a racial and ethnic minority

1 group, or that has a patient popu-
2 lation, at least 50 percent of which is
3 composed of individuals with limited-
4 English proficiency; and

5 “(II) provides an assurance that
6 amounts received under the grant will
7 be used only to support quality im-
8 provement activities in the racial and
9 ethnic minority population served; and

10 “(2) prepare and submit to the Secretary an
11 application at such time, in such manner, and con-
12 taining such information as the Secretary may re-
13 quire.

14 “(c) PRIORITY.—In awarding grants under sub-
15 section (a), the Secretary shall give priority to applicants
16 under subsection (b)(2) that—

17 “(1) demonstrate an intent to operate as part
18 of a health care partnership, network, collaborative,
19 coalition, or alliance where each member entity con-
20 tributes to the design, implementation, and evalua-
21 tion of the proposed intervention; or

22 “(2) intend to use funds to carry out system-
23 wide changes with respect to health care quality im-
24 provement, including—

1 “(A) improved systems for data collection
2 and reporting;

3 “(B) innovative collaborative or similar
4 processes;

5 “(C) group programs with behavioral or
6 self-management interventions;

7 “(D) case management services;

8 “(E) physician or patient reminder sys-
9 tems;

10 “(F) educational interventions; or

11 “(G) other activities determined appro-
12 priate by the Secretary.

13 “(d) USE OF FUNDS.—An entity shall use amounts
14 received under a grant under subsection (a) to support
15 the implementation and evaluation of health care quality
16 improvement activities or minority health and health care
17 disparity reduction activities that include—

18 “(1) with respect to health care systems, activi-
19 ties relating to improving—

20 “(A) patient safety;

21 “(B) timeliness of care;

22 “(C) effectiveness of care;

23 “(D) efficiency of care;

24 “(E) patient centeredness; and

25 “(F) health information technology; and

1 “(2) with respect to patients, activities relating
2 to—

3 “(A) staying healthy;

4 “(B) getting well, mentally and physically;

5 “(C) living effectively with illness or dis-
6 ability;

7 “(D) coping with end-of-life issues; and

8 “(E) shared decisionmaking.

9 “(e) COMMON DATA SYSTEMS.—The Secretary shall
10 provide financial and other technical assistance to grant-
11 ees under this section for the development of common data
12 systems.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 such sums as may be necessary for each of fiscal years
16 2023 through 2028.

17 **“SEC. 3408. CENTERS OF EXCELLENCE.**

18 “(a) IN GENERAL.—The Secretary, acting through
19 the Administrator of the Health Resources and Services
20 Administration, shall designate centers of excellence at
21 public hospitals, and other health systems serving large
22 numbers of minority patients, that—

23 “(1) meet the requirements of section
24 3451(b)(1);

1 “(2) demonstrate excellence in providing care to
2 minority populations; and

3 “(3) demonstrate excellence in reducing dispari-
4 ties in health and health care.

5 “(b) REQUIREMENTS.—A hospital or health system
6 that serves as a center of excellence under subsection (a)
7 shall—

8 “(1) design, implement, and evaluate programs
9 and policies relating to the delivery of care in ra-
10 cially, ethnically, and linguistically diverse popu-
11 lations;

12 “(2) provide training and technical assistance
13 to other hospitals and health systems relating to the
14 provision of quality health care to minority popu-
15 lations; and

16 “(3) develop activities for graduate or con-
17 tinuing medical education that institutionalize a
18 focus on cultural competence training for health care
19 providers.

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section,
22 such sums as may be necessary for each of fiscal years
23 2023 through 2028.

1 **“SEC. 3409. RECONSTRUCTION AND IMPROVEMENT GRANTS**
2 **FOR PUBLIC HEALTH CARE FACILITIES SERV-**
3 **ING PACIFIC ISLANDERS AND THE INSULAR**
4 **AREAS.**

5 “(a) IN GENERAL.—The Secretary shall provide di-
6 rect financial assistance to designated health care pro-
7 viders and community health centers in American Samoa,
8 Guam, the Commonwealth of the Northern Mariana Is-
9 lands, the United States Virgin Islands, Puerto Rico, and
10 Hawaii for the purposes of reconstructing and improving
11 health care facilities and services in a culturally competent
12 and sustainable manner.

13 “(b) ELIGIBILITY.—To be eligible to receive direct fi-
14 nancial assistance under subsection (a), an entity shall be
15 a public health facility or community health center located
16 in American Samoa, Guam, the Commonwealth of the
17 Northern Mariana Islands, the United States Virgin Is-
18 lands, Puerto Rico, or Hawaii that—

19 “(1) is owned or operated by—

20 “(A) the Government of American Samoa,
21 Guam, the Commonwealth of the Northern
22 Mariana Islands, the United States Virgin Is-
23 lands, Puerto Rico, or Hawaii or a unit of local
24 government; or

25 “(B) a nonprofit organization; and

1 “(2)(A) provides care or treatment for a sub-
2 stantial number of patients who are uninsured, re-
3 ceiving assistance under title XVIII of the Social Se-
4 curity Act, or a State plan under title XIX of such
5 Act (or under a waiver of such plan), or who are
6 members of a vulnerable population, as determined
7 by the Secretary; or

8 “(B) serves a disproportionate percentage of
9 local patients that are from a racial and ethnic mi-
10 nority group.

11 “(c) REPORT.—Not later than 180 days after the
12 date of enactment of this title and annually thereafter, the
13 Secretary shall submit to the Congress and the President
14 a report that includes an assessment of health resources
15 and facilities serving populations in American Samoa,
16 Guam, the Commonwealth of the Northern Mariana Is-
17 lands, the United States Virgin Islands, Puerto Rico, and
18 Hawaii. In preparing such report, the Secretary shall—

19 “(1) consult with and obtain information on all
20 health care facilities needs from the entities receiv-
21 ing direct financial assistance under subsection (a);

22 “(2) include all amounts of Federal assistance
23 received by each such entity in the preceding fiscal
24 year;

1 “(3) review the total unmet needs of health care
2 facilities serving American Samoa, Guam, the Com-
3 monwealth of the Northern Mariana Islands, the
4 United States Virgin Islands, Puerto Rico, and Ha-
5 waii, including needs for renovation and expansion
6 of existing facilities;

7 “(4) include a strategic plan for addressing the
8 needs of each such population identified in the re-
9 port; and

10 “(5) evaluate the effectiveness of the care pro-
11 vided by measuring patient outcomes and cost meas-
12 ures.

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as necessary
15 to carry out this section.”.

16 **SEC. 317805. PANDEMIC PREMIUM PAY FOR ESSENTIAL**
17 **WORKERS.**

18 (a) IN GENERAL.— Beginning 3 days after an essen-
19 tial work employer receives a grant under section 317806
20 from the Secretary of the Treasury, the essential work em-
21 ployer shall—

22 (1) be required to comply with subsections (b)
23 through (h); and

24 (2) be subject to the enforcement requirements
25 of section 317807.

1 (b) PANDEMIC PREMIUM PAY.—

2 (1) IN GENERAL.—An essential work employer
3 receiving a grant under section 317806 shall, in ac-
4 cordance with this subsection, provide each essential
5 worker of the essential work employer with premium
6 pay at a rate equal to \$13 for each hour of work
7 performed by the essential worker for the employer
8 from January 27, 2020, until the date that is 60
9 days after the last day of the COVID–19 Public
10 Health Emergency.

11 (2) MAXIMUM AMOUNTS.—The total amount of
12 all premium pay under this subsection that an essen-
13 tial work employer is required to provide to an es-
14 sential worker, including through any retroactive
15 payment under paragraph (3), shall not exceed—

16 (A) for an essential worker who is not a
17 highly-compensated essential worker, \$10,000
18 reduced by employer payroll taxes with respect
19 to such premium pay; or

20 (B) for a highly-compensated essential
21 worker, \$5,000 reduced by employer payroll
22 taxes with respect to such premium pay.

23 (3) RETROACTIVE PAYMENT.—For all work
24 performed by an essential worker during the period
25 from January 27, 2020, through the date on which

1 the essential work employer of the worker receives a
2 grant under this title, the essential work employer
3 shall use a portion of the amount of such grant to
4 provide such worker with premium pay under this
5 subsection for such work at the rate provided under
6 paragraph (1). Such amount shall be provided to the
7 essential worker as a lump sum in the next paycheck
8 (or other payment form) that immediately follows
9 the receipt of the grant by the essential work em-
10 ployer. In any case where it is impossible for the em-
11 ployer to arrange for payment of the amount due in
12 such paycheck (or other payment form), such
13 amounts shall be paid as soon as practicable, but in
14 no event later than the second paycheck (or other
15 payment form) following the receipt of the grant by
16 the essential work employer.

17 (4) NO EMPLOYER DISCRETION.—An essential
18 work employer receiving a grant under section
19 317806 shall not have any discretion to determine
20 which portions of work performed by an essential
21 worker qualify for premium pay under this sub-
22 section, but shall pay such premium pay for any in-
23 crement of time worked by the essential worker for
24 the essential work employer up to the maximum

1 amount applicable to the essential worker under
2 paragraph (2).

3 (c) PROHIBITION ON REDUCING COMPENSATION AND
4 DISPLACEMENT.—

5 (1) IN GENERAL.—Any payments made to an
6 essential worker as premium pay under subsection
7 (b) shall be in addition to all other compensation, in-
8 cluding all wages, remuneration, or other pay and
9 benefits, that the essential worker otherwise receives
10 from the essential work employer.

11 (2) REDUCTION OF COMPENSATION.—An essen-
12 tial work employer receiving a grant under section
13 317806 shall not, during the period beginning on the
14 date of enactment of this Act and ending on the
15 date that is 60 days after the last day of the
16 COVID–19 Public Health Emergency, reduce or in
17 any other way diminish, any other compensation, in-
18 cluding the wages, remuneration, or other pay or
19 benefits, that the essential work employer provided
20 to the essential worker on the day before the date
21 of enactment of this Act.

22 (3) DISPLACEMENT.—An essential work em-
23 ployer shall not take any action to displace an essen-
24 tial worker (including partial displacement such as a
25 reduction in hours, wages, or employment benefits)

1 for purposes of hiring an individual for an equivalent
2 position at a rate of compensation that is less than
3 is required to be provided to an essential worker
4 under paragraph (2).

5 (d) DEMARCATION FROM OTHER COMPENSATION.—
6 The amount of any premium pay paid under subsection
7 (b) shall be clearly demarcated as a separate line item in
8 each paystub or other document provided to an essential
9 worker that details the remuneration the essential worker
10 received from the essential work employer for a particular
11 period of time. If any essential worker does not otherwise
12 regularly receive any such paystub or other document from
13 the employer, the essential work employer shall provide
14 such paystub or other document to the essential worker
15 for the duration of the period in which the essential work
16 employer provides premium pay under subsection (b).

17 (e) EXCLUSION FROM WAGE-BASED CALCULA-
18 TIONS.—Any premium pay under subsection (b) paid to
19 an essential worker under this section by an essential work
20 employer receiving a grant under section 317806 shall be
21 excluded from the amount of remuneration for work paid
22 to the essential worker for purposes of—

23 (1) calculating the essential worker's eligibility
24 for any wage-based benefits offered by the essential
25 work employer;

1 (2) computing the regular rate at which such
2 essential worker is employed under section 7 of the
3 Fair Labor Standards Act of 1938 (29 U.S.C. 207);
4 and

5 (3) determining whether such essential worker
6 is exempt from application of such section 7 under
7 section 13(a)(1) of such Act (29 U.S.C. 213(a)(1)).

8 (f) ESSENTIAL WORKER DEATH.—

9 (1) IN GENERAL.—In any case in which an es-
10 sential worker of an essential work employer receiv-
11 ing a grant under section 317806 exhibits symptoms
12 of COVID–19 and dies, the essential work employer
13 shall pay as a lump sum to the next of kin of the
14 essential worker for premium pay under subsection
15 (b)—

16 (A) for an essential worker who is not a
17 highly-compensated essential worker, the
18 amount determined under subsection (b)(2)(A)
19 minus the total amount of any premium pay the
20 worker received under subsection (b) prior to
21 the death; or

22 (B) for a highly-compensated essential
23 worker, the amount determined under sub-
24 section (b)(2)(B) minus the amount of any pre-

1 mium pay the worker received under subsection
2 (b) prior to the death.

3 (2) TREATMENT OF LUMP SUM PAYMENTS.—

4 (A) TREATMENT AS PREMIUM PAY.—For
5 purposes of this part, any payment made under
6 this subsection shall be treated as a premium
7 pay under subsection (b).

8 (B) TREATMENT FOR PURPOSES OF IN-
9 TERNAL REVENUE CODE OF 1986.—For pur-
10 poses of the Internal Revenue Code of 1986,
11 any payment made under this subsection shall
12 be treated as a payment for work performed by
13 the essential worker.

14 (g) APPLICATION TO SELF-DIRECTED CARE WORK-
15 ERS FUNDED THROUGH MEDICAID OR THE VETERAN-DI-
16 RECTED CARE PROGRAM.—

17 (1) MEDICAID.—In the case of an essential
18 work employer receiving a grant under section
19 317806 that is a covered employer described in
20 paragraph (4) who, under a State Medicaid plan
21 under title XIX of the Social Security Act (42
22 U.S.C. 1396 et seq.) or under a waiver of such plan,
23 has opted to receive items or services using a self-
24 directed service delivery model, the preceding re-
25 quirements of this section, including the require-

1 ments to provide premium pay under subsection (b)
2 (including a lump sum payment in the event of an
3 essential worker death under subsection (f)) and the
4 requirements of sections 806 and 807, shall apply to
5 the State Medicaid agency responsible for the ad-
6 ministration of such plan or waiver with respect to
7 self-directed care workers employed by that em-
8 ployer. In administering payments made under this
9 part to such self-directed care workers on behalf of
10 such employers, a State Medicaid agency shall—

11 (A) exclude and disregard any payments
12 made under this part to such self-directed
13 workers from the individualized budget that ap-
14 plies to the items or services furnished to the
15 individual client employer under the State Med-
16 icaid plan or waiver;

17 (B) to the extent practicable, administer
18 and provide payments under this part directly
19 to such self-directed workers through arrange-
20 ments with entities that provide financial man-
21 agement services in connection with the self-di-
22 rected service delivery models used under the
23 State Medicaid plan or waiver; and

24 (C) ensure that individual client employers
25 of such self-directed workers are provided notice

1 of, and comply with, the prohibition under sec-
2 tion 317807(b)(1)(B).

3 (2) VETERAN-DIRECTED CARE PROGRAM.—In
4 the case of an essential work employer that is a cov-
5 ered employer described in paragraph (4) who is a
6 veteran participating in the Veteran Directed Care
7 program administered by the VA Office of Geriatrics
8 & Extended Care of the Veterans Health Adminis-
9 tration, the preceding requirements of this section
10 and sections 317806 and 317807, shall apply to
11 such VA Office of Geriatrics & Extended Care with
12 respect to self-directed care workers employed by
13 that employer. Paragraph (1) of this subsection shall
14 apply to the administration by the VA Office of Ger-
15 iatrics & Extended Care of payments made under
16 this part to such self-directed care workers on behalf
17 of such employers in the same manner as such re-
18 quirements apply to State Medicaid agencies.

19 (3) PENALTY ENFORCEMENT.—The Secretary
20 of Labor shall consult with the Secretary of Health
21 and Human Services and the Secretary of Veterans
22 Affairs regarding the enforcement of penalties im-
23 posed under section 317807(b)(2) with respect to
24 violations of subparagraph (A) or (B) of section
25 317807(b)(1) that involve self-directed workers for

1 which the requirements of this section and sections
2 806 and 807 are applied to a State Medicaid agency
3 under paragraph (1) or the VA Office of Geriatrics
4 & Extended Care under paragraph (2).

5 (4) COVERED EMPLOYER DESCRIBED.—For
6 purposes of paragraphs (1) and (2), a covered em-
7 ployer described in this paragraph means—

8 (A) an entity or person that contracts di-
9 rectly with a State, locality, Tribal government,
10 or the Federal Government, to provide care
11 (which may include items and services) through
12 employees of such entity or person to individ-
13 uals under the Medicare program under title
14 XVIII of the Social Security Act (42 U.S.C.
15 1395 et seq.), under a State Medicaid plan
16 under title XIX of such Act (42 U.S.C. 1396 et
17 seq.) or under a waiver of such plan, or under
18 any other program established or administered
19 by a State, locality, Tribal government, or the
20 Federal Government;

21 (B) a subcontractor of an entity or person
22 described in subparagraph (A);

23 (C) an individual client (or a representa-
24 tive on behalf of an individual client), an entity,
25 or a person, that employs an individual to pro-

1 vide care (which may include items and serv-
2 ices) to the individual client under a self-di-
3 rected service delivery model through a program
4 established or administered by a State, locality,
5 Tribal government, or the Federal Government;
6 or

7 (D) an individual client (or a representa-
8 tive on behalf of an individual client) that, on
9 their own accord, employs an individual to pro-
10 vide care (which may include items and serv-
11 ices) to the individual client using the individual
12 client's own finances.

13 (h) INTERACTION WITH STAFFORD ACT.—Nothing
14 in this section shall nullify, supersede, or otherwise change
15 a State's ability to seek reimbursement under section 403
16 of the Robert T. Stafford Disaster Relief and Emergency
17 Assistance Act (42 U.S.C. 5170b) for the costs of pre-
18 mium pay based on pre-disaster labor policies for eligible
19 employees.

20 (i) CALCULATION OF PAID LEAVE UNDER FFCRA
21 AND FMLA.—

22 (1) FAMILIES FIRST CORONAVIRUS RESPONSE
23 ACT.—Section 5110(5)(B) of the Families First
24 Coronavirus Response Act (29 U.S.C. 2601 note) is
25 amended by adding at the end the following:

1 “(iii) PANDEMIC PREMIUM PAY.—
 2 Compensation received by an employee
 3 under section 807(b) of the EHDC Act of
 4 2020 shall be included as remuneration for
 5 employment paid to the employee for pur-
 6 poses of computing the regular rate at
 7 which such employee is employed.”.

8 (2) FAMILY AND MEDICAL LEAVE ACT OF
 9 1993.—Section 110(b)(2)(B) of the Family and Med-
 10 ical Leave Act of 1993 (29 U.S.C. 2620(b)(2)(B)) is
 11 amended by adding at the end the following:

12 “(iii) PANDEMIC PREMIUM PAY.—
 13 Compensation received by an employee
 14 under section 807(b) of the EHDC Act of
 15 2020 shall be included as remuneration for
 16 employment paid to the employee for pur-
 17 poses of computing the regular rate at
 18 which such employee is employed.”.

19 **SEC. 317806. COVID-19 HEROES FUND GRANTS.**

20 (a) GRANTS.—

21 (1) FOR PANDEMIC PREMIUM PAY.—The Sec-
 22 retary of the Treasury shall, subject to the avail-
 23 ability of amounts provided in this part, award a
 24 grant to each essential work employer that applies
 25 for a grant, in accordance with this section, for the

1 purpose of providing premium pay to essential work-
2 ers under section 317805(b), including amounts paid
3 under section 317805(f).

4 (2) ELIGIBILITY.—

5 (A) ELIGIBLE EMPLOYERS GENERALLY.—

6 Any essential work employer shall be eligible for
7 a grant under paragraph (1).

8 (B) SELF-DIRECTED CARE WORKERS.—A

9 self-directed care worker employed by an essen-
10 tial work employer other than an essential work
11 employer described in section 317805(g), shall
12 be eligible to apply for a grant under paragraph
13 (1) in the same manner as an essential work
14 employer. Such a worker shall provide premium
15 pay to himself or herself in accordance with this
16 section, including the recordkeeping and refund
17 requirements of this section.

18 (b) AMOUNT OF GRANTS.—

19 (1) IN GENERAL.—The maximum amount avail-
20 able for making a grant under subsection (a)(1) to
21 an essential work employer shall be equal to the sum
22 of—

23 (A) the amount obtained by multiplying
24 \$10,000 by the number of essential workers the
25 employer certifies, in the application submitted

1 under subsection (c)(1), as employing, or pro-
2 viding remuneration to for services or labor,
3 who are paid wages or remuneration by the em-
4 ployer at a rate that is less than the equivalent
5 of \$200,000 per year; and

6 (B) the amount obtained by multiplying
7 \$5,000 by the number of highly-compensated
8 essential workers the employer certifies, in the
9 application submitted under subsection (c)(1),
10 as employing, or providing remuneration to for
11 services or labor, who are paid wages or remu-
12 nation by the employer at a rate that is equal
13 to or greater than the equivalent of \$200,000
14 per year.

15 (2) NO PARTIAL GRANTS.—The Secretary of
16 the Treasury shall not award a grant under this sec-
17 tion in an amount less than the maximum described
18 in paragraph (1).

19 (c) GRANT APPLICATION AND DISBURSAL.—

20 (1) APPLICATION.—Any essential work em-
21 ployer seeking a grant under subsection (a)(1) shall
22 submit an application to the Secretary of the Treas-
23 ury at such time, in such manner, and complete with
24 such information as the Secretary may require.

25 (2) NOTICE AND CERTIFICATION.—

1 (A) IN GENERAL.—The Secretary of the
2 Treasury shall, within 15 days after receiving a
3 complete application from an essential work em-
4 ployer eligible for a grant under this section—

5 (i) notify the employer of the Sec-
6 retary’s findings with respect to the re-
7 quirements for the grant; and

8 (ii)(I) if the Secretary finds that the
9 essential work employer meets the require-
10 ments under this section for a grant under
11 subsection (a), provide a certification to
12 the employer—

13 (aa) that the employer has met
14 such requirements;

15 (bb) of the amount of the grant
16 payment that the Secretary has deter-
17 mined the employer shall receive
18 based on the requirements under this
19 section; or

20 (II) if the Secretary finds that the es-
21 sential work employer does not meet the
22 requirements under this section for a grant
23 under subsection (a), provide a notice of
24 denial stating the reasons for the denial
25 and provide an opportunity for administra-

1 tive review by not later than 10 days after
2 the denial.

3 (B) TRANSFER.—Not later than 7 days
4 after making a certification under subpara-
5 graph (A)(ii) with respect to an essential work
6 employer, the Secretary of the Treasury shall
7 make the appropriate transfer to the employer
8 of the amount of the grant.

9 (d) USE OF FUNDS.—

10 (1) IN GENERAL.—An essential work employer
11 receiving a grant under this section shall use the
12 amount of the grant solely for the following pur-
13 poses:

14 (A) Providing premium pay under section
15 317805(b) to essential workers in accordance
16 with the requirements for such payments under
17 such section, including providing payments de-
18 scribed in section 317805(f) to the next of kin
19 of essential workers in accordance with the re-
20 quirements for such payments under such sec-
21 tion.

22 (B) Paying employer payroll taxes with re-
23 spect to premium pay amounts described in
24 subparagraph (A), including such payments de-
25 scribed in section 317805(f).

1 Each dollar of a grant received by an essential work
2 employer under this part shall be used as provided
3 in subparagraph (A) or (B) or returned to the Sec-
4 retary of the Treasury.

5 (2) NO OTHER USES AUTHORIZED.—An essen-
6 tial work employer who uses any amount of a grant
7 for a purpose not required under paragraph (1) shall
8 be—

9 (A) considered to have misused funds in
10 violation of section 317805; and

11 (B) subject to the enforcement and rem-
12 edies provided under section 317807.

13 (3) REFUND.—

14 (A) IN GENERAL.—If an essential work
15 employer receives a grant under this section
16 and, for any reason, does not provide every dol-
17 lar of such grant to essential workers in accord-
18 ance with the requirements of this part, then
19 the employer shall refund any such dollars to
20 the Secretary of the Treasury not later than
21 June 30, 2023. Any amounts returned to the
22 Secretary shall be deposited into the Fund and
23 be available for any additional grants under this
24 section.

1 (B) REQUIREMENT FOR NOT REDUCING
2 COMPENSATION.—An essential work employer
3 who is required to refund any amount under
4 this paragraph shall not reduce or otherwise di-
5 minish an eligible worker’s compensation or
6 benefits in response to or otherwise due to such
7 refund.

8 (e) RECORDKEEPING.—An essential work employer
9 that receives a grant under this section shall—

10 (1) maintain records, including payroll records,
11 demonstrating how each dollar of funds received
12 through the grant were provided to essential work-
13 ers; and

14 (2) provide such records to the Secretary of the
15 Treasury or the Secretary of Labor upon the request
16 of either such Secretary.

17 (f) RECOUPMENT.—In addition to all other enforce-
18 ment and remedies available under this part or any other
19 law, the Secretary of the Treasury shall establish a process
20 under which the Secretary shall recoup the amount of any
21 grant awarded under subsection (a)(1) if the Secretary de-
22 termines that the essential work employer receiving the
23 grant—

24 (1) did not provide all of the dollars of such
25 grant to the essential workers of the employer;

1 (2) did not, in fact, have the number of essen-
2 tial workers certified by the employer in accordance
3 with subparagraphs (A) and (B) of subsection
4 (b)(1);

5 (3) did not pay the essential workers for the
6 number of hours the employer claimed to have paid;
7 or

8 (4) otherwise misused funds or violated this
9 part.

10 (g) SPECIAL RULE FOR CERTAIN EMPLOYEES OF
11 TRIBAL EMPLOYERS.—Essential workers of Tribal em-
12 ployers who receive funds under title II shall not be eligi-
13 ble to receive funds from grants under this section.

14 (h) TAX TREATMENT.—

15 (1) EXCLUSION FROM INCOME.—For purposes
16 of the Internal Revenue Code of 1986, any grant re-
17 ceived by an essential work employer under this sec-
18 tion shall not be included in the gross income of
19 such essential work employer.

20 (2) DENIAL OF DOUBLE BENEFIT.—

21 (A) IN GENERAL.—In the case of an essen-
22 tial work employer that receives a grant under
23 this section—

24 (i) amounts paid under subsections

25 (b) or (f) of section 317805 shall not be

1 taken into account as wages for purposes
2 of sections 41, 45A, 51, or 1396 of the In-
3 ternal Revenue Code of 1986 or section
4 2301 of the CARES Act (Public Law 116–
5 136); and

6 (ii) any deduction otherwise allowable
7 under such Code for applicable payments
8 during any taxable year shall be reduced
9 (but not below zero) by the excess (if any)
10 of—

11 (I) the aggregate amounts of
12 grants received under this section;
13 over

14 (II) the sum of any amount re-
15 funded under subsection (d) plus the
16 aggregate amount of applicable pay-
17 ments made for all preceding taxable
18 years.

19 (B) APPLICABLE PAYMENTS.—For pur-
20 poses of this paragraph, the term “applicable
21 payments” means amounts paid as premium
22 pay under subsections (b) or (f) of section
23 317805 and amounts paid for employer payroll
24 taxes with respect to such amounts.

1 (C) AGGREGATION RULE.—Rules similar
2 to the rules of subsections (a) and (b) of section
3 52 of the Internal Revenue Code of 1986 shall
4 apply for purposes of this section.

5 (3) INFORMATION REPORTING.—The Secretary
6 of the Treasury shall submit to the Commissioner of
7 Internal Revenue statements containing—

8 (A) the name and tax identification num-
9 ber of each essential work employer receiving a
10 grant under this section;

11 (B) the amount of such grant; and

12 (C) any amounts refunded under sub-
13 section (d)(3).

14 (i) REPORTS.—

15 (1) IN GENERAL.—Not later than 30 days after
16 obligating the last dollar of the funds appropriated
17 under this part, the Secretary of the Treasury shall
18 submit a report, to the Committees of Congress de-
19 scribed in paragraph (2), that—

20 (A) certifies that all funds appropriated
21 under this part have been obligated; and

22 (B) indicates the number of pending appli-
23 cations for grants under this section that will
24 be rejected due to the lack of funds.

1 (2) COMMITTEES OF CONGRESS.—The Commit-
2 tees of Congress described in this paragraph are—

3 (A) the Committee on Ways and Means of
4 the House of Representatives;

5 (B) the Committee on Education and
6 Labor of the House of Representatives;

7 (C) the Committee on Finance of the Sen-
8 ate; and

9 (D) the Committee on Health, Education,
10 Labor, and Pensions of the Senate.

11 **SEC. 317807. ENFORCEMENT AND OUTREACH.**

12 (a) DUTIES OF SECRETARY OF LABOR.—The Sec-
13 retary of Labor shall—

14 (1) have authority to enforce the requirements
15 of section 317805, in accordance with subsections

16 (b) through (e);

17 (2) conduct outreach as described in subsection
18 (f); and

19 (3) coordinate with the Secretary of the Treas-
20 ury as needed to carry out the Secretary of Labor's
21 responsibilities under this section.

22 (b) PROHIBITED ACTS, PENALTIES, AND ENFORCE-
23 MENT.—

24 (1) PROHIBITED ACTS.—It shall be unlawful for
25 a person to—

1 (A) violate any provision of section 317805
2 applicable to such person; or

3 (B) discharge or in any other manner dis-
4 criminate against any essential worker because
5 such essential worker has filed any complaint or
6 instituted or caused to be instituted any pro-
7 ceeding under or related to this part, or has
8 testified or is about to testify in any such pro-
9 ceeding.

10 (2) ENFORCEMENT AND PENALTIES.—

11 (A) PREMIUM PAY VIOLATIONS.—A viola-
12 tion described in paragraph (1)(A) shall be
13 deemed a violation of section 7 of the Fair
14 Labor Standards Act of 1938 (29 U.S.C. 207)
15 and unpaid amounts required under this section
16 shall be treated as unpaid overtime compensa-
17 tion under such section 7 for the purposes of
18 sections 15 and 16 of such Act (29 U.S.C. 215
19 and 216).

20 (B) DISCHARGE OR DISCRIMINATION.—A
21 violation of paragraph (1)(B) shall be deemed a
22 violation of section 15(a)(3) of the Fair Labor
23 Standards Act of 1938 (29 U.S.C. 215(a)(3)).

24 (c) INVESTIGATION.—

1 (1) IN GENERAL.—To ensure compliance with
2 the provisions of section 317805, including any regu-
3 lation or order issued under that section, the Sec-
4 retary of Labor shall have the investigative authority
5 provided under section 11(a) of the Fair Labor
6 Standards Act of 1938 (29 U.S.C. 211(a)). For the
7 purposes of any investigation provided for in this
8 subsection, the Secretary of Labor shall have the
9 subpoena authority provided for under section 9 of
10 such Act (29 U.S.C. 209).

11 (2) STATE AGENCIES.—The Secretary of Labor
12 may, for the purpose of carrying out the functions
13 and duties under this section, utilize the services of
14 State and local agencies in accordance with section
15 11(b) of the Fair Labor Standards Act of 1938 (29
16 U.S.C. 211(b)).

17 (d) ESSENTIAL WORKER ENFORCEMENT.—

18 (1) RIGHT OF ACTION.—An action alleging a
19 violation of paragraph (1) or (2) of subsection (b)
20 may be maintained against an essential work em-
21 ployer receiving a grant under section 317806 in any
22 Federal or State court of competent jurisdiction by
23 one or more essential workers or their representative
24 for and on behalf of the essential workers, or the es-
25 sential workers and others similarly situated, in the

1 same manner, and subject to the same remedies (in-
2 cluding attorney's fees and costs of the action), as
3 an action brought by an employee alleging a viola-
4 tion of section 7 or 15(a)(3), respectively, of the
5 Fair Labor Standards Act of 1938 (29 U.S.C. 207,
6 215(a)(3)).

7 (2) NO WAIVER.—In an action alleging a viola-
8 tion of paragraph (1) or (2) of subsection (b)
9 brought by one or more essential workers or their
10 representative for and on behalf of the persons as
11 described in paragraph (1), to enforce the rights in
12 section 317805, no court of competent jurisdiction
13 may grant the motion of an essential work employer
14 receiving a grant under section 317806 to compel
15 arbitration, under chapter 1 of title 9, United States
16 Code, or any analogous State arbitration statute, of
17 the claims involved. An essential worker's right to
18 bring an action described in paragraph (1) or sub-
19 section (b)(2)(A) on behalf of similarly situated es-
20 sential workers to enforce such rights may not be
21 subject to any private agreement that purports to
22 require the essential workers to pursue claims on an
23 individual basis.

24 (e) RECORDKEEPING.—An essential work employer
25 receiving a grant under section 317806 shall make, keep,

1 and preserve records pertaining to compliance with section
2 317805 in accordance with section 11(c) of the Fair Labor
3 Standards Act of 1938 (29 U.S.C. 211(c)) and in accord-
4 ance with regulations prescribed by the Secretary of
5 Labor.

6 (f) OUTREACH AND EDUCATION.—Out of amounts
7 appropriated to the Secretary of the Treasury under sec-
8 tion 317805 for a fiscal year, the Secretary of the Treas-
9 ury shall transfer to the Secretary of Labor, \$3,000,000,
10 of which the Secretary of Labor shall use—

11 (1) \$2,500,000 for outreach to essential work
12 employers and essential workers regarding the pre-
13 mium pay under section 317805; and

14 (2) \$500,000 to implement an advertising cam-
15 paign encouraging large essential work employers to
16 provide the same premium pay provided for by sec-
17 tion 317805 using the large essential work employ-
18 ers' own funds and without utilizing grants under
19 this part.

20 (g) CLARIFICATION OF ENFORCING OFFICIAL.—
21 Nothing in the Government Employee Rights Act of 1991
22 (42 U.S.C. 2000e–16a et seq.) or section 3(e)(2)(C) of the
23 Fair Labor Standards Act of 1938 (29 U.S.C.
24 203(e)(2)(C)) shall be construed to prevent the Secretary
25 of Labor from carrying out the authority of the Secretary

1 under this section in the case of State employees described
2 in section 304(a) of the Government Employee Rights Act
3 of 1991 (42 U.S.C. 2000e–16c(a)).

4 **PART 9—HEALTH IT AND BRIDGING THE DIGITAL**
5 **DIVIDE IN HEALTH CARE**

6 **SEC. 317901. HRSA ASSISTANCE TO HEALTH CENTERS FOR**
7 **PROMOTION OF HEALTH IT.**

8 The Secretary of Health and Human Services, acting
9 through the Administrator of the Health Resources and
10 Services Administration, shall expand and intensify the
11 programs and activities of the Administration (directly or
12 through grants or contracts) to provide technical assist-
13 ance and resources to health centers (as defined in section
14 330(a) of the Public Health Service Act (42 U.S.C.
15 254b(a))) to adopt and meaningfully use certified EHR
16 technology for the management of chronic diseases and
17 health conditions and reduction of health disparities.

18 **SEC. 317902. ASSESSMENT OF IMPACT OF HEALTH IT ON**
19 **RACIAL AND ETHNIC MINORITY COMMU-**
20 **NITIES; OUTREACH AND ADOPTION OF**
21 **HEALTH IT IN SUCH COMMUNITIES.**

22 (a) NATIONAL COORDINATOR FOR HEALTH INFOR-
23 MATION TECHNOLOGY.—Not later than 18 months after
24 the date of enactment of this Act, the National Coordi-

1 nator for Health Information Technology (referred to in
2 this section as the “National Coordinator”) shall—

3 (1) conduct an evaluation of the level of inter-
4 operability, access, use, and accessibility of electronic
5 health records in racial and ethnic minority commu-
6 nities, focusing on whether patients in such commu-
7 nities have providers who use electronic health
8 records, and the degree to which patients in such
9 communities can access, exchange, and use without
10 special effort their health information in those elec-
11 tronic health records, and indicating whether such
12 providers—

13 (A) are participating in the Medicare pro-
14 gram under title XVIII of the Social Security
15 Act (42 U.S.C. 1395 et seq.) or a State plan
16 under title XIX of such Act (42 U.S.C. 1396 et
17 seq.) (or a waiver of such plan);

18 (B) have received incentive payments or in-
19 centive payment adjustments under Medicare
20 and Medicaid Electronic Health Records Incen-
21 tive Programs (as defined in subsection (c)(2));

22 (C) are MIPS eligible professionals, as de-
23 fined in paragraph (1)(C) of section 1848(q) of
24 the Social Security Act (42 U.S.C. 1395w—

1 4(q)), for purposes of the Merit-Based Incentive
2 Payment System under such section; or

3 (D) have been recruited by any of the
4 Health Information Technology Regional Ex-
5 tension Centers established under section 3012
6 of the Public Health Service Act (42 U.S.C.
7 300jj–32);

8 (2) publish the results of such evaluation in-
9 cluding the race and ethnicity of such providers and
10 the populations served by such providers; and

11 (3) not later than 12 months after the enact-
12 ment of this Act, shall promulgate a certification cri-
13 terion and module of certified EHR technology that
14 stratifies quality measures by disparity characteris-
15 tics, including race, ethnicity, language, gender, gen-
16 der identity, sexual orientation, socio-economic sta-
17 tus, and disability status, as those characteristics
18 are defined in certified EHR technology; and reports
19 to Centers for Medicare & Medicaid Services the
20 quality measures stratified by race and at least two
21 other disparity characteristics.

22 The term “quality measures” refers to the quality meas-
23 ures specified in MIPS.

24 (b) NATIONAL CENTER FOR HEALTH STATISTICS.—

25 As soon as practicable after the date of enactment of this

1 Act, the Director of the National Center for Health Statis-
2 tics shall provide to Congress a more detailed analysis of
3 the data presented in National Center for Health Statis-
4 tics data brief entitled “Adoption of Certified Electronic
5 Health Record Systems and Electronic Information Shar-
6 ing in Physician Offices: United States, 2013 and 2014”
7 (NCHS Data Brief No. 236).

8 (c) CENTERS FOR MEDICARE & MEDICAID SERV-
9 ICES.—

10 (1) IN GENERAL.—As part of the process of
11 collecting information, with respect to a provider, at
12 registration and attestation for purposes of Medicare
13 and Medicaid Electronic Health Records Incentive
14 Programs (as defined in paragraph (2)) or the
15 Merit-Based Incentive Payment System under sec-
16 tion 1848(q) of the Social Security Act (42 U.S.C.
17 1395w–4(q)), the Secretary of Health and Human
18 Services shall collect the race and ethnicity of such
19 provider.

20 (2) MEDICARE AND MEDICAID ELECTRONIC
21 HEALTH RECORDS INCENTIVE PROGRAMS DE-
22 FINED.—For purposes of paragraph (1), the term
23 “Medicare and Medicaid Electronic Health Records
24 Incentive Programs” means the incentive programs
25 under section 1814(l)(3), subsections (a)(7) and (o)

1 of section 1848, subsections (l) and (m) of section
2 1853, subsections (b)(3)(B)(ix)(I) and (n) of section
3 1886, and subsections (a)(3)(F) and (t) of section
4 1903 of the Social Security Act (42 U.S.C.
5 1395f(l)(3), 1395w-4, 1395w-23, 1395ww, and
6 1396b).

7 (d) NATIONAL COORDINATOR’S ASSESSMENT OF IM-
8 PACT OF HIT.—Section 3001(c)(6)(C) of the Public
9 Health Service Act (42 U.S.C. 300jj-11(c)(6)(C)) is
10 amended—

11 (1) in the heading by inserting “, RACIAL AND
12 ETHNIC MINORITY COMMUNITIES,” after “HEALTH
13 DISPARITIES”;

14 (2) by inserting “, in communities with a high
15 proportion of individuals from racial and ethnic mi-
16 nority groups (as defined in section 1707(g)), in-
17 cluding people with disabilities in these groups,”
18 after “communities with health disparities”;

19 (3) by striking “The National Coordinator” and
20 inserting the following:

21 “(i) IN GENERAL.—The National Co-
22 ordinator”; and

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

24 “(ii) CRITERIA.—In any publication
25 under clause (i), the National Coordinator

1 shall include best practices for encouraging
2 partnerships between the Federal Govern-
3 ment, States, and private entities to ex-
4 pand outreach for and the adoption of cer-
5 tified EHR technology in communities with
6 a high proportion of individuals from racial
7 and ethnic minority groups (as so defined),
8 while also maintaining the accessibility re-
9 quirements of section 508 of the Rehabili-
10 tation Act of 1973 to encourage patient in-
11 volvement in patient health care. The Na-
12 tional Coordinator shall—

13 “(I) not later than 6 months
14 after the submission of the report re-
15 quired under section 822 of the End-
16 ing Health Disparities During
17 COVID–19 Act of 2021, establish cri-
18 teria for evaluating the impact of
19 health information technology on com-
20 munities with a high proportion of in-
21 dividuals from racial and ethnic mi-
22 nority groups (as so defined) taking
23 into account the findings in such re-
24 port; and

1 “(II) not later than 1 year after
2 the submission of such report, conduct
3 and publish the results of an evalua-
4 tion of such impact.”.

5 **SEC. 317903. EXTENDING FUNDING TO STRENGTHEN THE**
6 **HEALTH IT INFRASTRUCTURE IN RACIAL**
7 **AND ETHNIC MINORITY COMMUNITIES.**

8 Section 3011 of the Public Health Service Act (42
9 U.S.C. 300jj–31) is amended—

10 (1) in subsection (a), in the matter preceding
11 paragraph (1), by inserting “, including with respect
12 to communities with a high proportion of individuals
13 from racial and ethnic minority groups (as defined
14 in section 1707(g))” before the colon; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(e) ANNUAL REPORT ON EXPENDITURES.—The
18 National Coordinator shall report annually to Congress on
19 activities and expenditures under this section.”.

1 **SEC. 317904. EXTENDING COMPETITIVE GRANTS FOR THE**
2 **DEVELOPMENT OF LOAN PROGRAMS TO FA-**
3 **CILITATE ADOPTION OF CERTIFIED EHR**
4 **TECHNOLOGY BY PROVIDERS SERVING RA-**
5 **CIAL AND ETHNIC MINORITY GROUPS.**

6 Section 3014(e) of the Public Health Service Act (42
7 U.S.C. 300jj–34(e)) is amended, in the matter preceding
8 paragraph (1), by inserting “, including with respect to
9 communities with a high proportion of individuals from
10 racial and ethnic minority groups (as defined in section
11 1707(g))” after “health care provider to”.

12 **SEC. 317905. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 3018 of the Public Health Service Act (42
14 U.S.C. 300jj–38) is amended by striking “fiscal years
15 2009 through 2013” and inserting “fiscal years 2023
16 through 2028”.

17 **SEC. 317906. DATA COLLECTION AND ASSESSMENTS CON-**
18 **DUCTED IN COORDINATION WITH MINORITY-**
19 **SERVING INSTITUTIONS.**

20 Section 3001(c)(6) of the Public Health Service Act
21 (42 U.S.C. 300jj–11(c)(6)) is amended by adding at the
22 end the following new subparagraph:

23 “(F) DATA COLLECTION AND ASSESS-

24 MENTS CONDUCTED IN COORDINATION WITH

25 MINORITY-SERVING INSTITUTIONS.—

1 “(i) IN GENERAL.—In carrying out
2 subparagraph (C) with respect to commu-
3 nities with a high proportion of individuals
4 from racial and ethnic minority groups (as
5 defined in section 1707(g)), the National
6 Coordinator shall, to the greatest extent
7 possible, coordinate with an entity de-
8 scribed in clause (ii).

9 “(ii) MINORITY-SERVING INSTITU-
10 TIONS.—For purposes of clause (i), an en-
11 tity described in this clause is a historically
12 black college or university, a Hispanic-serv-
13 ing institution, a tribal college or univer-
14 sity, or an Asian-American-, Native Amer-
15 ican-, or Pacific Islander-serving institu-
16 tion with an accredited public health,
17 health policy, or health services research
18 program.”.

19 **SEC. 317907. STUDY OF HEALTH INFORMATION TECH-**
20 **NOLOGY IN MEDICALLY UNDERSERVED COM-**
21 **MUNITIES.**

22 (a) IN GENERAL.—Not later than 2 years after the
23 date of enactment of this Act, the Secretary of Health and
24 Human Services shall—

1 (1) enter into an agreement with the National
2 Academies of Sciences, Engineering, and Medicine to
3 conduct a study on the development, implementa-
4 tion, and effectiveness of health information tech-
5 nology within medically underserved areas (as de-
6 scribed in subsection (c)); and

7 (2) submit a report to Congress describing the
8 results of such study, including any recommenda-
9 tions for legislative or administrative action.

10 (b) STUDY.—The study described in subsection
11 (a)(1) shall—

12 (1) identify barriers to successful implementa-
13 tion of health information technology in medically
14 underserved areas;

15 (2) survey a cross-section of individuals in
16 medically underserved areas and report their opin-
17 ions about the various topics of study;

18 (3) examine the degree of interoperability
19 among health information technology and users of
20 health information technology in medically under-
21 served areas, including patients, providers, and com-
22 munity services;

23 (4) examine the impact of health information
24 technology on providing quality care and reducing
25 the cost of care to individuals in such areas, includ-

1 ing the impact of such technology on improved
2 health outcomes for individuals, including which
3 technology worked for which population and how it
4 improved health outcomes for that population;

5 (5) examine the impact of health information
6 technology on improving health care-related deci-
7 sions by both patients and providers in such areas;

8 (6) identify specific best practices for using
9 health information technology to foster the con-
10 sistent provision of physical accessibility and reason-
11 able policy accommodations in health care to individ-
12 uals with disabilities in such areas;

13 (7) assess the feasibility and costs associated
14 with the use of health information technology in
15 such areas;

16 (8) evaluate whether the adoption and use of
17 qualified electronic health records (as defined in sec-
18 tion 3000 of the Public Health Service Act (42
19 U.S.C. 300jj)) is effective in reducing health dispari-
20 ties, including analysis of clinical quality measures
21 reported by providers who are participating in the
22 Medicare program under title XVIII of the Social
23 Security Act (42 U.S.C. 1395 et seq.) or a State
24 plan under title XIX of such Act (42 U.S.C. 1396
25 et seq.) (or a waiver of such plan), pursuant to pro-

1 grams to encourage the adoption and use of certified
2 EHR technology;

3 (9) identify providers in medically underserved
4 areas that are not electing to adopt and use elec-
5 tronic health records and determine what barriers
6 are preventing those providers from adopting and
7 using such records; and

8 (10) examine urban and rural community
9 health systems and determine the impact that health
10 information technology may have on the capacity of
11 primary health providers in those systems.

12 (c) MEDICALLY UNDERSERVED AREA.—The term
13 “medically underserved area” means—

14 (1) a population that has been designated as a
15 medically underserved population under section
16 330(b)(3) of the Public Health Service Act (42
17 U.S.C. 254b(b)(3));

18 (2) an area that has been designated as a
19 health professional shortage area under section 332
20 of the Public Health Service Act (42 U.S.C. 254e);

21 (3) an area or population that has been des-
22 ignated as a medically underserved community under
23 section 799B of the Public Health Service Act (42
24 U.S.C. 295p); or

25 (4) another area or population that—

1 (A) experiences significant barriers to ac-
2 cessing quality health services; and

3 (B) has a high prevalence of diseases or
4 conditions described in title VII, with such dis-
5 eases or conditions having a disproportionate
6 impact on racial and ethnic minority groups (as
7 defined in section 1707(g) of the Public Health
8 Service Act (42 U.S.C. 300u-6(g))) or a sub-
9 group of people with disabilities who have spe-
10 cific functional impairments.

11 **SEC. 317908. STUDY ON THE EFFECTS OF CHANGES TO**
12 **TELEHEALTH UNDER THE MEDICARE AND**
13 **MEDICAID PROGRAMS DURING THE COVID-19**
14 **EMERGENCY.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 end of the emergency period described in section
17 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
18 1320b-5(g)(1)(B)), the Secretary of Health and Human
19 Services (in this section referred to as the “Secretary”)
20 shall conduct a study and submit to the Committee on
21 Energy and Commerce and the Committee on Ways and
22 Means of the House of Representatives and the Committee
23 on Finance of the Senate an interim report on any
24 changes made to the provision or availability of telehealth
25 services under part A or B of title XVIII of the Social

1 Security Act (42 U.S.C. 1395 et seq.) during such period.

2 Such report shall include the following:

3 (1) A summary of utilization of all health care
4 services furnished under such part A or B during
5 such period, including the number of—

6 (A) in-person outpatient visits, inpatient
7 admissions, and in-person emergency depart-
8 ment visits; and

9 (B) telehealth visits, broken down by—

10 (i) the number of such visits furnished
11 via audio-visual technology compared to
12 the number of such visits furnished via
13 audio-only technology;

14 (ii) the number of such visits fur-
15 nished by each type of provider of services
16 or supplier (as defined in section 1861 of
17 such Act (42 U.S.C. 1395x) and including
18 a Federally qualified health center or rural
19 health clinic (as so defined)), including a
20 specification of the specialty of each such
21 provider or supplier (if applicable); and

22 (iii) the type of service provided, in-
23 cluding level of service and diagnoses asso-
24 ciated with the telehealth visit.

1 (2) A description of any changes in utilization
2 patterns for the care settings described in paragraph
3 (1) over the course of such period compared to such
4 patterns prior to such period.

5 (3) An analysis of utilization of telehealth serv-
6 ices under such part A or B during such period, bro-
7 ken down by age, sex (including sexual orientation
8 and gender identity where possible), race and eth-
9 nicity, disability status, primary language, geo-
10 graphic region (including by rural health areas (as
11 defined by the Health Resources & Services Admin-
12 istration), non-rural health areas, health professional
13 shortage areas (as defined in section 332(a)(1) of
14 the Public Health Service Act (42 U.S.C.
15 254e(a)(1))), medically underserved communities (as
16 defined in section 799B(6) of such Act (42 U.S.C.
17 295p(6))), areas with medically underserved popu-
18 lations (as defined in section 330(b)(3) of such Act
19 (42 U.S.C. 254b(b)(3))), and by State), and income
20 level (as measured directly or indirectly, such as by
21 patient's zip code tabulation area median income as
22 publicly reported by the United States Census Bu-
23 reau), and of any trends in such utilization during
24 such period, so broken down. Such analysis shall in-
25 clude the number of telehealth visits performed by

1 providers of services or suppliers licensed in a State
2 different from the State where the individual receiv-
3 ing such telehealth services is located at the time
4 such services are furnished. Such analysis may not
5 include any individually identifiable information or
6 protected health information.

7 (4) A description of expenditures and any sav-
8 ings under such part A or B attributable to use of
9 such telehealth services during such period.

10 (5) A description of any instances of fraud
11 identified by the Secretary, acting through the Office
12 of the Inspector General or other relevant agencies
13 and departments, with respect to such telehealth
14 services furnished under such part A or B during
15 such period and a comparison of the number of such
16 instances with the number of instances of fraud so
17 identified with respect to in-person services so fur-
18 nished during such period.

19 (6) A description of any privacy concerns with
20 respect to the furnishing of such telehealth services
21 (such as cybersecurity or ransomware concerns), in-
22 cluding a description of any actions taken by the
23 Secretary, acting through the Health Sector
24 Cybersecurity Coordination Center or other relevant
25 agencies and departments, during such period to as-

1 sist health care providers secure telecommunications
2 systems.

3 (7) An analysis of health care quality related to
4 telehealth (which may include patient health out-
5 comes (such as morbidity, mortality, healthcare utili-
6 zation, and disease-specific management metrics),
7 safety metrics, quality measures, health equity fo-
8 cused measures, patient satisfaction, provider satis-
9 faction, and other inputs and sources as determined
10 by the Secretary).

11 (8) An analysis of any other outcomes or
12 metrics related to telehealth, as determined appro-
13 priate by the Secretary.

14 (b) INPUT.—In conducting the study and submitting
15 the report under subsection (a), the Secretary—

16 (1)(A) consult with relevant stakeholders (such
17 as patients, caregivers, patient advocacy groups, mi-
18 nority or tribal groups (including Urban Indian Or-
19 ganization (UIOs)), health care professionals (in-
20 cluding behavioral health professionals), hospitals,
21 State medical boards, State nursing boards, the
22 Federation of State Medical Boards, National Coun-
23 cil of State Boards of Nursing, medical professional
24 employers (such as hospitals, medical groups, staff-
25 ing companies), telehealth groups, health profes-

1 sional liability providers, public and private payers,
2 and State leaders); and

3 (B) solicit public comments on such report be-
4 fore the submission of such report; and

5 (2) shall endeavor to include as many racially,
6 ethnically, geographically, linguistically, and profes-
7 sionally diverse perspectives as possible.

8 (c) FINAL REPORT.—Not later than December 31,
9 2026, the Secretary shall—

10 (1) update and finalize the interim report under
11 subsection (a); and

12 (2) submit such updated and finalized report to
13 the committees specified in such subsection.

14 (d) GRANTS FOR MEDICAID REPORTS.—

15 (1) IN GENERAL.—Not later than 2 years after
16 the end of the emergency period described in section
17 1135(g)(1)(B) of the Social Security Act (42
18 U.S.C.1320b–5(g)(1)(B)), the Secretary shall award
19 grants to States with a State plan (or waiver of such
20 plan) in effect under title XIX of the Social Security
21 Act (42 U.S.C. 1396r) that submit an application
22 under this subsection for purposes of enabling such
23 States to study and submit reports to the Secretary
24 on any changes made to the provision or availability

1 of telehealth services under such plans (or such
2 waivers) during such period.

3 (2) ELIGIBILITY.—To be eligible to receive a
4 grant under paragraph (1), a State shall—

5 (A) provide benefits for telehealth services
6 under the State plan (or waiver of such plan)
7 in effect under title XIX of the Social Security
8 Act (42 U.S.C. 1396r);

9 (B) be able to differentiate telehealth from
10 in-person visits within claims data submitted
11 under such plan (or such waiver) during such
12 period; and

13 (C) submit to the Secretary an application
14 at such time, in such manner, and containing
15 such information (including the amount of the
16 grant requested) as the Secretary may require.

17 (3) USE OF FUNDS.—An State shall use
18 amounts received under a grant under this sub-
19 section to conduct a study and report findings re-
20 garding the effects of changes to telehealth services
21 offered under the State plan (or waiver of such plan)
22 of such State under title XIX of the Social Security
23 Act (42 U.S.C. 1396 et seq.) during such period in
24 accordance with paragraph (4).

25 (4) REPORTS.—

1 (A) INTERIM REPORT.—Not later 1 year
2 after the date a State receives a grant under
3 this subsection, the State shall submit to the
4 Secretary an interim report that—

5 (i) details any changes made to the
6 provision or availability of telehealth bene-
7 fits (such as eligibility, coverage, or pay-
8 ment changes) under the State plan (or
9 waiver of such plan) of the State under
10 title XIX of the Social Security Act (42
11 U.S.C. 1396 et seq.) during the emergency
12 period described in paragraph (1); and

13 (ii) contains—

14 (I) a summary and description of
15 the type described in paragraphs (1)
16 and (2), respectively, of subsection
17 (a); and

18 (II) to the extent practicable, an
19 analysis of the type described in para-
20 graph (3) of subsection (a);

21 except that any reference in such sub-
22 section to “such part A or B” shall, for
23 purposes of subclauses (I) and (II), be
24 treated as a reference to such State plan
25 (or waiver).

1 (B) FINAL REPORT.—Not later than 3
2 years after the date a State receives a grant
3 under this subsection, the State shall update
4 and finalize the interim report and submit such
5 final report to the Secretary.

6 (C) REPORT BY SECRETARY.—Not later
7 than the earlier of the date that is 1 year after
8 the submission of all final reports under sub-
9 paragraph (B) and December 31, 2028, the
10 Secretary shall submit to Congress a report on
11 the grant program, including a summary of the
12 reports received from States under this para-
13 graph.

14 (5) MODIFICATION AUTHORITY.—The Secretary
15 may modify any deadline described in paragraph (4)
16 or any information required to be included in a re-
17 port made under this subsection to provide flexibility
18 for States to modify the scope of the study and
19 timeline for such reports.

20 (6) TECHNICAL ASSISTANCE.—The Secretary
21 shall provide such technical assistance as may be
22 necessary to a State receiving a grant under this
23 subsection in order to assist such state in conducting
24 studies and submitting reports under this sub-
25 section.

1 (7) STATE.—For purposes of this subsection,
2 the term “State” means each of the several States,
3 the District of Columbia, and each territory of the
4 United States.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) MEDICARE.—For the purpose of carrying
7 out subsections (a) through (c), there are authorized
8 to be appropriated such sums as may be necessary
9 for each of the fiscal years 2022 through 2026.

10 (2) MEDICAID.—For the purpose of carrying
11 out subsection (d), there are authorized to be appro-
12 priated such sums as may be necessary for each of
13 the fiscal years 2024 through 2030.

14 **SEC. 317909. COVID-19 DESIGNATION OF IMMEDIATE SPE-**
15 **CIAL AUTHORITY OF SPECTRUM FOR TRIBES’**
16 **EMERGENCY RESPONSE IN INDIAN COUNTRY.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) The immediate grant of emergency special
19 temporary authority of available spectrum that will
20 efficiently support temporary wireless broadband
21 networks and allow Indian Tribes to provide Tribal
22 members with wireless broadband service over Tribal
23 lands or Hawaiian Home Lands during the COVID–
24 19 crisis due to the increased demand for tele-

1 communications and disproportionate impacts of the
2 COVID–19 pandemic in Indian Country is essential.

3 (2) Reservations are the most digitally discon-
4 nected areas in the United States that lack basic ac-
5 cess to broadband and wireless services at rates
6 comparable to, and in some cases lower than, third-
7 world countries.

8 (3) In 2018, the Government Accountability Of-
9 fice and the Federal Communications Commission
10 reported that only 65 percent of American Indian
11 and Alaska Natives (AI/ANs) living on Tribal lands
12 had access to fixed broadband services, and only 68
13 percent of AI/AN households on rural Tribal lands
14 had telephone services. This is a stark comparison to
15 only 8 percent of the national average that lacks ac-
16 cess to fixed broadband services.

17 (4) Indian Tribes have previously encountered
18 substantial barriers to accessing broadband and
19 other communications services on Tribal lands to de-
20 ploy telecommunication services for the safety and
21 well-being of Tribal members and to decrease the
22 alarming rates of unnecessary loss of lives that AI/
23 ANs disproportionately experience, especially
24 through the lack of access to health care services
25 and emergency resources, as demonstrated during

1 the COVID–19 pandemic that continues to dis-
2 proportionately impact Indian Country.

3 (5) Indian Tribes’ lack of access to broadband
4 services on Tribal lands and Hawaiian Home Lands
5 during the COVID–19 pandemic further highlights
6 the digital divide in Indian Country.

7 (6) The Government Accountability Office
8 found that health information technology systems at
9 the Indian Health Service rank as the Federal Gov-
10 ernment’s third-highest need for agency system mod-
11 ernization, since 50 percent of Indian Health Service
12 facilities depend on outdated circuit connections
13 based on one or two TI circuit lines (3 Mbps), cre-
14 ating slower response times than any other health
15 facility system in the United States.

16 (7) A 2018 Tribal health reform comment filed
17 with the Federal Communications Commission has
18 further stated that approximately 1.5 million people
19 living on Tribal lands lack access to broadband and,
20 of the 75 percent of rural Indian Health Service fa-
21 cilities, many still lack reliable broadband networks
22 for American Indians and Alaska Natives (AI/ANs)
23 to access telehealth or clinical health care services,
24 which is a critical need in the most geographically
25 isolated areas of the country with some of the high-

1 est poverty rates, and lack of access to reliable
2 transportation.

3 (8) The Bureau of Indian Education has stated
4 that recent estimates from 142 out of 174 schools
5 have indicated that approximately 15 to 95 percent
6 of students do not have access to internet services
7 at home depending on Bureau school location and
8 limitations on data caps during the COVID–19 cri-
9 sis.

10 (b) DEPLOYMENT OF WIRELESS BROADBAND SERV-
11 ICE ON TRIBAL LANDS AND HAWAIIAN HOME LANDS.—

12 (1) FUNDING OF GRANTS FOR IMMEDIATE DE-
13 PLOYMENT OF WIRELESS BROADBAND SERVICE ON
14 TRIBAL LANDS AND HAWAIIAN HOME LANDS.—In
15 addition to any other amounts made available, out of
16 any money in the Treasury of the United States not
17 otherwise appropriated, there are appropriated—

18 (A) \$297,500,000 for grants under the
19 community facilities grant program under sec-
20 tion 306(a)(19) of the Consolidated Farm and
21 Rural Development Act to Indian Tribes, quali-
22 fying Tribal entities, and the Director of the
23 Department of Hawaiian Home Lands, for the
24 immediate deployment of wireless broadband
25 service on Tribal lands and Hawaiian Home

1 Lands, respectively, through the use of emer-
2 gency special temporary authority granted
3 under paragraph (2) of this subsection, includ-
4 ing backhaul costs, repairs to damaged infra-
5 structure, the cost of the repairs to which would
6 be less expensive than the cost of new infra-
7 structure and would support the emergency spe-
8 cial temporary use, and the Federal share appli-
9 cable to grants from such amount shall be 100
10 percent, which amount shall remain available
11 for one year from the enactment of this Act;
12 and

13 (B) \$3,000,000 for grants under the com-
14 munity facilities technical assistance and train-
15 ing grant program under section 306(a)(26) of
16 such Act, without regard to sections
17 306(a)(26)(B) and 306(a)(26)(C) of such Act,
18 to assist Indian Tribes, qualifying Tribal enti-
19 ties, and the Director of the Department of Ha-
20 waiian Home Lands in preparing applications
21 for the grants referred to in subparagraph (B)
22 of this paragraph, which amount shall remain
23 available for one year from the enactment of
24 this Act.

1 Grants referred to under subparagraph (B) shall be
2 available to Indian Tribes, qualifying Tribal entities
3 and shall also be available to inter-Tribal govern-
4 ment organizations, universities, and colleges with
5 Tribal serving institutions for the purposes stated
6 herein.

7 (2) EMERGENCY SPECIAL TEMPORARY AUTHOR-
8 ITY TO USE AVAILABLE AND EFFICIENT SPECTRUM
9 ON TRIBAL LANDS AND HAWAIIAN HOME LANDS.—

10 (A) GRANT OF AUTHORITY.—Not later
11 than 10 days after receiving a request from an
12 Indian Tribe, a qualifying Tribal entity, or the
13 Director of the Department of Hawaiian Home
14 Lands for emergency special temporary author-
15 ity to use electromagnetic spectrum described in
16 subparagraph (C) for the provision of wireless
17 broadband service over the Tribal lands over
18 which the Indian Tribe or qualifying Tribal en-
19 tity has jurisdiction or (in the case of a request
20 from the Director of the Department of Hawai-
21 ian Home Lands) over the Hawaiian Home
22 Lands, allowing unlicensed radio transmitters
23 to operate for such provision on such spectrum
24 at locations on such Tribal lands or Hawaiian
25 Home Lands where such spectrum is not being

1 used, the Commission shall grant such request
2 on a secondary non-interference basis.

3 (B) DURATION.—A grant of emergency
4 special temporary authority under subpara-
5 graph (A) shall be for a period of operation to
6 begin not later than 6 months after the date of
7 the enactment of this Act and to remain in op-
8 eration for not longer than 6 months, absent
9 extensions granted by the Commission pursuant
10 to the procedures of the Commission relating to
11 special temporary authority.

12 (C) ELECTROMAGNETIC SPECTRUM DE-
13 SCRIBED.—The electromagnetic spectrum de-
14 scribed in this subparagraph for utilization on
15 the temporary basis is any portion of the elec-
16 tromagnetic spectrum—

17 (i) that is—

18 (I) between the frequencies of
19 2496 megahertz and 2690 megahertz,
20 inclusive;

21 (II) in the white spaces of the
22 television broadcast spectrum between
23 the frequencies of 470 megahertz and
24 790 megahertz, inclusive, excluding
25 those frequencies utilized for other

1 purposes under subpart H of part 15
2 of title 47, Code of Federal Regula-
3 tions;

4 (III) between the frequencies of
5 5925 megahertz and 7125 megahertz,
6 inclusive; or

7 (IV) between frequencies of 3550
8 megahertz and 3700 megahertz, inclu-
9 sive; and

10 (ii) with respect to the Tribal lands or
11 Hawaiian Home Lands over which author-
12 ity to use such spectrum is requested
13 under subparagraph (A), is not assigned to
14 any licensee.

15 (3) DEFINITIONS.—In this subsection:

16 (A) COMMISSION.—The term “Commis-
17 sion” means the Federal Communications Com-
18 mission.

19 (B) HAWAIIAN HOME LANDS.—The term
20 “Hawaiian Home Lands” means lands held in
21 trust for Native Hawaiians by Hawaii pursuant
22 to the Hawaiian Homes Commission Act, 1920.

23 (C) INDIAN TRIBE.—The term “Indian
24 Tribe” means the governing body of any indi-
25 vidually identified and federally recognized In-

1 dian or Alaska Native Tribe, band, nation,
2 pueblo, village, community, affiliated tribal
3 group, or component reservation in the list pub-
4 lished pursuant to section 104(a) of the Feder-
5 ally Recognized Indian Tribe List Act of 1994
6 (25 U.S.C. 5131(a)).

7 (D) QUALIFYING TRIBAL ENTITY.—The
8 term “qualifying Tribal entity” means an entity
9 designated by the Indian Tribe with jurisdiction
10 over particular Tribal lands for which the spec-
11 trum access is sought. The following may be
12 designated as a qualifying Tribal entity:

13 (i) Indian Tribes.

14 (ii) Tribal consortia which consists of
15 two or more Indian Tribes, or an Indian
16 Tribe and an entity that is more than 50
17 percent owned and controlled by one or
18 more Indian Tribes.

19 (iii) Federally chartered Tribal cor-
20 porations created under section 17 of the
21 Indian Reorganization Act (25 U.S.C.
22 5124), and created under section 4 of the
23 Oklahoma Indian Welfare Act (25 U.S.C.
24 5204).

1 (iv) Entities that are more than 50
2 percent owned and controlled by an Indian
3 Tribe or Indian Tribes.

4 (E) ENTITY THAT IS MORE THAN 50 PER-
5 CENT OWNED AND CONTROLLED BY ONE OR
6 MORE INDIAN TRIBES.—The term “entity that
7 is more than 50 percent owned and controlled
8 by one or more Indian Tribes” means an entity
9 over which one or more Indian Tribes have both
10 de facto and de jure control of the entity. De
11 jure control of the entity is evidenced by owner-
12 ship of greater than 50 percent of the voting
13 stock of a corporation, or in the case of a part-
14 nership, general partnership interests. De facto
15 control of an entity is determined on a case-by-
16 case basis. An Indian Tribe or Indian Tribes
17 must demonstrate indicia of control to establish
18 that such Indian Tribe or Indian Tribes retain
19 de facto control of the applicant seeking eligi-
20 bility as a “qualifying Tribal entity”, including
21 the following:

22 (i) The Indian Tribe or Indian Tribes
23 constitute or appoint more than 50 percent
24 of the board of directors or management
25 committee of the entity.

1 (ii) The Indian Tribe or Indian Tribes
2 have authority to appoint, promote, de-
3 mote, and fire senior executives who con-
4 trol the day-to-day activities of the entity.

5 (iii) The Indian Tribe or Indian
6 Tribes play an integral role in the manage-
7 ment decisions of the entity.

8 (iv) The Indian Tribe or Indian
9 Tribes have the authority to make deci-
10 sions or otherwise engage in practices or
11 activities that determine or significantly in-
12 fluence—

13 (I) the nature or types of services
14 offered by such an entity;

15 (II) the terms upon which such
16 services are offered; or

17 (III) the prices charged for such
18 services.

19 (F) TRIBAL LANDS.—The term “Tribal
20 lands” has the meaning given that term in sec-
21 tion 73.7000 of title 47, Code of Federal Regu-
22 lations, as of April 16, 2020, and includes the
23 definition “Indian Country” as defined in sec-
24 tion 1151 of title 18, United States Code, and

1 includes fee simple and restricted fee land held
2 by an Indian Tribe.

3 (G) WIRELESS BROADBAND SERVICE.—

4 The term “wireless broadband service” means
5 wireless broadband internet access service that
6 is delivered—

7 (i) with a download speed of not less
8 than 25 megabits per second and an
9 upload speed of not less than 3 megabits
10 per second; and

11 (ii) through—

12 (I) mobile service;

13 (II) fixed point-to-point
14 multipoint service;

15 (III) fixed point-to-point service;

16 or

17 (IV) broadcast service.

18 **SEC. 317910. FACILITATING THE PROVISION OF TELE-**

19 **HEALTH SERVICES ACROSS STATE LINES.**

20 (a) IN GENERAL.—For purposes of expediting the
21 provision of telehealth services, for which payment is made
22 under the Medicare Program, across State lines, the Sec-
23 retary of Health and Human Services shall, in consulta-
24 tion with representatives of States, physicians, health care
25 practitioners, and patient advocates, encourage and facili-

1 tate the adoption of provisions allowing for multistate
2 practitioner practice across State lines.

3 (b) DEFINITIONS.—In subsection (a):

4 (1) TELEHEALTH SERVICE.—The term “tele-
5 health service” has the meaning given that term in
6 subparagraph (F) of section 1834(m)(4) of the So-
7 cial Security Act (42 U.S.C. 1395m(m)(4)).

8 (2) PHYSICIAN, PRACTITIONER.—The terms
9 “physician” and “practitioner” have the meaning
10 given those terms in subparagraphs (D) and (E), re-
11 spectively, of such section.

12 (3) MEDICARE PROGRAM.—The term “Medicare
13 Program” means the program of health insurance
14 administered by the Secretary of Health and Human
15 Services under title XVIII of the Social Security Act
16 (42 U.S.C. 1395 et seq.).

17 **PART 10—PUBLIC AWARENESS**

18 **SEC. 3171001. AWARENESS CAMPAIGNS.**

19 The Secretary of Health and Human Services, acting
20 through the Director of the Centers for Disease Control
21 and Prevention and in coordination with other offices and
22 agencies, as appropriate, shall award competitive grants
23 or contracts to one or more public or private entities, in-
24 cluding faith-based organizations, to carry out multi-

1 lingual and culturally appropriate awareness campaigns.

2 Such campaigns shall—

3 (1) be based on available scientific evidence;

4 (2) increase awareness and knowledge of
5 COVID–19, including countering stigma associated
6 with COVID–19;

7 (3) improve information on the availability of
8 COVID–19 diagnostic testing; and

9 (4) promote cooperation with contact tracing ef-
10 forts.

11 **SEC. 3171002. INCREASING UNDERSTANDING OF AND IM-**
12 **PROVING HEALTH LITERACY.**

13 (a) IN GENERAL.—The Secretary, acting through the
14 Director of the Agency for Healthcare Research and Qual-
15 ity with respect to grants under subsection (c)(1) and
16 through the Administrator of the Health Resources and
17 Services Administration with respect to grants under sub-
18 section (c)(2), in consultation with the Director of the Na-
19 tional Institute on Minority Health and Health Disparities
20 and the Deputy Assistant Secretary for Minority Health,
21 shall award grants to eligible entities to improve health
22 care for patient populations that have low functional
23 health literacy.

24 (b) ELIGIBILITY.—To be eligible to receive a grant
25 under subsection (a), an entity shall—

1 (1) be a hospital, health center or clinic, health
2 plan, or other health entity (including a nonprofit
3 minority health organization or association); and

4 (2) prepare and submit to the Secretary an ap-
5 plication at such time, in such manner, and con-
6 taining such information as the Secretary may rea-
7 sonably require.

8 (c) USE OF FUNDS.—

9 (1) AGENCY FOR HEALTHCARE RESEARCH AND
10 QUALITY.—A grant awarded under subsection (a)
11 through the Director of the Agency for Healthcare
12 Research and Quality shall be used—

13 (A) to define and increase the under-
14 standing of health literacy;

15 (B) to investigate the correlation between
16 low health literacy and health and health care;

17 (C) to clarify which aspects of health lit-
18 eracy have an effect on health outcomes; and

19 (D) for any other activity determined ap-
20 propriate by the Director.

21 (2) HEALTH RESOURCES AND SERVICES ADMIN-
22 ISTRATION.—A grant awarded under subsection (a)
23 through the Administrator of the Health Resources
24 and Services Administration shall be used to conduct

1 demonstration projects for interventions for patients
2 with low health literacy that may include—

3 (A) the development of new disease man-
4 agement programs for patients with low health
5 literacy;

6 (B) the tailoring of disease management
7 programs addressing mental, physical, oral, and
8 behavioral health conditions for patients with
9 low health literacy;

10 (C) the translation of written health mate-
11 rials for patients with low health literacy;

12 (D) the identification, implementation, and
13 testing of low health literacy screening tools;

14 (E) the conduct of educational campaigns
15 for patients and providers about low health lit-
16 eracy;

17 (F) the conduct of educational campaigns
18 concerning health directed specifically at pa-
19 tients with mental disabilities, including those
20 with cognitive and intellectual disabilities, de-
21 signed to reduce the incidence of low health lit-
22 eracy among these populations, which shall
23 have instructional materials in the plain lan-
24 guage standards promulgated under the Plain

1 Writing Act of 2010 (5 U.S.C. 301 note) for
2 Federal agencies; and

3 (G) other activities determined appropriate
4 by the Administrator.

5 (d) DEFINITIONS.—In this section, the term “low
6 health literacy” means the inability of an individual to ob-
7 tain, process, and understand basic health information
8 and services needed to make appropriate health decisions.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section,
11 such sums as may be necessary for each of fiscal years
12 2023 through 2027.

13 **SEC. 3171003. ENGLISH FOR SPEAKERS OF OTHER LAN-**
14 **GUAGES.**

15 (a) GRANTS AUTHORIZED.—The Secretary of Edu-
16 cation is authorized to provide grants to eligible entities
17 for the provision of English as a second language (in this
18 section referred to “ESL”) instruction and shall deter-
19 mine, after consultation with appropriate stakeholders, the
20 mechanism for administering and distributing such
21 grants.

22 (b) ELIGIBLE ENTITY DEFINED.—In this section,
23 the term “eligible entity” means a State or community-
24 based organization that employs and serves minority popu-
25 lations.

1 (c) APPLICATION.—An eligible entity may apply for
2 a grant under this section by submitting such information
3 as the Secretary of Education may require and in such
4 form and manner as the Secretary may require.

5 (d) USE OF GRANT.—As a condition of receiving a
6 grant under this section, an eligible entity shall—

7 (1) develop and implement a plan for assuring
8 the availability of ESL instruction that effectively
9 integrates information about the nature of the
10 United States health care system, how to access
11 care, and any special language skills that may be re-
12 quired for individuals to access and regularly nego-
13 tiate the system effectively;

14 (2) develop a plan, including, where appro-
15 priate, public-private partnerships, for making ESL
16 instruction progressively available to all individuals
17 seeking instruction; and

18 (3) maintain current ESL instruction efforts by
19 using funds available under this section to supple-
20 ment rather than supplant any funds expended for
21 ESL instruction in the State as of January 1, 2022.

22 (e) ADDITIONAL DUTIES OF THE SECRETARY.—The
23 Secretary of Education shall—

1 (1) collect and publicize annual data on how
2 much Federal, State, and local governments spend
3 on ESL instruction;

4 (2) collect data from State and local govern-
5 ments to identify the unmet needs of English lan-
6 guage learners for appropriate ESL instruction, in-
7 cluding—

8 (A) the preferred written and spoken lan-
9 guage of such English language learners;

10 (B) the extent of waiting lists for ESL in-
11 struction, including how many programs main-
12 tain waiting lists and, for programs that do not
13 have waiting lists, the reasons why not;

14 (C) the availability of programs to geo-
15 graphically isolated communities;

16 (D) the impact of course enrollment poli-
17 cies, including open enrollment, on the avail-
18 ability of ESL instruction;

19 (E) the number individuals in the State
20 and each participating locality;

21 (F) the effectiveness of the instruction in
22 meeting the needs of individuals receiving in-
23 struction and those needing instruction;

24 (G) as assessment of the need for pro-
25 grams that integrate job training and ESL in-

1 instruction, to assist individuals to obtain better
2 jobs; and

3 (H) the availability of ESL slots by State
4 and locality;

5 (3) determine the cost and most appropriate
6 methods of making ESL instruction available to all
7 English language learners seeking instruction; and

8 (4) not later than 1 year after the date of en-
9 actment of this Act, issue a report to Congress that
10 assesses the information collected in paragraphs (1),
11 (2), and (3) and makes recommendations on steps
12 that should be taken to progressively realize the goal
13 of making ESL instruction available to all English
14 language learners seeking instruction.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary of Edu-
17 cation \$250,000,000 for each of fiscal years 2023 through
18 2026 to carry out this section.

19 **SEC. 3171004. INFLUENZA, COVID-19, AND PNEUMONIA VAC-**
20 **CINATION CAMPAIGN.**

21 (a) IN GENERAL.—The Secretary of Health and
22 Human Services shall—

23 (1) enhance the annual campaign by the De-
24 partment of Health and Human Services to increase

1 the number of people vaccinated each year for influ-
2 enza, pneumonia, and COVID–19; and

3 (2) include in such campaign the use of written
4 educational materials, public service announcements,
5 physician education, and any other means which the
6 Secretary deems effective.

7 (b) MATERIALS AND ANNOUNCEMENTS.—In carrying
8 out the annual campaign described in subsection (a), the
9 Secretary of Health and Human Services shall ensure
10 that—

11 (1) educational materials and public service an-
12 nouncements are readily and widely available in
13 communities experiencing disparities in the incidence
14 and mortality rates of influenza, pneumonia, and
15 COVID–19; and

16 (2) the campaign uses targeted, culturally ap-
17 propriate messages and messengers to reach under-
18 served communities.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 such sums as may be necessary for each of fiscal years
22 2023 through 2027.

1 **PART 11—RESEARCH**

2 **SEC. 3171101. RESEARCH AND DEVELOPMENT.**

3 The Secretary of Health and Human Services, in co-
4 ordination with the Director of the Centers for Disease
5 Control and Prevention and in collaboration with the Di-
6 rector of the National Institutes of Health, the Director
7 of the Agency for Healthcare Research and Quality, the
8 Commissioner of Food and Drugs, and the Administrator
9 of the Centers for Medicare & Medicaid Services, shall
10 support research and development on more efficient and
11 effective strategies—

12 (1) for the surveillance of SARS-CoV-2 and
13 COVID-19;

14 (2) for the testing and identification of individ-
15 uals infected with COVID-19; and

16 (3) for the tracing of contacts of individuals in-
17 fected with COVID-19.

18 **SEC. 3171102. CDC FIELD STUDIES PERTAINING TO SPE-**
19 **CIFIC HEALTH INEQUITIES.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of enactment of this Act, the Secretary of Health and
22 Human Services (referred to in this section as the “Sec-
23 retary”), acting through the Centers for Disease Control
24 and Prevention, in collaboration with State, local, Tribal,
25 and territorial health departments, shall complete (by the
26 reporting deadline in subsection (b)) field studies to better

1 understand health inequities that are not currently
2 tracked by the Secretary. Such studies shall include an
3 analysis of—

4 (1) the impact of socioeconomic status on
5 health care access and disease outcomes, including
6 COVID–19 outcomes;

7 (2) the impact of disability status on health
8 care access and disease outcomes, including COVID–
9 19 outcomes;

10 (3) the impact of language preference on health
11 care access and disease outcomes, including COVID–
12 19 outcomes;

13 (4) factors contributing to disparities in health
14 outcomes for the COVID–19 pandemic; and

15 (5) other topics related to disparities in health
16 outcomes for the COVID–19 pandemic, as deter-
17 mined by the Secretary.

18 (b) REPORT.—Not later than December 31, 2023,
19 the Secretary shall submit to the Committee on Energy
20 and Commerce of the House of Representatives and the
21 Committee on Health, Education, Labor and Pensions of
22 the Senate an initial report on the results of the field stud-
23 ies under this section.

24 (c) FINAL REPORT.—Not later than December 31,
25 2025, the Secretary shall—

1 (1) update and finalize the initial report under
2 subsection (b); and

3 (2) submit such final report to the committees
4 specified in such subsection.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$25,000,000, to remain available until expended.

8 **SEC. 3171103. EXPANDING CAPACITY FOR HEALTH OUT-**
9 **COMES.**

10 (a) IN GENERAL.—The Secretary of Health and
11 Human Services (referred to in this section as the “Sec-
12 retary”), acting through the Administrator of the Health
13 Resources and Services Administration, shall award
14 grants to eligible entities to develop and expand the use
15 of technology-enabled collaborative learning and capacity
16 building models to respond to ongoing and real-time learn-
17 ing, health care information sharing, and capacity building
18 needs related to COVID–19.

19 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
20 grant under this section, an entity shall have experience
21 providing technology-enabled collaborative learning and
22 capacity building health care services—

23 (1) in rural areas, frontier areas, health profes-
24 sional shortage areas, or medically underserved area;
25 or

1 (2) to medically underserved populations or In-
2 dian Tribes.

3 (c) USE OF FUNDS.—An eligible entity receiving a
4 grant under this section shall use funds received through
5 the grant—

6 (1) to advance quality of care in response to
7 COVID–19, with particular emphasis on rural and
8 underserved areas and populations;

9 (2) to protect medical personnel and first re-
10 sponders through sharing real-time learning through
11 virtual communities of practice;

12 (3) to improve patient outcomes for conditions
13 affected or exacerbated by COVID–19, including im-
14 provement of care for patients with complex chronic
15 conditions; and

16 (4) to support rapid uptake by health care pro-
17 fessionals of emerging best practices and treatment
18 protocols around COVID–19.

19 (d) OPTIONAL ADDITIONAL USES OF FUNDS.—An
20 eligible entity receiving a grant under this section may use
21 funds received through the grant for—

22 (1) equipment to support the use and expansion
23 of technology-enabled collaborative learning and ca-
24 pacity building models, including hardware and soft-
25 ware that enables distance learning, health care pro-

1 vider support, and the secure exchange of electronic
2 health information;

3 (2) the participation of multidisciplinary expert
4 team members to facilitate and lead technology-en-
5 abled collaborative learning sessions, and profes-
6 sionals and staff assisting in the development and
7 execution of technology-enabled collaborative learn-
8 ing;

9 (3) the development of instructional program-
10 ming and the training of health care providers and
11 other professionals that provide or assist in the pro-
12 vision of services through technology-enabled collabo-
13 rative learning and capacity building models; and

14 (4) other activities consistent with achieving the
15 objectives of the grants awarded under this section.

16 (e) TECHNOLOGY-ENABLED COLLABORATIVE LEARN-
17 ING AND CAPACITY BUILDING MODEL DEFINED.—In this
18 section, the term “technology-enabled collaborative learn-
19 ing and capacity building model” has the meaning given
20 that term in section 2(7) of the Expanding Capacity for
21 Health Outcomes Act (Public Law 114–270; 130 Stat.
22 1395).

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$20,000,000, to remain available until expended.

1 **SEC. 3171104. DATA COLLECTION AND ANALYSIS GRANTS**
2 **TO MINORITY-SERVING INSTITUTIONS.**

3 (a) **AUTHORITY.**—The Secretary of Health and
4 Human Services, acting through the Director of the Na-
5 tional Institute on Minority Health and Health Disparities
6 and the Deputy Assistant Secretary for Minority Health,
7 shall award grants to eligible entities to access and analyze
8 racial and ethnic data on disparities in health and health
9 care, and where possible other data on disparities in health
10 and health care, to monitor and report on progress to re-
11 duce and eliminate disparities in health and health care.

12 (b) **ELIGIBLE ENTITY.**—In this section, the term “el-
13 igible entity” means an entity that has an accredited pub-
14 lic health, health policy, or health services research pro-
15 gram and is any of the following:

16 (1) A part B institution, as defined in section
17 322 of the Higher Education Act of 1965 (20
18 U.S.C. 1061).

19 (2) A Hispanic-serving institution, as defined in
20 section 502 of such Act (20 U.S.C. 1101a).

21 (3) A Tribal College or University, as defined in
22 section 316 of such Act (20 U.S.C. 1059c).

23 (4) An Asian American and Native American
24 Pacific Islander-serving institution, as defined in
25 section 371(c) of such Act (20 U.S.C. 1067q(c)).

1 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there are authorized to be appropriated
3 such sums as may be necessary for fiscal years 2023
4 through 2027.

5 **SEC. 3171105. SAFETY AND EFFECTIVENESS OF DRUGS**
6 **WITH RESPECT TO RACIAL AND ETHNIC**
7 **BACKGROUND.**

8 (a) IN GENERAL.—Chapter V of the Federal Food,
9 Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amend-
10 ed by adding after section 505F the following:

11 **“SEC. 505G. SAFETY AND EFFECTIVENESS OF DRUGS WITH**
12 **RESPECT TO RACIAL AND ETHNIC BACK-**
13 **GROUND.**

14 “(a) PREAPPROVAL STUDIES.—If there is evidence
15 that there may be a disparity on the basis of racial or
16 ethnic background or other demographic characteristics
17 (such as age, sex, gender) as to the safety or effectiveness
18 of a drug or biological product or if such product address-
19 es a disease that disproportionately impacts certain racial
20 or ethnic groups or other demographic characteristics
21 (such as age, sex, gender), then—

22 “(1)(A) in the case of a drug, the investigations
23 required under section 505(b)(1)(A) shall include
24 adequate and well-controlled investigations of the
25 disparity; or

1 “(B) in the case of a biological product, the evi-
2 dence required under section 351(a) of the Public
3 Health Service Act for approval of a biologics license
4 application for the biological product shall include
5 adequate and well-controlled investigations of the
6 disparity; and

7 “(2) if the investigations described in subpara-
8 graph (A) or (B) of paragraph (1) confirm that
9 there is such a disparity, the labeling of the drug or
10 biological product shall include appropriate informa-
11 tion about the disparity.

12 “(b) POSTMARKET STUDIES.—

13 “(1) IN GENERAL.—If there is evidence that
14 there may be a disparity on the basis of racial or
15 ethnic background or other demographic characteris-
16 tics (such as age, sex, gender) as to the safety or ef-
17 fectiveness of a drug for which there is an approved
18 application under section 505 of this Act or of a bio-
19 logical product for which there is an approved li-
20 cense under section 351 of the Public Health Service
21 Act, the Secretary may by order require the holder
22 of the approved application or license to conduct, by
23 a date specified by the Secretary, postmarket studies
24 to investigate the disparity.

1 “(2) LABELING.—If the Secretary determines
2 that the postmarket studies confirm that there is a
3 disparity described in paragraph (1), the labeling of
4 the drug or biological product shall include appro-
5 priate information about the disparity.

6 “(3) STUDY DESIGN.—The Secretary may, in
7 an order under paragraph (1), specify all aspects of
8 the design of the postmarket studies required under
9 such paragraph for a drug or biological product, in-
10 cluding the number of studies and study partici-
11 pants, and the other demographic characteristics of
12 the study participants.

13 “(4) MODIFICATIONS OF STUDY DESIGN.—The
14 Secretary may, by order and as necessary, modify
15 any aspect of the design of a postmarket study re-
16 quired in an order under paragraph (1) after issuing
17 such order.

18 “(5) STUDY RESULTS.—The results from a
19 study required under paragraph (1) shall be sub-
20 mitted to the Secretary as a supplement to the drug
21 application or biologics license application.

22 “(c) APPLICATIONS UNDER SECTION 505(j).—

23 “(1) IN GENERAL.—A drug for which an appli-
24 cation has been submitted or approved under section
25 505(j) shall not be considered ineligible for approval

1 under that section or misbranded under section 502
2 on the basis that the labeling of the drug omits in-
3 formation relating to a disparity on the basis of ra-
4 cial or ethnic background or other demographic
5 characteristics (such as age, sex, gender) as to the
6 safety or effectiveness of the drug as to the safety
7 or effectiveness of the drug, whether derived from
8 investigations or studies required under this section
9 or derived from other sources, when the omitted in-
10 formation is protected by patent or by exclusivity
11 under section 505(j)(5)(F).

12 “(2) LABELING.—Notwithstanding paragraph
13 (1), the Secretary may require that the labeling of
14 a drug approved under section 505(j) that omits in-
15 formation relating to a disparity on the basis of ra-
16 cial or ethnic background (such as age, sex, gender)
17 as to the safety or effectiveness of the drug include
18 a statement of any appropriate contraindications,
19 warnings, or precautions related to the disparity
20 that the Secretary considers necessary.

21 “(d) DEFINITION.—The term ‘evidence that there
22 may be a disparity on the basis of racial or ethnic back-
23 ground or other demographic characteristics (such as age,
24 sex, gender) as to the safety or effectiveness’, with respect
25 to a drug or biological product, includes—

1 “(1) evidence that there is a disparity on the
2 basis of racial or ethnic background or other demo-
3 graphic characteristics (such as age, sex, gender) as
4 to safety or effectiveness of a drug or biological
5 product in the same chemical class as the drug or
6 biological product;

7 “(2) evidence that there is a disparity on the
8 basis of racial or ethnic background or other demo-
9 graphic characteristics (such as age, sex, gender) in
10 the way the drug or biological product is metabo-
11 lized;

12 “(3) other evidence as the Secretary may deter-
13 mine appropriate; and

14 “(4) if such product addresses a disease/condi-
15 tion that evidence shows disproportionately impacts
16 certain racial or ethnic groups or other demographic
17 characteristics (such as age, sex, gender).”.

18 (b) ENFORCEMENT.—Section 502 of the Federal
19 Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amend-
20 ed by adding at the end the following:

21 “(ee) If it is a drug and the holder of the approved
22 application under section 505 or license under section 351
23 of the Public Health Service Act for the drug has failed
24 to complete the investigations or studies, or comply with
25 any other requirement, of section 505G.”.

1 (c) DRUG FEES.—Section 736(a)(1)(A)(ii) of the
2 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
3 379h(a)(1)(A)(ii)) is amended by inserting after “are not
4 required” the following: “, including postmarket studies
5 required under section 505G”.

6 **SEC. 3171106. GAO AND NIH REPORTS.**

7 (b) GAO REPORT ON NIH GRANT RACIAL AND ETH-
8 NIC DIVERSITY.—

9 (1) IN GENERAL.—The Comptroller General of
10 the United States shall conduct a study on the racial
11 and ethnic diversity among the following groups:

12 (A) All applicants for grants, contracts,
13 and cooperative agreements awarded by the Na-
14 tional Institutes of Health during the period be-
15 ginning on January 1, 2009, and ending De-
16 cember 31, 2019.

17 (B) All recipients of such grants, con-
18 tracts, and cooperative agreements during such
19 period.

20 (C) All members of the peer review panels
21 of such applicants and recipients, respectively.

22 (2) REPORT.—Not later than 6 months after
23 the date of the enactment of this Act, the Comp-
24 troller General shall complete the study under para-

1 graph (1) and submit to Congress a report con-
2 taining the results of such study.

3 (c) GAO REPORT.—Not later than one year after the
4 date of the enactment of this Act and biennially thereafter
5 until 2024, the Comptroller General of the United States
6 shall submit to Congress a report that identifies—

7 (1) the racial and ethnic diversity of commu-
8 nity-based organizations that applied for Federal
9 funding provided pursuant to Coronavirus Prepared-
10 ness and Response Supplemental Appropriations Act
11 (Public Law 116-123), Families First Coronavirus
12 Response Act (P.L. 116-127), Coronavirus Aid, Re-
13 lief, and Economic Security Act (P.L. 116-136),
14 and Paycheck Protection Program and Health Care
15 Enhancement Act (P.L. 116-139);

16 (2) the percentage of such organizations that
17 were awarded such funding; and

18 (3) the impact of such community-based organi-
19 zations' efforts on reducing health disparities within
20 racial and ethnic minority groups.

21 (d) ANNUAL REPORT ON ACTIVITIES OF NATIONAL
22 INSTITUTE ON MINORITY HEALTH AND HEALTH DIS-
23 PARITIES.—The Director of the National Institute on Mi-
24 nority Health and Health Disparities shall prepare an an-
25 nual report on the activities carried out or to be carried

1 out by such institute, and shall submit each such report
2 to the Committee on Health, Education, Labor, and Pen-
3 sions of the Senate, the Committee on Energy and Com-
4 merce of the House of Representatives, the Secretary of
5 Health and Human Services, and the Director of the Na-
6 tional Institutes of Health. With respect to the fiscal year
7 involved, the report shall—

8 (1) describe and evaluate the progress made in
9 health disparities research conducted or supported
10 by institutes and centers of the National Institutes
11 of Health;

12 (2) summarize and analyze expenditures made
13 for activities with respect to health disparities re-
14 search conducted or supported by the National Insti-
15 tutes of Health;

16 (3) include a separate statement applying the
17 requirements of paragraphs (1) and (2) specifically
18 to minority health disparities research; and

19 (4) contain such recommendations as the Direc-
20 tor of the Institute considers appropriate.

21 **SEC. 3171107. HEALTH IMPACT ASSESSMENTS.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) Health Impact Assessment is a tool to help
25 planners, health officials, decisionmakers, and the

1 public make more informed decisions about the po-
2 tential health effects of proposed plans, policies, pro-
3 grams, and projects in order to maximize health
4 benefits and minimize harms.

5 (2) Health Impact Assessments fosters commu-
6 nity leadership, ownership and participation in deci-
7 sion-making processes.

8 (3) Health Impact Assessments can build com-
9 munity support and reduce opposition to a project or
10 policy, thereby facilitating economic growth by aid-
11 ing the development of consensus regarding new de-
12 velopment proposals.

13 (4) Health Impact Assessments facilitate col-
14 laboration across sectors.

15 (b) PURPOSES.—It is the purpose of this section to—

16 (1) provide more information about the poten-
17 tial human health effects of policy decisions and the
18 distribution of those effects;

19 (2) improve how health is considered in plan-
20 ning and decisionmaking processes; and

21 (3) build stronger, healthier communities
22 through the use of Health Impact Assessment.

23 (c) HEALTH IMPACT ASSESSMENTS.—Part P of title
24 III of the Public Health Service Act (42 U.S.C. 280g et

1 seq.), as amended by section 796A, is further amended
2 by adding at the end the following:

3 **“SEC. 399V-12. HEALTH IMPACT ASSESSMENTS.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) ADMINISTRATOR.—The term ‘Adminis-
6 trator’ means the Administrator of the Environ-
7 mental Protection Agency.

8 “(2) DIRECTOR.—The term ‘Director’ means
9 the Director of the Centers for Disease Control and
10 Prevention.

11 “(3) HEALTH IMPACT ASSESSMENT.—The term
12 ‘health impact assessment’ means a systematic proc-
13 ess that uses an array of data sources and analytic
14 methods and considers input from stakeholders to
15 determine the potential effects of a proposed policy,
16 plan, program, or project on the health of a popu-
17 lation and the distribution of those effects within the
18 population. Such term includes identifying and rec-
19 ommending appropriate actions on monitoring and
20 maximizing potential benefits and minimizing the
21 potential harms.

22 “(4) HEALTH DISPARITY.—The term ‘health
23 disparity’ means a particular type of health dif-
24 ference that is closely linked with social, economic,
25 or environmental disadvantage and that adversely

1 affects groups of people who have systematically ex-
2 perience greater obstacles to health based on their
3 racial or ethnic group; religion; socioeconomic status;
4 gender; age; mental health; cognitive, sensory, or
5 physical disability; sexual orientation or gender iden-
6 tity; geographic location; citizenship status; or other
7 characteristics historically linked to discrimination
8 or exclusion.

9 “(b) ESTABLISHMENT.—The Secretary, acting
10 through the Director and in collaboration with the Admin-
11 istrator, shall—

12 “(1) in consultation with the Director of the
13 National Center for Chronic Disease Prevention and
14 Health Promotion and relevant offices within the
15 Department of Housing and Urban Development,
16 the Department of Transportation, and the Depart-
17 ment of Agriculture, establish a program at the Na-
18 tional Center for Environmental Health at the Cen-
19 ters for Disease Control and Prevention focused on
20 advancing the field of health impact assessment that
21 includes—

22 “(A) collecting and disseminating best
23 practices;

24 “(B) administering capacity building
25 grants to States to support grantees in initi-

1 ating health impact assessments, in accordance
2 with subsection (d);

3 “(C) providing technical assistance;

4 “(D) developing training tools and pro-
5 viding training on conducting health impact as-
6 sessment and the implementation of built envi-
7 ronment and health indicators;

8 “(E) making information available, as ap-
9 propriate, regarding the existence of other com-
10 munity healthy living tools, checklists, and indi-
11 ces that help connect public health to other sec-
12 tors, and tools to help examine the effect of the
13 indoor built environment and building codes on
14 population health;

15 “(F) conducting research and evaluations
16 of health impact assessments; and

17 “(G) awarding competitive extramural re-
18 search grants;

19 “(2) develop guidance and guidelines to conduct
20 health impact assessments in accordance with sub-
21 section (c); and

22 “(3) establish a grant program to allow States
23 to fund eligible entities to conduct health impact as-
24 sessments.

25 “(c) GUIDANCE.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of the Ending Health Dispari-
3 ties during COVID-19 Act of 2020, the Secretary,
4 acting through the Director, shall issue final guid-
5 ance for conducting the health impact assessments.
6 In developing such guidance the Secretary shall—

7 “(A) consult with the Director of the Na-
8 tional Center for Environmental Health and,
9 the Director of the National Center for Chronic
10 Disease Prevention and Health Promotion, and
11 relevant offices within the Department of Hous-
12 ing and Urban Development, the Department of
13 Transportation, and the Department of Agri-
14 culture; and

15 “(B) consider available international health
16 impact assessment guidance, North American
17 health impact assessment practice standards,
18 and recommendations from the National Acad-
19 emy of Science.

20 “(2) CONTENT.—The guidance under this sub-
21 section shall include—

22 “(A) background on national and inter-
23 national efforts to bridge urban planning, cli-
24 mate forecasting, and public health institutions

1 and disciplines, including a review of health im-
2 pact assessment best practices internationally;

3 “(B) evidence-based direct and indirect
4 pathways that link land-use planning, transpor-
5 tation, and housing policy and objectives to
6 human health outcomes;

7 “(C) data resources and quantitative and
8 qualitative forecasting methods to evaluate both
9 the status of health determinants and health ef-
10 fects, including identification of existing pro-
11 grams that can disseminate these resources;

12 “(D) best practices for inclusive public in-
13 volvement in conducting health impact assess-
14 ments; and

15 “(E) technical assistance for other agen-
16 cies seeking to develop their own guidelines and
17 procedures for health impact assessment.

18 “(d) GRANT PROGRAM.—

19 “(1) IN GENERAL.—The Secretary, acting
20 through the Director and in collaboration with the
21 Administrator, shall—

22 “(A) award grants to States to fund eligi-
23 ble entities for capacity building or to prepare
24 health impact assessments; and

1 “(B) ensure that States receiving a grant
2 under this subsection further support training
3 and technical assistance for grantees under the
4 program by funding and overseeing appropriate
5 local, State, Tribal, Federal, institution of high-
6 er education, or nonprofit health impact assess-
7 ment experts to provide such technical assist-
8 ance.

9 “(2) APPLICATIONS.—

10 “(A) IN GENERAL.—To be eligible to re-
11 ceive a grant under this section, an eligible enti-
12 ty shall—

13 “(i) be a State, Indian tribe, or tribal
14 organization that includes individuals or
15 populations the health of which are, or will
16 be, affected by an activity or a proposed
17 activity; and

18 “(ii) submit to the Secretary an appli-
19 cation in accordance with this subsection,
20 at such time, in such manner, and con-
21 taining such additional information as the
22 Secretary may require.

23 “(B) INCLUSION.—An application under
24 this subsection shall include a list of proposed
25 activities that require or would benefit from

1 conducting a health impact assessment within
2 six months of awarding funds. The list should
3 be accompanied by supporting documentation,
4 including letters of support, from potential con-
5 ductors of health impact assessments for the
6 listed proposed activities. Each application
7 should also include an assessment by the eligi-
8 ble entity of the health of the population of its
9 jurisdiction and describe potential adverse or
10 positive effects on health that the proposed ac-
11 tivities may create.

12 “(C) PREFERENCE.—Preference in award-
13 ing funds under this section may be given to el-
14 igible entities that demonstrate the potential to
15 significantly improve population health or lower
16 health care costs as a result of potential health
17 impact assessment work.

18 “(3) USE OF FUNDS.—

19 “(A) IN GENERAL.—An entity receiving a
20 grant under this section shall use such grant
21 funds to conduct health impact assessment ca-
22 pacity building or to fund subgrantees in con-
23 ducting a health impact assessment for a pro-
24 posed activity in accordance with this sub-
25 section.

1 “(B) PURPOSES.—The purposes of a
2 health impact assessment under this subsection
3 are—

4 “(i) to facilitate the involvement of
5 tribal, State, and local public health offi-
6 cials in community planning, transpor-
7 tation, housing, and land use decisions and
8 other decisions affecting the built environ-
9 ment to identify any potential health con-
10 cern or health benefit relating to an activ-
11 ity or proposed activity;

12 “(ii) to provide for an investigation of
13 any health-related issue of concern raised
14 in a planning process, an environmental
15 impact assessment process, or policy ap-
16 praisal relating to a proposed activity;

17 “(iii) to describe and compare alter-
18 natives (including no-action alternatives) to
19 a proposed activity to provide clarification
20 with respect to the potential health out-
21 comes associated with the proposed activity
22 and, where appropriate, to the related ben-
23 efit-cost or cost-effectiveness of the pro-
24 posed activity and alternatives;

1 “(iv) to contribute, when applicable,
2 to the findings of a planning process, pol-
3 icy appraisal, or an environmental impact
4 statement with respect to the terms and
5 conditions of implementing a proposed ac-
6 tivity or related mitigation recommenda-
7 tions, as necessary;

8 “(v) to ensure that the dispropor-
9 tionate distribution of negative impacts
10 among vulnerable populations is minimized
11 as much as possible;

12 “(vi) to engage affected community
13 members and ensure adequate opportunity
14 for public comment on all stages of the
15 health impact assessment;

16 “(vii) where appropriate, to consult
17 with local and county health departments
18 and appropriate organizations, including
19 planning, transportation, and housing or-
20 ganizations and providing them with infor-
21 mation and tools regarding how to conduct
22 and integrate health impact assessment
23 into their work; and

24 “(viii) to inspect homes, water sys-
25 tems, and other elements that pose risks to

1 lead exposure, with an emphasis on areas
2 that pose a higher risk to children.

3 “(4) ASSESSMENTS.—Health impact assess-
4 ments carried out using grant funds under this sec-
5 tion shall—

6 “(A) take appropriate health factors into
7 consideration as early as practicable during the
8 planning, review, or decisionmaking processes;

9 “(B) assess the effect on the health of in-
10 dividuals and populations of proposed policies,
11 projects, or plans that result in modifications to
12 the built environment; and

13 “(C) assess the distribution of health ef-
14 fects across various factors, such as race, in-
15 come, ethnicity, age, disability status, gender,
16 and geography.

17 “(5) ELIGIBLE ACTIVITIES.—

18 “(A) IN GENERAL.—Eligible entities fund-
19 ed under this subsection shall conduct an eval-
20 uation of any proposed activity to determine
21 whether it will have a significant adverse or
22 positive effect on the health of the affected pop-
23 ulation in the jurisdiction of the eligible entity,
24 based on the criteria described in subparagraph
25 (B).

1 “(B) CRITERIA.—The criteria described in
2 this subparagraph include, as applicable to the
3 proposed activity, the following:

4 “(i) Any substantial adverse effect or
5 significant health benefit on health out-
6 comes or factors known to influence health,
7 including the following:

8 “(I) Physical activity.

9 “(II) Injury.

10 “(III) Mental health.

11 “(IV) Accessibility to health-pro-
12 moting goods and services.

13 “(V) Respiratory health.

14 “(VI) Chronic disease.

15 “(VII) Nutrition.

16 “(VIII) Land use changes that
17 promote local, sustainable food
18 sources.

19 “(IX) Infectious disease, includ-
20 ing COVID–19.

21 “(X) Health disparities.

22 “(XI) Existing air quality,
23 ground or surface water quality or
24 quantity, or noise levels.

25 “(XII) Lead exposure.

1 “(XIII) Drinking water quality
2 and accessibility.

3 “(ii) Other factors that may be con-
4 sidered, including—

5 “(I) the potential for a proposed
6 activity to result in systems failure
7 that leads to a public health emer-
8 gency, pandemic, or other infectious
9 or biochemical agent;

10 “(II) the probability that the pro-
11 posed activity will result in a signifi-
12 cant increase in tourism, economic de-
13 velopment, or employment in the ju-
14 risdiction of the eligible entity;

15 “(III) any other significant po-
16 tential hazard or enhancement to
17 human health, as determined by the
18 eligible entity; or

19 “(IV) whether the evaluation of a
20 proposed activity would duplicate an-
21 other analysis or study being under-
22 taken in conjunction with the pro-
23 posed activity.

24 “(C) FACTORS FOR CONSIDERATION.—In
25 evaluating a proposed activity under subpara-

graph (A), an eligible entity may take into consideration any reasonable, direct, indirect, or cumulative effect that can be clearly related to potential health effects and that is related to the proposed activity, including the effect of any action that is—

“(i) included in the long-range plan relating to the proposed activity;

“(ii) likely to be carried out in coordination with the proposed activity;

“(iii) dependent on the occurrence of the proposed activity; or

“(iv) likely to have a disproportionate impact on high-risk or vulnerable populations.

“(6) REQUIREMENTS.—A health impact assessment prepared with funds awarded under this subsection shall incorporate the following, after conducting the screening phase (identifying projects or policies for which a health impact assessment would be valuable and feasible) through the application process:

“(A) SCOPING.—Identifying which health effects to consider and the research methods to be utilized.

1 “(B) ASSESSING RISKS AND BENEFITS.—

2 Assessing the baseline health status and factors
3 known to influence the health status in the af-
4 fected community, which may include aggre-
5 gating and synthesizing existing health assess-
6 ment evidence and data from the community.

7 “(C) DEVELOPING RECOMMENDATIONS.—

8 Suggesting changes to proposals to promote
9 positive or mitigate adverse health effects.

10 “(D) REPORTING.—Synthesizing the as-
11 sessment and recommendations and commu-
12 nicating the results to decisionmakers.

13 “(E) MONITORING AND EVALUATING.—

14 Tracking the decision and implementation effect
15 on health determinants and health status.

16 “(7) PLAN.—An eligible entity that is awarded
17 a grant under this section shall develop and imple-
18 ment a plan, to be approved by the Director, for
19 meaningful and inclusive stakeholder involvement in
20 all phases of the health impact assessment. Stake-
21 holders may include community leaders, community-
22 based organizations, youth-serving organizations,
23 planners, public health experts, State and local pub-
24 lic health departments and officials, health care ex-

1 perts or officials, housing experts or officials, and
2 transportation experts or officials.

3 “(8) SUBMISSION OF FINDINGS.—An eligible
4 entity that is awarded a grant under this section
5 shall submit the findings of any funded health im-
6 pact assessment activities to the Secretary and make
7 these findings publicly available.

8 “(9) ASSESSMENT OF IMPACTS.—An eligible en-
9 tity that is awarded a grant under this section shall
10 ensure the assessment of the distribution of health
11 impacts (related to the proposed activity) across
12 race, ethnicity, income, age, gender, disability status,
13 and geography.

14 “(10) CONDUCT OF ASSESSMENT.—To the
15 greatest extent feasible, a health impact assessment
16 shall be conducted under this section in a manner
17 that respects the needs and timing of the decision-
18 making process it evaluates.

19 “(11) METHODOLOGY.—In preparing a health
20 impact assessment under this subsection, an eligible
21 entity or partner shall follow the guidance published
22 under subsection (c).

23 “(e) HEALTH IMPACT ASSESSMENT DATABASE.—
24 The Secretary, acting through the Director and in collabo-
25 ration with the Administrator, shall establish, maintain,

1 and make publicly available a health impact assessment
2 database, including—

3 “(1) a catalog of health impact assessments re-
4 ceived under this section;

5 “(2) an inventory of tools used by eligible enti-
6 ties to conduct health impact assessments; and

7 “(3) guidance for eligible entities with respect
8 to the selection of appropriate tools described in
9 paragraph (2).

10 “(f) EVALUATION OF GRANTEE ACTIVITIES.—The
11 Secretary shall award competitive grants to Prevention
12 Research Centers, or nonprofit organizations or academic
13 institutions with expertise in health impact assessments
14 to—

15 “(1) assist grantees with the provision of train-
16 ing and technical assistance in the conducting of
17 health impact assessments;

18 “(2) evaluate the activities carried out with
19 grants under subsection (d); and

20 “(3) assist the Secretary in disseminating evi-
21 dence, best practices, and lessons learned from
22 grantees.

23 “(g) REPORT TO CONGRESS.—Not later than 1 year
24 after the date of enactment of the Ending Health Dispari-
25 ties During COVID–19 Act of 2021, the Secretary shall

1 submit to Congress a report concerning the evaluation of
2 the programs under this section, including recommenda-
3 tions as to how lessons learned from such programs can
4 be incorporated into future guidance documents developed
5 and provided by the Secretary and other Federal agencies,
6 as appropriate.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 such sums as may be necessary.

10 **“SEC. 399V-13. IMPLEMENTATION OF RESEARCH FINDINGS**
11 **TO IMPROVE HEALTH OUTCOMES THROUGH**
12 **THE BUILT ENVIRONMENT.**

13 “(a) RESEARCH GRANT PROGRAM.—The Secretary,
14 in collaboration with the Administrator of the Environ-
15 mental Protection Agency (referred to in this section as
16 the ‘Administrator’), shall award grants to public agencies
17 or private nonprofit institutions to implement evidence-
18 based programming to improve human health through im-
19 provements to the built environment and subsequently
20 human health, by addressing—

21 “(1) levels of physical activity;

22 “(2) consumption of nutritional foods;

23 “(3) rates of crime;

24 “(4) air, water, and soil quality;

25 “(5) risk or rate of injury;

1 “(6) accessibility to health-promoting goods and
2 services;

3 “(7) chronic disease rates;

4 “(8) community design;

5 “(9) housing; or transportation options;

6 “(10) ability to reduce the spread of infectious
7 diseases (such as COVID–19); and

8 “(11) other factors, as the Secretary determines
9 appropriate.

10 “(b) APPLICATIONS.—A public agency or private
11 nonprofit institution desiring a grant under this section
12 shall submit to the Secretary an application at such time,
13 in such manner, and containing such agreements, assur-
14 ances, and information as the Secretary, in consultation
15 with the Administrator, may require.

16 “(c) RESEARCH.—The Secretary, in consultation
17 with the Administrator, shall support, through grants
18 awarded under this section, research that—

19 “(1) uses evidence-based research to improve
20 the built environment and human health;

21 “(2) examines—

22 “(A) the scope and intensity of the impact
23 that the built environment (including the var-
24 ious characteristics of the built environment)
25 has on the human health; or

1 “(B) the distribution of such impacts by—

2 “(i) location; and

3 “(ii) population subgroup;

4 “(3) is used to develop—

5 “(A) measures and indicators to address
6 health impacts and the connection of health to
7 the built environment;

8 “(B) efforts to link the measures to trans-
9 portation, land use, and health databases; and

10 “(C) efforts to enhance the collection of
11 built environment surveillance data;

12 “(4) distinguishes carefully between personal
13 attitudes and choices and external influences on be-
14 havior to determine how much the association be-
15 tween the built environment and the health of resi-
16 dents, versus the lifestyle preferences of the people
17 that choose to live in the neighborhood, reflects the
18 physical characteristics of the neighborhood; and

19 “(5)(A) identifies or develops effective interven-
20 tion strategies focusing on enhancements to the built
21 environment that promote increased use physical ac-
22 tivity, access to nutritious foods, or other health-pro-
23 moting activities by residents; and

24 “(B) in developing the intervention strategies
25 under subparagraph (A), ensures that the interven-

1 tion strategies will reach out to high-risk or vulner-
2 able populations, including low-income urban and
3 rural communities and aging populations, in addi-
4 tion to the general population.

5 “(d) SURVEYS.—The Secretary may allow recipients
6 of grants under this section to use such grant funds to
7 support the expansion of national surveys and data track-
8 ing systems to provide more detailed information about
9 the connection between the built environment and health.

10 “(e) PRIORITY.—In awarding grants under this sec-
11 tion, the Secretary and the Administrator shall give pri-
12 ority to entities with programming that incorporates—

13 “(1) interdisciplinary approaches; or

14 “(2) the expertise of the public health, physical
15 activity, urban planning, land use, and transpor-
16 tation research communities in the United States
17 and abroad.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as may be
20 necessary to carry out this section. The Secretary may al-
21 locate not more than 20 percent of the amount so appro-
22 priated for a fiscal year for purposes of conducting re-
23 search under subsection (c).”.

1 **SEC. 3171108. TRIBAL FUNDING TO RESEARCH HEALTH IN-**
2 **EQUITIES INCLUDING COVID-19.**

3 (a) IN GENERAL.—Not later than 6 months after the
4 date of enactment of this Act, the Director of the Indian
5 Health Service, in coordination with Tribal Epidemiology
6 Centers and other Federal agencies, as appropriate, shall
7 conduct or support research and field studies for the pur-
8 poses of improved understanding of Tribal health inequi-
9 ties among American Indians and Alaska Natives, includ-
10 ing with respect to—

- 11 (1) disparities related to COVID-19;
12 (2) public health surveillance and infrastructure
13 regarding unmet needs in Indian country and Urban
14 Indian communities;
15 (3) population-based health disparities;
16 (4) barriers to health care services;
17 (5) the impact of socioeconomic status; and
18 (6) factors contributing to Tribal health inequi-
19 ties.

20 (b) CONSULTATION, CONFER, AND COORDINATION.—
21 In carrying out this section, the Director of the Indian
22 Health Service shall—

- 23 (1) consult with Indian Tribes and Tribal orga-
24 nizations;
25 (2) confer with Urban Indian organizations;

1 (3) coordinate with the Director of the Centers
2 for Disease Control and Prevention and the Director
3 of the National Institutes of Health.

4 (c) PROCESS.—Not later than 60 days after the date
5 of enactment of this Act, the Director of the Indian Health
6 Service shall establish a nationally representative panel to
7 establish processes and procedures for the research and
8 field studies conducted or supported under subsection (a).
9 The Director shall ensure that, at a minimum, the panel
10 consists of the following individuals:

11 (1) Elected Tribal leaders or their designees.

12 (2) Tribal public health practitioners and ex-
13 perts from the national and regional levels.

14 (d) DUTIES.—The panel established under subsection
15 (c) shall, at a minimum—

16 (1) advise the Director of the Indian Health
17 Service on the processes and procedures regarding
18 the design, implementation, and evaluation of, and
19 reporting on, research and field studies conducted or
20 supported under this section;

21 (2) develop and share resources on Tribal pub-
22 lic health data surveillance and reporting, including
23 best practices; and

24 (3) carry out such other activities as may be
25 appropriate to establish processes and procedures for

1 the research and field studies conducted or sup-
2 ported under subsection (a).

3 (e) REPORT.—Not later than 1 year after expending
4 all funds made available to carry out this section, the Di-
5 rector of the Indian Health Service, in coordination with
6 the panel established under subsection (c), shall submit
7 an initial report on the results of the research and field
8 studies under this section to—

9 (1) the Committee on Energy and Commerce
10 and the Committee on Natural Resources of the
11 House of Representatives; and

12 (2) the Committee on Indian Affairs and the
13 Committee on Health, Education, Labor and Pen-
14 sions of the Senate.

15 (f) TRIBAL DATA SOVEREIGNTY.—The Director of
16 the Indian Health Service shall ensure that all research
17 and field studies conducted or supported under this sec-
18 tion are tribally-directed and carried out in a manner
19 which ensures Tribal-direction of all data collected under
20 this section—

21 (1) according to Tribal best practices regarding
22 research design and implementation, including by
23 ensuring the consent of the Tribes involved to public
24 reporting of Tribal data;

1 (2) according to all relevant and applicable
2 Tribal, professional, institutional, and Federal
3 standards for conducting research and governing re-
4 search ethics;

5 (3) with the prior and informed consent of any
6 Indian Tribe participating in the research or sharing
7 data for use under this section; and

8 (4) in a manner that respects the inherent sov-
9 ereignty of Indian Tribes, including Tribal govern-
10 ance of data and research.

11 (g) FINAL REPORT.—Not later than December 31,
12 2025, the Director of the Indian Health Service shall—

13 (1) update and finalize the initial report under
14 subsection (e); and

15 (2) submit such final report to the committees
16 specified in such subsection.

17 (h) DEFINITIONS.—In this section:

18 (1) The terms “Indian Tribe” and “Tribal or-
19 ganization” have the meanings given to such terms
20 in section 4 of the Indian Self-Determination and
21 Education Assistance Act (25 U.S.C. 5304).

22 (2) The term “Urban Indian organization” has
23 the meaning given to such term in section 4 of the
24 Indian Health Care Improvement Act (25 U.S.C.
25 1603).

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to carry out this section
 3 \$25,000,000, to remain available until expended.

4 **SEC. 3171109. RESEARCH ENDOWMENTS AT BOTH CURRENT**
 5 **AND FORMER CENTERS OF EXCELLENCE.**

6 Paragraph (1) of section 464z–3(h) of the Public
 7 Health Service Act (42 U.S.C. 285t(h)) is amended to
 8 read as follows:

9 “(1) IN GENERAL.—The Director of the Insti-
 10 tute may carry out a program to facilitate minority
 11 health disparities research and other health dispari-
 12 ties research by providing for research endow-
 13 ments—

14 “(A) at current or former centers of excel-
 15 lence under section 736; and

16 “(B) at current or former centers of excel-
 17 lence under section 464z–4.”.

18 **PART 12—EDUCATION**

19 **SEC. 3171201. GRANTS FOR SCHOOLS OF MEDICINE IN DI-**
 20 **VERSE AND UNDERSERVED AREAS.**

21 Subpart II of part C of title VII of the Public Health
 22 Service Act is amended by inserting after section 749B
 23 of such Act (42 U.S.C. 293m) the following:

1 **“SEC. 749C. SCHOOLS OF MEDICINE IN UNDERSERVED**
2 **AREAS.**

3 “(a) GRANTS.—The Secretary, acting through the
4 Administrator of the Health Resources and Services Ad-
5 ministration, may award grants to institutions of higher
6 education (including multiple institutions of higher edu-
7 cation applying jointly) for the establishment, improve-
8 ment, and expansion of an allopathic or osteopathic school
9 of medicine, or a branch campus of an allopathic or osteo-
10 pathic school of medicine.

11 “(b) PRIORITY.—In selecting grant recipients under
12 this section, the Secretary shall give priority to institutions
13 of higher education that—

14 “(1) propose to use the grant for an allopathic
15 or osteopathic school of medicine, or a branch cam-
16 pus of an allopathic or osteopathic school of medi-
17 cine, in a combined statistical area with fewer than
18 200 actively practicing physicians per 100,000 resi-
19 dents according to the medical board (or boards) of
20 the State (or States) involved;

21 “(2) have a curriculum that emphasizes care for
22 diverse and underserved populations; or

23 “(3) are minority-serving institutions described
24 in the list in section 371(a) of the Higher Education
25 Act of 1965.

1 “(c) USE OF FUNDS.—The activities for which a
2 grant under this section may be used include—

3 “(1) planning and constructing—

4 “(A) a new allopathic or osteopathic school
5 of medicine in an area in which no other school
6 is based; or

7 “(B) a branch campus of an allopathic or
8 osteopathic school of medicine in an area in
9 which no such school is based;

10 “(2) accreditation and planning activities for an
11 allopathic or osteopathic school of medicine or
12 branch campus;

13 “(3) hiring faculty and other staff to serve at
14 an allopathic or osteopathic school of medicine or
15 branch campus;

16 “(4) recruitment and enrollment of students at
17 an allopathic or osteopathic school of medicine or
18 branch campus;

19 “(5) supporting educational programs at an
20 allopathic or osteopathic school of medicine or
21 branch campus;

22 “(6) modernizing infrastructure or curriculum
23 at an existing allopathic or osteopathic school of
24 medicine or branch campus thereof;

1 “(7) expanding infrastructure or curriculum at
2 existing an allopathic or osteopathic school of medi-
3 cine or branch campus; and

4 “(8) other activities that the Secretary deter-
5 mines further the development, improvement, and
6 expansion of an allopathic or osteopathic school of
7 medicine or branch campus thereof.

8 “(d) DEFINITIONS.—In this section:

9 “(1) The term ‘branch campus’ means a geo-
10 graphically separate site at least 100 miles from the
11 main campus of a school of medicine where at least
12 one student completes at least 60 percent of the stu-
13 dent’s training leading to a degree of doctor of medi-
14 cine.

15 “(2) The term ‘institution of higher education’
16 has the meaning given to such term in section
17 101(a) of the Higher Education Act of 1965.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
19 carry out this section, there is authorized to be appro-
20 priated \$1,000,000,000, to remain available until ex-
21 pended.”.

1 **SEC. 3171202. AMENDMENT TO THE PUBLIC HEALTH SERV-**
2 **ICE ACT.**

3 Title XXXIV of the Public Health Service Act, as
4 amended by as amended by sections 104, 702, and 806,
5 is amended by adding at the end the following:

6 **“Subtitle D—Diversifying the**
7 **Health Care Workplace**

8 **“SEC. 3410. NATIONAL WORKING GROUP ON WORKFORCE**
9 **DIVERSITY.**

10 “(a) IN GENERAL.—The Secretary, acting through
11 the Bureau of Health Workforce of the Health Resources
12 and Services Administration, shall award a grant to an
13 entity determined appropriate by the Secretary for the es-
14 tablishment of a national working group on workforce di-
15 versity.

16 “(b) REPRESENTATION.—In establishing the national
17 working group under subsection (a):

18 “(1) The grantee shall ensure that the group
19 has representatives of each of the following:

20 “(A) The Health Resources and Services
21 Administration.

22 “(B) The Department of Health and
23 Human Services Data Council.

24 “(C) The Office of Minority Health of the
25 Department of Health and Human Services.

1 “(D) The Substance Abuse and Mental
2 Health Services Administration.

3 “(E) The Bureau of Labor Statistics of
4 the Department of Labor.

5 “(F) The National Institute on Minority
6 Health and Health Disparities.

7 “(G) The Agency for Healthcare Research
8 and Quality.

9 “(H) The Institute of Medicine Study
10 Committee for the 2004 workforce diversity re-
11 port.

12 “(I) The Indian Health Service.

13 “(J) The Department of Education.

14 “(K) Minority-serving academic institu-
15 tions.

16 “(L) Consumer organizations.

17 “(M) Health professional associations, in-
18 cluding those that represent underrepresented
19 minority populations.

20 “(N) Researchers in the area of health
21 workforce.

22 “(O) Health workforce accreditation enti-
23 ties.

1 “(P) Private (including nonprofit) founda-
2 tions that have sponsored workforce diversity
3 initiatives.

4 “(Q) Local and State health departments.

5 “(R) Representatives of community mem-
6 bers to be included on admissions committees
7 for health profession schools pursuant to sub-
8 section (c)(9).

9 “(S) National community-based organiza-
10 tions that serve as a national intermediary to
11 their urban affiliate members and have dem-
12 onstrated capacity to train health care profes-
13 sionals.

14 “(T) The Veterans Health Administration.

15 “(U) Other entities determined appropriate
16 by the Secretary.

17 “(2) The grantee shall ensure that, in addition
18 to the representatives under paragraph (1), the
19 working group has not less than 5 health professions
20 students representing various health profession fields
21 and levels of training.

22 “(c) ACTIVITIES.—The working group established
23 under subsection (a) shall convene at least twice each year
24 to complete the following activities:

1 “(1) Review public and private health workforce
2 diversity initiatives.

3 “(2) Identify successful health workforce diver-
4 sity programs and practices.

5 “(3) Examine challenges relating to the devel-
6 opment and implementation of health workforce di-
7 versity initiatives.

8 “(4) Draft a national strategic work plan for
9 health workforce diversity, including recommenda-
10 tions for public and private sector initiatives.

11 “(5) Develop a framework and methods for the
12 evaluation of current and future health workforce di-
13 versity initiatives.

14 “(6) Develop recommended standards for work-
15 force diversity that could be applicable to all health
16 professions programs and programs funded under
17 this Act.

18 “(7) Develop guidelines to train health profes-
19 sionals to care for a diverse population.

20 “(8) Develop a workforce data collection or
21 tracking system to identify where racial and ethnic
22 minority health professionals practice.

23 “(9) Develop a strategy for the inclusion of
24 community members on admissions committees for
25 health profession schools.

1 “(10) Help with monitoring and implementation
2 of standards for diversity, equity, and inclusion.

3 “(11) Other activities determined appropriate
4 by the Secretary.

5 “(d) ANNUAL REPORT.—Not later than 1 year after
6 the establishment of the working group under subsection
7 (a), and annually thereafter, the working group shall pre-
8 pare and make available to the general public for com-
9 ment, an annual report on the activities of the working
10 group. Such report shall include the recommendations of
11 the working group for improving health workforce diver-
12 sity.

13 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 such sums as may be necessary for each of fiscal years
16 2023 through 2027.

17 **“SEC. 3412. TECHNICAL CLEARINGHOUSE FOR HEALTH**
18 **WORKFORCE DIVERSITY.**

19 “(a) IN GENERAL.—The Secretary, acting through
20 the Deputy Assistant Secretary for Minority Health, and
21 in collaboration with the Bureau of Health Workforce
22 within the Health Resources and Services Administration
23 and the National Institute on Minority Health and Health
24 Disparities, shall establish a technical clearinghouse on
25 health workforce diversity within the Office of Minority

1 Health and coordinate current and future clearinghouses
2 related to health workforce diversity.

3 “(b) INFORMATION AND SERVICES.—The clearing-
4 house established under subsection (a) shall offer the fol-
5 lowing information and services:

6 “(1) Information on the importance of health
7 workforce diversity.

8 “(2) Statistical information relating to under-
9 represented minority representation in health and al-
10 lied health professions and occupations.

11 “(3) Model health workforce diversity practices
12 and programs, including integrated models of care.

13 “(4) Admissions policies that promote health
14 workforce diversity and are in compliance with Fed-
15 eral and State laws.

16 “(5) Retainment policies that promote comple-
17 tion of health profession degrees for underserved
18 populations.

19 “(6) Lists of scholarship, loan repayment, and
20 loan cancellation grants as well as fellowship infor-
21 mation for underserved populations for health pro-
22 fessions schools.

23 “(7) Foundation and other large organizational
24 initiatives relating to health workforce diversity.

1 “(c) CONSULTATION.—In carrying out this section,
2 the Secretary shall consult with non-Federal entities which
3 may include minority health professional associations and
4 minority sections of major health professional associations
5 to ensure the adequacy and accuracy of information.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 such sums as may be necessary for each of fiscal years
9 2023 through 2027.

10 **“SEC. 3413. SUPPORT FOR INSTITUTIONS COMMITTED TO**
11 **WORKFORCE DIVERSITY, EQUITY, AND IN-**
12 **CLUSION.**

13 “(a) IN GENERAL.—The Secretary, acting through
14 the Administrator of the Health Resources and Services
15 Administration and the Centers for Disease Control and
16 Prevention, shall award grants to eligible entities that
17 demonstrate a commitment to health workforce diversity.

18 “(b) ELIGIBILITY.—To be eligible to receive a grant
19 under subsection (a), an entity shall—

20 “(1) be an educational institution or entity that
21 historically produces or trains meaningful numbers
22 of underrepresented minority health professionals,
23 including—

24 “(A) part B institutions, as defined in sec-
25 tion 322 of the Higher Education Act of 1965;

1 “(B) Hispanic-serving health professions
2 schools;

3 “(C) Hispanic-serving institutions, as de-
4 fined in section 502 of such Act;

5 “(D) Tribal colleges or universities, as de-
6 fined in section 316 of such Act;

7 “(E) Asian American and Native American
8 Pacific Islander-serving institutions, as defined
9 in section 371(c) of such Act;

10 “(F) institutions that have programs to re-
11 cruit and retain underrepresented minority
12 health professionals, in which a significant
13 number of the enrolled participants are under-
14 represented minorities;

15 “(G) health professional associations,
16 which may include underrepresented minority
17 health professional associations; and

18 “(H) institutions, including national and
19 regional community-based organizations with
20 demonstrated commitment to a diversified
21 workforce—

22 “(i) located in communities with pre-
23 dominantly underrepresented minority pop-
24 ulations;

1 “(ii) with whom partnerships have
2 been formed for the purpose of increasing
3 workforce diversity; and

4 “(iii) in which at least 20 percent of
5 the enrolled participants are underrep-
6 resented minorities; and

7 “(2) submit to the Secretary an application at
8 such time, in such manner, and containing such in-
9 formation as the Secretary may require.

10 “(c) USE OF FUNDS.—Amounts received under a
11 grant under subsection (a) shall be used to expand existing
12 workforce diversity programs, implement new workforce
13 diversity programs, or evaluate existing or new workforce
14 diversity programs, including with respect to mental
15 health care professions. Such programs shall enhance di-
16 versity by considering minority status as part of an indi-
17 vidualized consideration of qualifications. Possible activi-
18 ties may include—

19 “(1) educational outreach programs relating to
20 opportunities in the health professions;

21 “(2) scholarship, fellowship, grant, loan repay-
22 ment, and loan cancellation programs;

23 “(3) postbaccalaureate programs;

1 “(4) academic enrichment programs, particu-
2 larly targeting those who would not be competitive
3 for health professions schools;

4 “(5) supporting workforce diversity in kinder-
5 garten through 12th grade and other health pipeline
6 programs;

7 “(6) mentoring programs;

8 “(7) internship or rotation programs involving
9 hospitals, health systems, health plans, and other
10 health entities;

11 “(8) community partnership development for
12 purposes relating to workforce diversity; or

13 “(9) leadership training.

14 “(d) REPORTS.—Not later than 1 year after receiving
15 a grant under this section, and annually for the term of
16 the grant, a grantee shall submit to the Secretary a report
17 that summarizes and evaluates all activities conducted
18 under the grant.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section,
21 such sums as may be necessary for each of fiscal years
22 2023 through 2027.

1 **“SEC. 3414. CAREER DEVELOPMENT FOR SCIENTISTS AND**
2 **RESEARCHERS.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Director of the National Institutes of Health, the Di-
5 rector of the Centers for Disease Control and Prevention,
6 the Commissioner of Food and Drugs, the Director of the
7 Agency for Healthcare Research and Quality, and the Ad-
8 ministrator of the Health Resources and Services Admin-
9 istration, shall award grants that expand existing opportu-
10 nities for scientists and researchers and promote the inclu-
11 sion of underrepresented minorities in the health profes-
12 sions.

13 “(b) RESEARCH FUNDING.—The head of each agency
14 listed in subsection (a) shall establish or expand existing
15 programs to provide research funding to scientists and re-
16 searchers in training. Under such programs, the head of
17 each such entity shall give priority in allocating research
18 funding to support health research in traditionally under-
19 served communities, including underrepresented minority
20 communities, and research classified as community or
21 participatory.

22 “(c) DATA COLLECTION.—The head of each agency
23 listed in subsection (a) shall collect data on the number
24 (expressed as an absolute number and a percentage) of
25 underrepresented minority and nonminority applicants
26 who receive and are denied agency funding at every stage

1 of review. Such data shall be reported annually to the Sec-
2 retary and the appropriate committees of Congress.

3 “(d) STUDENT LOAN REIMBURSEMENT.—The Sec-
4 retary shall establish a student loan reimbursement pro-
5 gram to provide student loan reimbursement assistance to
6 researchers who focus on racial and ethnic disparities in
7 health. The Secretary shall promulgate regulations to de-
8 fine the scope and procedures for the program under this
9 subsection.

10 “(e) STUDENT LOAN CANCELLATION.—The Sec-
11 retary shall establish a student loan cancellation program
12 to provide student loan cancellation assistance to research-
13 ers who focus on racial and ethnic disparities in health.
14 Students participating in the program shall make a min-
15 imum 5-year commitment to work at an accredited health
16 profession school. The Secretary shall promulgate addi-
17 tional regulations to define the scope and procedures for
18 the program under this subsection.

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section,
21 such sums as may be necessary for each of fiscal years
22 2023 through 2027.

1 **“SEC. 3415. CAREER SUPPORT FOR NONRESEARCH HEALTH**
2 **PROFESSIONALS.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Director of the Centers for Disease Control and Pre-
5 vention, the Assistant Secretary for Mental Health and
6 Substance Use, the Administrator of the Health Resources
7 and Services Administration, and the Administrator of the
8 Centers for Medicare & Medicaid Services, shall establish
9 a program to award grants to eligible individuals for ca-
10 reer support in nonresearch-related health and wellness
11 professions.

12 “(b) ELIGIBILITY.—To be eligible to receive a grant
13 under subsection (a), an individual shall—

14 “(1) be a student in a health professions school,
15 a graduate of such a school who is working in a
16 health profession, an individual working in a health
17 or wellness profession (including mental and behav-
18 ioral health), or a faculty member of such a school;
19 and

20 “(2) submit to the Secretary an application at
21 such time, in such manner, and containing such in-
22 formation as the Secretary may require.

23 “(c) USE OF FUNDS.—An individual shall use
24 amounts received under a grant under this section to—

1 “(1) support the individual’s health activities or
2 projects that involve underserved communities, in-
3 cluding racial and ethnic minority communities;

4 “(2) support health-related career advancement
5 activities;

6 “(3) to pay, or as reimbursement for payments
7 of, student loans or training or credentialing costs
8 for individuals who are health professionals and are
9 focused on health issues affecting underserved com-
10 munities, including racial and ethnic minority com-
11 munities; and

12 “(4) to establish and promote leadership train-
13 ing programs to decrease health disparities and to
14 increase cultural competence with the goal of in-
15 creasing diversity in leadership positions.

16 “(d) DEFINITION.—In this section, the term ‘career
17 in nonresearch-related health and wellness professions’
18 means employment or intended employment in the field
19 of public health, health policy, health management, health
20 administration, medicine, nursing, pharmacy, psychology,
21 social work, psychiatry, other mental and behavioral
22 health, allied health, community health, social work, or
23 other fields determined appropriate by the Secretary,
24 other than in a position that involves research.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 such sums as may be necessary for each of fiscal years
4 2023 through 2027.

5 **“SEC. 3416. RESEARCH ON THE EFFECT OF WORKFORCE DI-**
6 **VERSITY ON QUALITY.**

7 “(a) IN GENERAL.—The Director of the Agency for
8 Healthcare Research and Quality, in collaboration with
9 the Deputy Assistant Secretary for Minority Health and
10 the Director of the National Institute on Minority Health
11 and Health Disparities, shall award grants to eligible enti-
12 ties to expand research on the link between health work-
13 force diversity and quality health care.

14 “(b) ELIGIBILITY.—To be eligible to receive a grant
15 under subsection (a), an entity shall—

16 “(1) be a clinical, public health, or health serv-
17 ices research entity or other entity determined ap-
18 propriate by the Director; and

19 “(2) submit to the Secretary an application at
20 such time, in such manner, and containing such in-
21 formation as the Secretary may require.

22 “(c) USE OF FUNDS.—Amounts received under a
23 grant awarded under subsection (a) shall be used to sup-
24 port research that investigates the effect of health work-
25 force diversity on—

1 “(1) language access;
2 “(2) cultural competence;
3 “(3) patient satisfaction;
4 “(4) timeliness of care;
5 “(5) safety of care;
6 “(6) effectiveness of care;
7 “(7) efficiency of care;
8 “(8) patient outcomes;
9 “(9) community engagement;
10 “(10) resource allocation;
11 “(11) organizational structure;
12 “(12) compliance of care; or
13 “(13) other topics determined appropriate by
14 the Director.

15 “(d) PRIORITY.—In awarding grants under sub-
16 section (a), the Director shall give individualized consider-
17 ation to all relevant aspects of the applicant’s background.

18 Consideration of prior research experience involving the
19 health of underserved communities shall be such a factor.

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 such sums as may be necessary for each of fiscal years
23 2023 through 2027.

1 **“SEC. 3417. HEALTH DISPARITIES EDUCATION PROGRAM.**

2 “(a) ESTABLISHMENT.—The Secretary, acting
3 through the Office of Minority Health, in collaboration
4 with the National Institute on Minority Health and Health
5 Disparities, the Office for Civil Rights, the Centers for
6 Disease Control and Prevention, the Centers for Medicare
7 & Medicaid Services, the Health Resources and Services
8 Administration, and other appropriate public and private
9 entities, shall establish and coordinate a health and health
10 care disparities education program to support, develop,
11 and implement educational initiatives and outreach strate-
12 gies that inform health care professionals and the public
13 about the existence of and methods to reduce racial and
14 ethnic disparities in health and health care.

15 “(b) ACTIVITIES.—The Secretary, through the edu-
16 cation program established under subsection (a), shall,
17 through the use of public awareness and outreach cam-
18 paigns targeting the general public and the medical com-
19 munity at large—

20 “(1) disseminate scientific evidence for the ex-
21 istence and extent of racial and ethnic disparities in
22 health care, including disparities that are not other-
23 wise attributable to known factors such as access to
24 care, patient preferences, or appropriateness of
25 intervention, as described in the 2002 Institute of
26 Medicine Report entitled ‘Unequal Treatment: Con-

1 fronting Racial and Ethnic Disparities in Health
2 Care’, as well as the impact of disparities related to
3 age, disability status, socioeconomic status, sex, gen-
4 der identity, and sexual orientation on racial and
5 ethnic minorities;

6 “(2) disseminate new research findings to
7 health care providers and patients to assist them in
8 understanding, reducing, and eliminating health and
9 health care disparities;

10 “(3) disseminate information about the impact
11 of linguistic and cultural barriers on health care
12 quality and the obligation of health providers who
13 receive Federal financial assistance to ensure that
14 individuals with limited-English proficiency have ac-
15 cess to language access services;

16 “(4) disseminate information about the impor-
17 tance and legality of racial, ethnic, disability status,
18 socioeconomic status, sex, gender identity, and sex-
19 ual orientation, and primary language data collec-
20 tion, analysis, and reporting;

21 “(5) design and implement specific educational
22 initiatives to health care providers relating to health
23 and health care disparities;

24 “(6) assess the impact of the programs estab-
25 lished under this section in raising awareness of

1 health and health care disparities and providing in-
2 formation on available resources; and

3 “(7) design and implement specific educational
4 initiatives to educate the health care workforce relat-
5 ing to unconscious bias.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 such sums as may be necessary for each of fiscal years
9 2023 through 2027.”.

10 **SEC. 3171203. HISPANIC-SERVING INSTITUTIONS, HISTORI-**
11 **CALLY BLACK COLLEGES AND UNIVERSITIES,**
12 **ASIAN AMERICAN AND NATIVE AMERICAN PA-**
13 **CIFIC ISLANDER-SERVING INSTITUTIONS,**
14 **TRIBAL COLLEGES, REGIONAL COMMUNITY-**
15 **BASED ORGANIZATIONS, AND NATIONAL MI-**
16 **NORITY MEDICAL ASSOCIATIONS.**

17 Part B of title VII of the Public Health Service Act
18 (42 U.S.C. 293 et seq.) is amended by adding at the end
19 the following:

1 **“SEC. 742. HISPANIC-SERVING INSTITUTIONS, HISTORI-**
2 **CALLY BLACK COLLEGES AND UNIVERSITIES,**
3 **ASIAN AMERICAN AND NATIVE AMERICAN PA-**
4 **CIFIC ISLANDER-SERVING INSTITUTIONS,**
5 **AND TRIBAL COLLEGES.**

6 “(a) IN GENERAL.—The Secretary, acting through
7 the Administrator of the Health Resources and Services
8 Administration and in consultation with the Secretary of
9 Education, shall award grants to Hispanic-serving institu-
10 tions, historically black colleges and universities, Asian
11 American and Native American Pacific Islander-serving
12 institutions, Tribal Colleges or Universities, regional com-
13 munity-based organizations, and national minority med-
14 ical associations, for counseling, mentoring and providing
15 information on financial assistance to prepare underrep-
16 resented minority individuals to enroll in and graduate
17 from health professional schools and to increase services
18 for underrepresented minority students including—

19 “(1) mentoring with underrepresented health
20 professionals; and

21 “(2) providing financial assistance information
22 for continued education and applications to health
23 professional schools.

24 “(b) DEFINITIONS.—In this section:

25 “(1) ASIAN AMERICAN AND NATIVE AMERICAN
26 PACIFIC ISLANDER-SERVING INSTITUTION.—The

1 term ‘Asian American and Native American Pacific
2 Islander-serving institution’ has the meaning given
3 such term in section 320(b) of the Higher Education
4 Act of 1965.

5 “(2) HISPANIC SERVING INSTITUTION.—The
6 term ‘hispanic-serving institution’ means an entity
7 that—

8 “(A) is a school or program for which
9 there is a definition under 799B;

10 “(B) has an enrollment of full-time equiva-
11 lent students that is made up of at least 9 per-
12 cent Hispanic students;

13 “(C) has been effective in carrying out pro-
14 grams to recruit Hispanic individuals to enroll
15 in and graduate from the school;

16 “(D) has been effective in recruiting and
17 retaining Hispanic faculty members;

18 “(E) has a significant number of graduates
19 who are providing health services to medically
20 underserved populations or to individuals in
21 health professional shortage areas; and

22 “(F) is a Hispanic Center of Excellence in
23 Health Professions Education designated under
24 section 736(d)(2) of the Public Health Service
25 Act (42 U.S.C. 293(d)(2)).

1 “(3) HISTORICALLY BLACK COLLEGES AND
2 UNIVERSITY.—The term ‘historically black college
3 and university’ has the meaning given the term ‘part
4 B institution’ as defined in section 322 of the High-
5 er Education Act of 1965.

6 “(4) TRIBAL COLLEGE OR UNIVERSITY.—The
7 term ‘Tribal College or University’ has the meaning
8 given such term in section 316(b) of the Higher
9 Education Act of 1965.

10 “(c) CERTAIN LOAN REPAYMENT PROGRAMS.—In
11 carrying out the National Health Service Corps Loan Re-
12 payment Program established under subpart III of part
13 D of title III and the loan repayment program under sec-
14 tion 317F, the Secretary shall ensure, notwithstanding
15 such subpart or section, that loan repayments of not less
16 than \$50,000 per year per person are awarded for repay-
17 ment of loans incurred for enrollment or participation of
18 underrepresented minority individuals in health profes-
19 sional schools and other health programs described in this
20 section.

21 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 such sums as may be necessary for each of fiscal years
24 2023 through 2028.”.

1 **SEC. 3171204. LOAN REPAYMENT PROGRAM OF CENTERS**
2 **FOR DISEASE CONTROL AND PREVENTION.**

3 Section 317F(c)(1) of the Public Health Service Act
4 (42 U.S.C. 247b–7(c)(1)) is amended—

5 (1) by striking “and” after “1994,”; and

6 (2) by inserting before the period at the end the
7 following: “, \$750,000 for fiscal year 2020, and such
8 sums as may be necessary for each of the fiscal
9 years 2023 through 2027”.

10 **SEC. 3171205. STUDY AND REPORT ON STRATEGIES FOR IN-**
11 **CREASING DIVERSITY.**

12 (a) STUDY.—The Comptroller General of the United
13 States shall conduct a study on strategies for increasing
14 the diversity of the health professional workforce. Such
15 study shall include an analysis of strategies for increasing
16 the number of health professionals from rural, lower in-
17 come, and underrepresented minority communities, includ-
18 ing which strategies are most effective for achieving such
19 goal.

20 (b) REPORT.—Not later than 2 years after the date
21 of enactment of this Act, the Comptroller General shall
22 submit to Congress a report on the study conducted under
23 subsection (a), together with recommendations for such
24 legislation and administrative action as the Comptroller
25 General determines appropriate.

1 **SEC. 3171206. AMENDMENTS TO THE PANDEMIC EBT ACT.**

2 Section 1101 of the Families First Coronavirus Re-
3 sponse Act (Public Law 116–127) is amended—

4 (1) in subsection (a)—

5 (A) by striking “fiscal year 2020” and in-
6 serting “fiscal years 2022 and 2023”;

7 (B) by striking “during which the school
8 would otherwise be in session”; and

9 (C) by inserting “until the school reopens”
10 after “assistance”;

11 (2) in subsection (b)—

12 (A) by inserting “and State agency plans
13 for child care covered children in accordance
14 with subsection (i)” after “with eligible chil-
15 dren”;

16 (B) by inserting “, a plan to enroll chil-
17 dren who become eligible children during a pub-
18 lic health emergency designation” before “, and
19 issuances”;

20 (C) by striking “in an amount not less
21 than the value of meals at the free rate over the
22 course of 5 school days” and inserting “in ac-
23 cordance with subsection (h)(1)”;

24 (D) by inserting “and for each child care
25 covered child in the household” before the pe-
26 riod at the end;

1 (3) in subsection (c), by inserting “or child care
2 center” after “school”;

3 (4) by amending subsection (e) to read as fol-
4 lows:

5 “(e) RELEASE OF INFORMATION.—Notwithstanding
6 any other provision of law, the Secretary of Agriculture
7 may authorize—

8 “(1) State educational agencies and school food
9 authorities administering a school lunch program
10 under the Richard B. Russell National School Lunch
11 Act (42 U.S.C. 1751 et seq.) to release to appro-
12 priate officials administering the supplemental nutri-
13 tion assistance program such information as may be
14 necessary to carry out this section with respect to el-
15 igible children; and

16 “(2) State agencies administering a child and
17 adult care food program under section 17 of the
18 Richard B. Russell National School Lunch Act (42
19 U.S.C. 1766) to release to appropriate officials ad-
20 ministering the supplemental nutrition assistance
21 program such information as may be necessary to
22 carry out this section with respect to child care cov-
23 ered children.”;

24 (5) by amending subsection (g) to read as fol-
25 lows:

1 “(g) AVAILABILITY OF COMMODITIES.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 during fiscal year 2020, the Secretary of Agriculture
4 may purchase commodities for emergency distribu-
5 tion in any area of the United States during a public
6 health emergency designation.

7 “(2) PURCHASES.—Funds made available to
8 carry out this subsection on or after the date of the
9 enactment of the Child Nutrition and Related Pro-
10 grams Recovery Act may only be used to purchase
11 commodities for emergency distribution—

12 “(A) under commodity distribution pro-
13 grams and child nutrition programs that were
14 established and administered by the Food and
15 Nutrition Service on or before the day before
16 the date of the enactment of the Families First
17 Coronavirus Response Act (Public Law 116–
18 127);

19 “(B) to Tribal organizations (as defined in
20 section 3 of the Food and Nutrition Act of
21 2008 (7 U.S.C. 2012)), that are not admin-
22 istering the food distribution program estab-
23 lished under section 4(b) of the Food and Nu-
24 trition Act of 2008 (7 U.S.C. 2013(b)); or

1 “(C) to emergency feeding organizations
2 that are eligible recipient agencies (as such
3 terms are defined in section 201A of the Emer-
4 gency Food Assistance Act of 1983 (7 U.S.C.
5 7501)).”.

6 (6) by redesignating subsections (h) and (i) as
7 subsections (l) and (m);

8 (7) by inserting after subsection (g) the fol-
9 lowing:

10 “(h) AMOUNT OF BENEFITS.—

11 “(1) IN GENERAL.—A household shall receive
12 benefits under this section in an amount equal to 1
13 breakfast and 1 lunch at the free rate for each eligi-
14 ble child or child care covered child in such house-
15 hold for each day.

16 “(2) TREATMENT OF NEWLY ELIGIBLE CHIL-
17 DREN.—In the case of a child who becomes an eligi-
18 ble child during a public health emergency designa-
19 tion, the Secretary and State agency shall—

20 “(A) if such child becomes an eligible child
21 during school year 2019–2020, treat such child
22 as if such child was an eligible child as of the
23 date the school in which the child is enrolled
24 closed; and

1 “(B) if such child becomes an eligible child
2 after school year 2019–2020, treat such child
3 as an eligible child as of the first day of the
4 month in which such child becomes so eligible.

5 “(i) CHILD CARE COVERED CHILD ASSISTANCE.—

6 “(1) IN GENERAL.—During fiscal years 2022
7 and 2023, in any case in which a child care center
8 is closed for at least 5 consecutive days during a
9 public health emergency designation, each household
10 containing at least 1 member who is a child care
11 covered child attending the child care center shall be
12 eligible until the schools in the State in which such
13 child care center is located reopen, as determined by
14 the Secretary, to receive assistance pursuant to—

15 “(A) a State agency plan approved under
16 subsection (b) that includes—

17 “(i) an application by the State agen-
18 cy seeking to participate in the program
19 under this subsection; and

20 “(ii) a State agency plan for tem-
21 porary emergency standards of eligibility
22 and levels of benefits under the Food and
23 Nutrition Act of 2008 (7 U.S.C. 2011 et
24 seq.) for households with child care covered
25 children; or

1 “(B) an addendum application described in
2 paragraph (2).

3 “(2) ADDENDUM APPLICATION.—In the case of
4 a State agency that submits a plan to the Secretary
5 of Agriculture under subsection (b) that does not in-
6 clude an application or plan described in clauses (i)
7 and (ii) of paragraph (1)(A), such State agency may
8 apply to participate in the program under this sub-
9 section by submitting to the Secretary of Agriculture
10 an addendum application for approval that includes
11 a State agency plan described in such clause (ii).

12 “(3) REQUIREMENTS FOR PARTICIPATION.—A
13 State agency may not participate in the program
14 under this subsection if—

15 “(A) the State agency plan submitted by
16 such State agency under subsection (b) with re-
17 spect to eligible children is not approved by the
18 Secretary under such subsection; or

19 “(B) the State agency plan submitted by
20 such State agency under subsection (b) or this
21 subsection with respect to child care covered
22 children is not approved by the Secretary under
23 either such subsection.

24 “(4) AUTOMATIC ENROLLMENT.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the Secretary shall deem a child who
3 is less than 6 years of age to be a child care
4 covered child eligible to receive assistance under
5 this subsection if—

6 “(i) the household with such child at-
7 tests that such child is a child care covered
8 child;

9 “(ii) such child resides in a household
10 that includes an eligible child;

11 “(iii) such child receives cash assist-
12 ance benefits under the temporary assist-
13 ance for needy families program under
14 part A of title IV of the Social Security
15 Act (42 U.S.C. 601 et seq.);

16 “(iv) such child receives assistance
17 under the Child Care and Development
18 Block Grant Act of 1990 (42 U.S.C. 9857
19 et seq.);

20 “(v) such child is—

21 “(I) enrolled as a participant in a
22 Head Start program authorized under
23 the Head Start Act (42 U.S.C. 9831
24 et seq.);

1 “(II) a foster child whose care
2 and placement is the responsibility of
3 an agency that administers a State
4 plan under part B or E of title IV of
5 the Social Security Act (42 U.S.C.
6 621 et seq.);

7 “(III) a foster child who a court
8 has placed with a caretaker house-
9 hold; or

10 “(IV) a homeless child or youth
11 (as defined in section 725(2) of the
12 McKinney-Vento Homeless Assistance
13 Act (42 U.S.C. 11434a(2)));

14 “(vi) such child participates in the
15 special supplemental nutrition program for
16 women, infants, and children under section
17 17 of the Child Nutrition Act of 1966 (42
18 U.S.C. 1786);

19 “(vii) through the use of information
20 obtained by the State agency for the pur-
21 pose of participating in the supplemental
22 nutrition assistance program under the
23 Food and Nutrition Act of 2008 (7 U.S.C.
24 2011 et seq.), the State agency elects to
25 treat as a child care covered child each

1 child less than 6 years of age who is a
2 member of a household that receives sup-
3 plemental nutrition assistance program
4 benefits under such Act; or

5 “(viii) the State in which such child
6 resides determines that such child is a
7 child care covered child, using State data
8 approved by the Secretary.

9 “(B) ACCEPTANCE OF ANY FORM OF
10 AUTOMATIC ENROLLMENT.—

11 “(i) ONE CATEGORY.—For purposes
12 of deeming a child to be a child care cov-
13 ered child under subparagraph (A), a State
14 agency may not be required to show that
15 a child meets more than one requirement
16 specified in clauses (i) through (viii) of
17 such subparagraph.

18 “(ii) DEEMING REQUIREMENT.—If a
19 State agency submits to the Secretary in-
20 formation that a child meets any one of
21 the requirements specified in clauses (i)
22 through (viii) of subparagraph (A), the
23 Secretary shall deem such child a child
24 care covered child under such subpara-
25 graph.

1 “(j) EXCLUSIONS.—The provisions of section 16 of
2 the Food and Nutrition Act of 2008 (7 U.S.C. 2025) re-
3 lating to quality control shall not apply with respect to
4 assistance provided under this section.

5 “(k) FEASIBILITY ANALYSIS.—

6 “(1) IN GENERAL.—Not later than 30 days
7 after the date of the enactment of the Child Nutri-
8 tion and Related Programs Recovery Act, the Sec-
9 retary shall submit to the Education and Labor
10 Committee and the Agriculture Committee of the
11 House of Representatives and the Committee on Ag-
12 riculture, Nutrition, and Forestry of the Senate a
13 report on—

14 “(A) the feasibility of implementing the
15 program for eligible children under this section
16 using an EBT system in Puerto Rico, the Com-
17 monwealth of the Northern Mariana Islands,
18 and American Samoa similar to the manner in
19 which the supplemental nutrition assistance
20 program under the Food and Nutrition Act of
21 2008 is operated in the States, including an
22 analysis of—

23 “(i) the current nutrition assistance
24 program issuance infrastructure;

25 “(ii) the availability of—

1 “(I) an EBT system, including
2 the ability for authorized retailers to
3 accept EBT cards; and

4 “(II) EBT cards;

5 “(iii) the ability to limit purchases
6 using nutrition assistance program benefits
7 to food for home consumption; and

8 “(iv) the availability of reliable data
9 necessary for the implementation of such
10 program under this section for eligible chil-
11 dren and child care covered children, in-
12 cluding the names of such children and the
13 mailing addresses of their households; and

14 “(B) the feasibility of implementing the
15 program for child care covered children under
16 subsection (i) in Puerto Rico, the Common-
17 wealth of the Northern Mariana Islands, and
18 American Samoa, including with respect to such
19 program each analysis specified in clauses (i)
20 through (iv) of subparagraph (A).

21 “(2) CONTINGENT AVAILABILITY OF PARTICIPA-
22 TION.—Beginning 30 days after the date of the en-
23 actment of the Child Nutrition and Related Pro-
24 grams Recovery Act, Puerto Rico, the Common-

1 wealth of the Northern Mariana Islands, and Amer-
2 ican Samoa may each—

3 “(A) submit a plan under subsection (b),
4 unless the Secretary makes a finding, based on
5 the analysis provided under paragraph (1)(A),
6 that the implementation of the program for eli-
7 gible children under this section is not feasible
8 in such territories; and

9 “(B) submit a plan under subsection (i),
10 unless the Secretary makes a finding, based on
11 the analysis provided under paragraph (1)(B),
12 that the implementation of the program for
13 child care covered children under subsection (i)
14 is not feasible in such territories.

15 “(3) TREATMENT OF PLANS SUBMITTED BY
16 TERRITORIES.—Notwithstanding any other provision
17 of law, with respect to a plan submitted pursuant to
18 this subsection by Puerto Rico, the Commonwealth
19 of the Northern Mariana Islands, or American
20 Samoa under subsection (b) or subsection (i), the
21 Secretary shall treat such plan in the same manner
22 as a plan submitted by a State agency under such
23 subsection, including with respect to the terms of
24 funding provided under subsection (m).”;

1 (8) in subsection (1), as redesigned by para-
2 graph (7)—

3 (A) by redesignating paragraph (1) as
4 paragraph (3);

5 (B) by redesignating paragraphs (2) and
6 (3) as paragraphs (5) and (6), respectively;

7 (C) by inserting before paragraph (3) (as
8 so redesignated) the following:

9 “(1) The term ‘child care center’ means an or-
10 ganization described in subparagraph (A) or (B) of
11 section 17(a)(2) of the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1766(a)(2)) and a
13 family or group day care home.

14 “(2) The term ‘child care covered child’ means
15 a child served under section 17 of the Richard B.
16 Russell National School Lunch Act (42 U.S.C.
17 1766) who, if not for the closure of the child care
18 center attended by the child during a public health
19 emergency designation and due to concerns about a
20 COVID–19 outbreak, would receive meals under
21 such section at the child care center.”; and

22 (D) by inserting after paragraph (3) (as so
23 redesignated) the following:

24 “(4) The term ‘free rate’ means—

5 “(B) with respect to a lunch, the rate of
6 a free lunch under the school lunch program
7 under the Richard B. Russell National School
8 Lunch Act (42 U.S.C. 1771 et seq.).”; and

9 (9) in subsection (m), as redesignated by para-
10 graph (7), by inserting “(including all administrative
11 expenses)” after “this section”.

14 SEC. 3171301. APPROPRIATIONS FOR THE INDIAN HEALTH
15 SERVICE.

16 HEROES Act Division A, Title V- Department of
17 Health & Human Services- Indian Health Service- the
18 \$2.1 billion in COVID–19 response funding for the Indian
19 Health Service.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

24 (1) in the section heading, by striking “**AND**
25 **LOCAL**” and inserting “**, LOCAL, AND TRIBAL**”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (B), by striking
4 “or” at the end;

5 (ii) in subparagraph (C), by striking
6 “and” at the end and inserting “or”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(D) be an Indian Tribe, Tribal organiza-
10 tion, or a consortium of Indian Tribes or Tribal
11 organizations; and”; and

12 (B) in paragraph (2)—

13 (i) in the matter preceding subpara-
14 graph (A), by inserting “, as applicable”
15 after “including”;

16 (ii) in subparagraph (A)(viii)—

17 (I) by inserting “and Tribal”
18 after “with State”;

19 (II) by striking “(as defined in
20 section 8101 of the Elementary and
21 Secondary Education Act of 1965)”
22 and inserting “and Tribal educational
23 agencies (as defined in sections 8101
24 and 6132, respectively, of the Elemen-

1 tary and Secondary Education Act of
2 1965)”; and

3 (III) by inserting “and Tribal”
4 after “and State”;

5 (iii) in subparagraph (G), by striking
6 “and tribal” and inserting “Tribal, and
7 urban Indian organization”; and

8 (iv) in subparagraph (H), by inserting
9 “, Indian Tribes, and urban Indian organi-
10 zations” after “public health”;

11 (3) in subsection (e), by inserting “Indian
12 Tribes, Tribal organizations, urban Indian organiza-
13 tions,” after “local emergency plans,”;

14 (4) in subsection (g)(1), by striking “tribal offi-
15 cials” and inserting “Tribal officials”;

16 (5) in subsection (h)—

17 (A) in paragraph (1)(A)—

18 (i) by striking “through 2023” and
19 inserting “and 2020”; and

20 (ii) by inserting before the period “;
21 and \$690,000,000 for each of fiscal years
22 2023 through 2025 for awards pursuant to
23 paragraph (3) (subject to the authority of
24 the Secretary to make awards pursuant to
25 paragraphs (4) and (5)) and paragraph

1 (8), of which not less than \$5,000,000
2 shall be reserved each fiscal year for
3 awards under paragraph (8)’’;

4 (B) in subsection (h)(2)(B), by striking
5 ‘‘tribal public’’ and inserting ‘‘Tribal public’’;

6 (C) in the heading of paragraph (3), by in-
7 serting ‘‘FOR STATES’’ after ‘‘AMOUNT’’; and

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

9 ‘‘(8) TRIBAL ELIGIBLE ENTITIES.—

10 ‘‘(A) DETERMINATION OF FUNDING
11 AMOUNT.—

12 ‘‘(i) IN GENERAL.—The Secretary
13 shall award at least 10 cooperative agree-
14 ments under this section, in amounts not
15 less than the minimum amount determined
16 under clause (ii), to eligible entities de-
17 scribed in subsection (b)(1)(D) that sub-
18 mits to the Secretary an application that
19 meets the criteria of the Secretary for the
20 receipt of such an award and that meets
21 other reasonable implementation conditions
22 established by the Secretary, in consulta-
23 tion with Indian Tribes, for such awards.
24 If the Secretary receives more than 10 ap-
25 plications under this section from eligible

1 entities described in subsection (b)(1)(D)
2 that meet the criteria and conditions de-
3 scribed in the previous sentence, the Sec-
4 retary, in consultation with Indian Tribes,
5 may make additional awards under this
6 section to such entities.

7 “(ii) MINIMUM AMOUNT.—In deter-
8 mining the minimum amount of an award
9 pursuant to clause (i), the Secretary, in
10 consultation with Indian Tribes, shall first
11 determine an amount the Secretary con-
12 siders appropriate for the eligible entity.

13 “(B) AVAILABLE UNTIL EXPENDED.—
14 Amounts provided to a Tribal eligible entity
15 under a cooperative agreement under this sec-
16 tion for a fiscal year and remaining unobligated
17 at the end of such year shall remain available
18 to such entity during the entirety of the per-
19 formance period, for the purposes for which
20 said funds were provided.

21 “(C) NO MATCHING REQUIREMENT.—Sub-
22 paragraphs (B), (C), and (D) of paragraph (1)
23 shall not apply with respect to cooperative
24 agreements awarded under this section to eligi-

1 ble entities described in subsection (b)(1)(D).”;
2 and

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

4 “(1) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE
5 ENTITIES.—

6 “(1) MODIFICATIONS.—After consultation with
7 Indian Tribes, the Secretary may make necessary
8 and appropriate modifications to the program under
9 this section to facilitate the use of the cooperative
10 agreement program by eligible entities described in
11 subsection (b)(1)(D).

12 “(2) WAIVERS.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Secretary may waive or
15 specify alternative requirements for any provi-
16 sion of this section (including regulations) that
17 the Secretary administers in connection with
18 this section if the Secretary finds that the waiv-
19 er or alternative requirement is necessary for
20 the effective delivery and administration of this
21 program with respect to eligible entities de-
22 scribed in subsection (b)(1)(D).

23 “(B) EXCEPTION.—The Secretary may not
24 waive or specify alternative requirements under

1 subparagraph (A) relating to labor standards or
2 the environment.

3 “(3) CONSULTATION.—The Secretary shall con-
4 sult with Indian Tribes and Tribal organizations on
5 the design of this program with respect to such
6 Tribes and organizations to ensure the effectiveness
7 of the program in enhancing the security of Indian
8 Tribes with respect to public health emergencies.

9 “(4) REPORTING.—

10 “(A) IN GENERAL.—Not later than 2 years
11 after the date of enactment of this subsection,
12 and as an addendum to the biennial evaluations
13 required under subsection (k), the Secretary, in
14 coordination with the Director of the Indian
15 Health Service, shall—

16 “(i) conduct a review of the implemen-
17 tation of this section with respect to eligi-
18 ble entities described in subsection
19 (b)(1)(D), including any factors that may
20 have limited its success; and

21 “(ii) submit a report describing the
22 results of the review described in clause (i)
23 to—

24 “(I) the Committee on Indian Af-
25 fairs, the Committee on Health, Edu-

1 cation, Labor and Pensions, and the
 2 Committee on Appropriations of the
 3 Senate; and

4 “(II) the Subcommittee for In-
 5 digenous Peoples of the United States
 6 of the Committee on Natural Re-
 7 sources, the Committee on Energy
 8 and Commerce, and the Committee on
 9 Appropriations of the House of Rep-
 10 resentatives.

11 “(B) ANALYSIS OF TRIBAL PUBLIC
 12 HEALTH EMERGENCY INFRASTRUCTURE LIM-
 13 TATION.—The Secretary shall include in the
 14 initial report submitted under subparagraph (A)
 15 a description of any public health emergency in-
 16 frastructure limitation encountered by eligible
 17 entities described in subsection (b)(1)(D).”.

18 **SEC. 3171303. PROVISION OF ITEMS TO INDIAN PROGRAMS**
 19 **AND FACILITIES.**

20 (a) STRATEGIC NATIONAL STOCKPILE.—Section
 21 319F–2(a)(3)(G) of the Public Health Service Act (42
 22 U.S.C. 247d–6b(a)(3)(G)) is amended by inserting “, and,
 23 in the case that the Secretary deploys the stockpile under
 24 this subparagraph, ensure, in coordination with the appli-
 25 cable States and programs and facilities, that appropriate

1 drugs, vaccines and other biological products, medical de-
2 vices, and other supplies are deployed by the Secretary di-
3 rectly to health programs or facilities operated by the In-
4 dian Health Service, an Indian Tribe, a Tribal organiza-
5 tion (as those terms are defined in section 4 of the Indian
6 Self-Determination and Education Assistance Act (25
7 U.S.C. 5304)), or an inter-Tribal consortium (as defined
8 in section 501 of the Indian Self-Determination and Edu-
9 cation Assistance Act (25 U.S.C. 5381)) or through an
10 urban Indian organization (as defined in section 4 of the
11 Indian Health Care Improvement Act), while avoiding du-
12 plicative distributions to such programs or facilities” be-
13 fore the semicolon.

14 (b) DISTRIBUTION OF QUALIFIED PANDEMIC OR EPI-
15 DEMIC PRODUCTS TO IHS FACILITIES.—Title III of the
16 Public Health Service Act (42 U.S.C. 241 et seq.) is
17 amended by inserting after section 319F–4 the following:

18 **“SEC. 319F–5. DISTRIBUTION OF QUALIFIED PANDEMIC OR**
19 **EPIDEMIC PRODUCTS TO INDIAN PROGRAMS**
20 **AND FACILITIES.**

21 “In the case that the Secretary distributes qualified
22 pandemic or epidemic products (as defined in section
23 319F–3(i)(7)) to States or other entities, the Secretary
24 shall ensure, in coordination with the applicable States
25 and programs and facilities, that, as appropriate, such

1 products are distributed directly to health programs or fa-
2 cilities operated by the Indian Health Service, an Indian
3 Tribe, a Tribal organization (as those terms are defined
4 in section 4 of the Indian Self-Determination and Edu-
5 cation Assistance Act (25 U.S.C. 5304)), or an inter-Trib-
6 al consortium (as defined in section 501 of the Indian
7 Self-Determination and Education Assistance Act (25
8 U.S.C. 5381)) or through an urban Indian organization
9 (as defined in section 4 of the Indian Health Care Im-
10 provement Act), while avoiding duplicative distributions to
11 such programs or facilities.”.

12 **SEC. 3171304. HEALTH CARE ACCESS FOR URBAN NATIVE**
13 **VETERANS.**

14 Section 405 of the Indian Health Care Improvement
15 Act (25 U.S.C. 1645) is amended—

16 (1) in subsection (a)(1), by inserting “urban In-
17 dian organizations,” before “and tribal organiza-
18 tions”; and

19 (2) in subsection (c)—

20 (A) by inserting “urban Indian organiza-
21 tion,” before “or tribal organization”; and

22 (B) by inserting “an urban Indian organi-
23 zation,” before “or a tribal organization”.

1 **SEC. 3171305. PROPER AND REIMBURSED CARE FOR NA-**
2 **TIVE VETERANS.**

3 Section 405(c) of the Indian Health Care Improve-
4 ment Act (25 U.S.C. 1645(c)) is amended by inserting be-
5 fore the period at the end the following: “, regardless of
6 whether such services are provided directly by the Service,
7 an Indian tribe, or tribal organization, through contract
8 health services, or through a contract for travel described
9 in section 213(b)”.

10 **TITLE IV—ENVIRONMENTAL**
11 **JUSTICE**
12 **Subtitle A—100% Clean Economy**

13 **SEC. 40101. SHORT TITLE.**

14 This subtitle may be cited as the “100% Clean Econ-
15 omy Act of 2020”.

16 **SEC. 40102. NATIONAL GOAL.**

17 It is hereby declared that it is the national goal for
18 the United States to achieve a 100 percent clean economy
19 by not later than 2050.

20 **SEC. 40103. FINDINGS.**

21 Congress makes the following findings:

22 (1) In 2018, the United Nations Intergovern-
23 mental Panel on Climate Change released a report
24 which projected that the global mean surface tem-
25 perature of the Earth could rise 1.5 °C above
26 preindustrial levels as early as 2030. Increases be-

1 yond this threshold would likely have devastating ef-
2 fects on our society.

3 (2) The 2018 report indicates that to prevent
4 1.5 °C of warming above preindustrial levels, emis-
5 sions from human sources must be reduced by 40 to
6 60 percent from 2010 levels by 2030, and to net
7 zero emissions by 2050.

8 (3) The Federal Government can and must play
9 a leading role in global efforts to minimize climate
10 change and to mitigate its worst effects. By achiev-
11 ing a 100 percent clean economy by 2050, the
12 United States can take a critical step toward meet-
13 ing that obligation.

14 (4) Greenhouse gas pollution, like many other
15 forms of pollution, adversely affects human beings
16 on both local and global scales. These effects are
17 intersectional and accretive, and the cumulative im-
18 pact of past and present pollution has fallen dis-
19 proportionately upon already-vulnerable and
20 -marginalized communities, including communities of
21 color, Tribal and indigenous communities, low-in-
22 come communities, and rural communities. Current
23 and future effects of climate change, including ad-
24 verse health effects and other harms, are being and

1 will likely continue to be felt first and most severely
2 in many of these same vulnerable communities.

3 (5) Governmental action to correct environ-
4 mental injustice is morally imperative and necessary
5 for public health. Federal policy can and should ac-
6 knowledge, and make use of, the intersections be-
7 tween the interlinked challenges of correcting envi-
8 ronmental injustice and reducing greenhouse gas
9 pollution.

10 (6) At the same time, American workers and
11 communities are also suffering from economic in-
12 equality and wages are not keeping up with the cost
13 of living for healthcare and other necessities. The
14 trend downward in union representation and the
15 bargaining power that provides for workers has cor-
16 responded with an increase in income going to the
17 top 10 percent of earners. Federal climate policy can
18 and should be shaped to diminish economic inequal-
19 ity and expand the rights of workers.

20 (7) All people deserve clean air, clean water, a
21 life free from toxic pollution that endanger public
22 health or welfare, and to share in the benefits of a
23 100 percent clean economy.

24 (8) Sound climate policies to achieve a 100 per-
25 cent clean economy will spur the development and

1 manufacturing of new technologies, the construction
2 and repair of infrastructure, the restoration of nat-
3 ural systems for resilience and carbon sequestration,
4 and the creation of new high-quality jobs. These in-
5 vestments can help ensure the competitiveness of the
6 United States in the global economy.

7 (9) As the Federal Government seeks to combat
8 climate change, these new resources and opportuni-
9 ties should be concentrated, as quickly as possible
10 and to the greatest extent practicable, in commu-
11 nities that are currently experiencing or potentially
12 face disproportionate harm from pollution, and that
13 face greater challenges in the transition to a 100
14 percent clean economy.

15 **SEC. 40104. FEDERAL AGENCY PLANS.**

16 (a) PLAN DEVELOPMENT.—The head of each Federal
17 agency shall, in accordance with this section, develop a
18 plan for actions to be taken by the Federal agency, con-
19 sistent with the Federal agency’s mission and exclusively
20 through authorities vested in the Federal agency by provi-
21 sions of law other than this subtitle, to achieve, in com-
22 bination with the other Federal agencies, the national goal
23 declared by section 40102. Each Federal agency’s plan
24 shall include actions that will—

1 (1) make significant and rapid progress toward
2 meeting such national goal; and

3 (2) constitute a substantial change from busi-
4 ness-as-usual policies and practices of such Federal
5 agency.

6 (b) ACTIONS TO MEET GOALS.—

7 (1) IN GENERAL.—Actions selected by the head
8 of a Federal agency to include in a plan developed
9 under subsection (a) may include issuing regula-
10 tions, providing incentives, carrying out research and
11 development programs, reducing the greenhouse gas
12 emissions of such Federal agency itself, and any
13 other action the head of the Federal agency deter-
14 mines appropriate to achieve the national goal de-
15 clared by section 40102.

16 (2) SELECTION.—In selecting actions to include
17 in a plan developed under subsection (a), the head
18 of each Federal agency shall select actions designed
19 to—

20 (A) improve public health, resilience, and
21 environmental outcomes, especially for rural
22 and low-income households, communities of
23 color, Tribal and indigenous communities,
24 deindustrialized communities, and communities

1 that are disproportionately vulnerable to the im-
2 pacts of climate change and other pollution;

3 (B) provide benefits for consumers, small
4 businesses, farmers and ranchers, and rural
5 communities;

6 (C) prioritize infrastructure investment
7 that reduces emissions of greenhouse gases and
8 other pollutants, creates quality jobs, and
9 makes communities more resilient to the effects
10 of climate change;

11 (D) enhance quality job creation and raise
12 labor standards across the United States econ-
13 omy, including removing policy barriers to labor
14 union organizing, protecting labor agreements,
15 applying prevailing wage, safety and health pro-
16 tections, domestic content, and other provisions;

17 (E) lead in clean and emerging technology
18 production and manufacturing across the sup-
19 ply chain and align policies to ensure United
20 States companies retain their competitive edge
21 in a clean economy;

22 (F) ensure fairness and equity for workers
23 and communities affected by the transition to a
24 100 percent clean economy; and

1 (G) prepare communities for climate
2 change impacts and risks.

3 (c) PROPOSED PLAN.—

4 (1) PUBLIC COMMENT.—Not later than 6
5 months after the date of enactment of this Act, the
6 head of each Federal agency shall make the pro-
7 posed plan of the Federal agency developed under
8 subsection (a) available for public comment.

9 (2) INTERAGENCY REVIEW.—Not later than 9
10 months after the date of enactment of this Act, the
11 head of a Federal agency, after considering public
12 comments and revising a proposed plan developed
13 under subsection (a), as appropriate, shall submit
14 the proposed plan to the Administrator for review
15 and comment. The Administrator, in consultation
16 with the Secretary where appropriate, shall—

17 (A) evaluate the sufficiency of each such
18 proposed plan individually, and in combination
19 with the proposed plans of other Federal agen-
20 cies, to achieve the national goal declared by
21 section 40102; and

22 (B) provide, not later than 90 days after
23 receiving the proposed plan of a Federal agen-
24 cy, written recommendations to such Federal
25 agency to ensure that the plan is individually,

1 and in combination with the proposed plans of
2 other Federal agencies, sufficient to achieve the
3 national goal declared by section 40102 and ad-
4 vance the objectives listed in subsection (b)(2).

5 (d) SUBMISSION.—Not later than 15 months after
6 the date of enactment of this Act, the head of each Federal
7 agency shall make public and submit to Congress—

8 (1) a plan developed under subsection (a) that
9 incorporates revisions to the proposed plan, as ap-
10 propriate, to address the recommendations provided
11 by the Administrator under subsection (c);

12 (2) the recommendations provided by the Ad-
13 ministrator under subsection (c); and

14 (3) recommendations of the Federal agency on
15 additional authority for the Federal agency, if any,
16 that would be helpful for such Federal agency, in
17 combination with the other Federal agencies, to
18 achieve the national goal declared by section 40102.

19 (e) TECHNICAL ASSISTANCE.—The Administrator, in
20 consultation with the Secretary as appropriate, shall pro-
21 vide technical assistance upon request by any Federal
22 agency in developing or revising a plan under this section.

23 (f) IMPLEMENTATION.—Beginning not later than 15
24 months after the date of enactment of this Act, the head
25 of each Federal agency shall implement the plan of the

1 Federal agency developed under subsection (a) and sub-
2 mitted to Congress under subsection (d).

3 (g) REVISIONS.—Not less frequently than every 24
4 months after the head of a Federal agency submits to
5 Congress the Federal agency's plan under subsection (d),
6 the head of such Federal agency, in consultation with the
7 Administrator, shall review and revise the plan to ensure
8 it is sufficient to achieve, in combination with the plans
9 of the other Federal agencies, the national goal declared
10 by section 40102. The head of each Federal agency shall
11 include the conclusion of each such review and any revised
12 plan resulting from such review in the next annual report
13 required under subsection (h).

14 (h) ANNUAL REPORT.—Not later than March 31 of
15 the calendar year after the calendar year in which each
16 Federal agency is required to submit to Congress a plan
17 under subsection (d), and not later than March 31 of each
18 year thereafter, the head of each Federal agency shall
19 issue a public report on the plan of such Federal agency
20 (including any revisions to such plan), actions taken by
21 the Federal agency pursuant to such plan, and the effects
22 of such actions, during the preceding calendar year.

23 **SEC. 40105. ACCOUNTABILITY.**

24 (a) EPA REVIEW AND REPORTS.—The Adminis-
25 trator shall—

1 (1) monitor the overall progress of the United
2 States in reducing greenhouse gas emissions and to-
3 ward achieving the national goal declared by section
4 40102; and

5 (2) not later than September 30 of the calendar
6 year after the calendar year in which each Federal
7 agency is required to submit to Congress a plan
8 under section 40104(d), and not later than Sep-
9 tember 30 of each year thereafter, submit to Con-
10 gress and publish a report on such progress that in-
11 cludes—

12 (A) a review of how such greenhouse gas
13 emissions reductions relate to the international
14 commitments of the United States; and

15 (B) recommendations developed under sub-
16 section (b).

17 (b) RECOMMENDATIONS.—The Administrator shall
18 include—

19 (1) in each annual report submitted under sub-
20 section (a), as appropriate, after consulting with the
21 Secretary and considering any recommendations of
22 the Advisory Committee, recommendations regarding
23 the rate of progress of the United States toward
24 achieving the national goal declared by section
25 40102; and

1 (2) in an appendix to each such annual report,
2 the recommendations of the Advisory Committee.

3 **SEC. 40106. CLEAN ECONOMY FEDERAL ADVISORY COM-**
4 **MITTEE.**

5 (a) ESTABLISHMENT.—Not later than 3 months after
6 the date of enactment of this Act, the Administrator
7 shall—

8 (1) establish an advisory committee, to be
9 known as the Clean Economy Federal Advisory
10 Committee, to make recommendations described in
11 subsection (c); and

12 (2) appoint the following members to the Advi-
13 sory Committee that reflect diversity in gender, age,
14 race, and geography:

15 (A) Two members who are State officials
16 from different States, including at least 1 offi-
17 cial from a State that has adopted greenhouse
18 gas reduction targets.

19 (B) Two members who are local govern-
20 ment officials from different States than the
21 States represented by the members appointed
22 pursuant to subparagraph (A), including—

23 (i) 1 official from a city or county
24 that has adopted greenhouse gas reduction
25 targets; and

1 (ii) 1 official from a city or county
2 that is impacted by the transition away
3 from fossil energy.

4 (C) One member who represents an envi-
5 ronmental nonprofit organization with expertise
6 in mitigation of greenhouse gas emissions.

7 (D) Two members who are members of en-
8 vironmental justice organizations representing
9 environmental justice communities.

10 (E) Two members who are members of cli-
11 mate justice organizations representing commu-
12 nities on the front lines of climate change.

13 (F) Two members who are representatives
14 of Tribal communities, including—

15 (i) 1 member from a community im-
16 pacted by pollution from the fossil fuel in-
17 dustry; and

18 (ii) 1 member from a community im-
19 pacted by the transition away from fossil
20 energy.

21 (G) Two members who are members of the
22 National Academy of Sciences and have exper-
23 tise in climate science.

24 (H) Four members who are employed by
25 organized labor unions, including—

1 (i) 1 member from a utility sector
2 union;

3 (ii) 1 member from a transportation
4 sector union;

5 (iii) 1 member from a manufacturing
6 union; and

7 (iv) 1 member from a building trades
8 union.

9 (I) Two members who are employed by the
10 power sector, including at least 1 member from
11 a business in the clean energy industry.

12 (J) Two members of the agriculture indus-
13 try, including 1 member who is a farmer or
14 rancher and 1 member who represents an orga-
15 nization that represents family farms.

16 (K) Two members from the transportation
17 sector, including at least 1 member who is a
18 representative of a public transit industry.

19 (L) Two members from the manufacturing
20 sector, including at least 1 member who is from
21 a business that has committed to net-zero
22 greenhouse gas emissions.

23 (M) Two members from the commercial
24 and residential building sector, including at
25 least 1 member who is from a business that has

1 committed to improving energy efficiency in
2 commercial or residential buildings.

3 (N) One member with expertise in public
4 health.

5 (O) One member who is a young person
6 who is associated with a climate and environ-
7 mental organization.

8 (b) ORGANIZATION; TERMINATION.—

9 (1) SUBCOMMITTEES.—The Advisory Com-
10 mittee may, as the Advisory Committee determines
11 appropriate, establish subcommittees to provide ad-
12 vice to the full Advisory Committee on matters with-
13 in the respective subcommittee's area of expertise.
14 At a minimum, the Advisory Committee shall con-
15 sider establishing subcommittees on—

16 (A) environmental justice;

17 (B) climate justice;

18 (C) fairness and equity for workers; and

19 (D) the transition of communities depend-
20 ent upon fossil fuels.

21 (2) MEETINGS.—The Advisory Committee shall
22 meet not less frequently than 3 times in the first
23 year after it is established, and at least annually
24 thereafter.

1 (3) TERMS.—A member of the Advisory Com-
2 mittee shall be appointed for a term of 2 years and
3 the Administrator may reappoint members for no
4 more than 3 consecutive terms.

5 (4) VACANCIES.—Any vacancy in the Advisory
6 Committee shall be filled by the Administrator in the
7 same manner as the original appointment and not
8 later than 180 days after the occurrence of the va-
9 cancy.

10 (5) CHAIR.—The Advisory Committee shall ap-
11 point a chair from among the members of the Advi-
12 sory Committee by a majority of those voting, if a
13 quorum is present.

14 (6) QUORUM.—A $\frac{2}{3}$ majority of members of
15 the full Advisory Committee shall constitute a
16 quorum.

17 (7) APPLICABILITY OF FACA.—The Advisory
18 Committee shall be subject to the Federal Advisory
19 Committee Act (5 U.S.C. App.).

20 (8) TERMINATION.—The Advisory Committee
21 shall terminate on December 31, 2050.

22 (c) RECOMMENDATIONS.—

23 (1) INTERIM GOALS.—Not later than 15
24 months after the date of enactment of this Act, and
25 upon the request of the Administrator thereafter,

1 the Advisory Committee shall submit to the Admin-
2 istrator recommendations on one or more interim
3 greenhouse gas emissions reduction goals for the
4 United States to achieve before achieving the na-
5 tional goal declared by section 40102.

6 (2) ANNUAL REVIEW.—Not later than June 30
7 of the calendar year after the calendar year in which
8 each Federal agency is required to submit to Con-
9 gress a plan under section 40104(d), and not later
10 than June 30 of each year thereafter, and upon the
11 request of the Administrator, the Advisory Com-
12 mittee may provide recommendations for the Admin-
13 istrator to consider in developing recommendations
14 to include in the annual report required under sec-
15 tion 40105.

16 (3) OTHER MATTERS.—Upon the request of the
17 Administrator, or upon the Advisory Committee’s
18 initiative, the Advisory Committee may provide rec-
19 ommendations for the Administrator to consider re-
20 garding any of the matters addressed by this sub-
21 title.

22 **SEC. 40107. RECOMMENDATIONS FOR INTERIM GOALS.**

23 (a) IN GENERAL.—Not later than 18 months after
24 the date of enactment of this Act, the Administrator shall,
25 after consulting with the Secretary and obtaining the rec-

1 ommendations of the Advisory Committee, recommend to
2 Congress one or more interim greenhouse gas emissions
3 reduction goals for the United States to achieve before
4 achieving the national goal declared by section 40102. In
5 selecting one or more such interim goals to recommend
6 to Congress, the Administrator shall consider—

7 (1) the best available science on the needed
8 pace of reducing greenhouse gas emissions to limit
9 global warming to 1.5 °C;

10 (2) the international commitments by the
11 United States to address climate change, so as to
12 ensure that any interim goal is, at a minimum, con-
13 sistent with such commitments; and

14 (3) the degree of progress considered necessary
15 by a given date to maximize the likelihood that there
16 is an economically and technically feasible path for-
17 ward from such date to achieve the national goal de-
18 clared by section 40102.

19 (b) UPDATES.—Upon request of Congress, or any
20 new international commitment by the United States to ad-
21 dress climate change, the Administrator may recommend
22 to Congress revised or additional interim goals.

23 **SEC. 40108. DEFINITIONS.**

24 For purposes of this subtitle:

1 (1) ADVISORY COMMITTEE.—The term “Advi-
2 sory Committee” means the Clean Economy Federal
3 Advisory Committee established pursuant to section
4 40106.

5 (2) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

8 (3) FEDERAL AGENCY.—The term “Federal
9 agency” has the meaning given the term “agency”
10 in section 551 of title 5, United States Code.

11 (4) GREENHOUSE GAS.—The term “greenhouse
12 gas” means the heat-trapping gases for which the
13 anthropogenic emissions are estimated and reported
14 in the most recently issued “Inventory of U.S.
15 Greenhouse Gas Emissions and Sinks” prepared an-
16 nually by the Environmental Protection Agency in
17 accordance with the commitments of the United
18 States under the United Nations Framework Con-
19 vention on Climate Change.

20 (5) 100 PERCENT CLEAN ECONOMY.—The term
21 “100 percent clean economy” means, with respect to
22 the United States, economy-wide, net-zero green-
23 house gas emissions, or negative greenhouse gas
24 emissions, after annual accounting for sources and
25 sinks of anthropogenic greenhouse gas emissions

1 consistent with the coverage of emissions reported by
 2 the United States under the United Nations Frame-
 3 work Convention on Climate Change.

4 (6) SECRETARY.—The term “Secretary” means
 5 the Secretary of Energy.

6 **Subtitle B—Environmental Justice** 7 **For All**

8 **SEC. 40201. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.**

9 (a) SHORT TITLE.—This subtitle may be cited as the
 10 “Environmental Justice For All Act”.

11 (b) TABLE OF CONTENTS.—The table of contents for
 12 this subtitle is as follows:

- Sec. 40201. Short title; table of contents; findings.
- Sec. 40202. Statement of policy.
- Sec. 40203. Definitions.
- Sec. 40204. Prohibited discrimination.
- Sec. 40205. Right of action.
- Sec. 40206. Rights of recovery.
- Sec. 40207. Consideration of cumulative impacts and persistent violations in certain permitting decisions.
- Sec. 40208. Interagency Working Group on Environmental Justice Compliance and Enforcement.
- Sec. 40209. Federal agency actions and responsibilities.
- Sec. 40210. Ombudsmen.
- Sec. 40211. Access to parks, outdoor spaces, and public recreation opportunities.
- Sec. 40212. Transit to trails grant program.
- Sec. 40213. Every Kid Outdoors.
- Sec. 40214. Protections for environmental justice communities against harmful Federal actions.
- Sec. 40215. Training of employees of Federal agencies.
- Sec. 40216. Environmental justice grant programs.
- Sec. 40217. Environmental justice basic training program.
- Sec. 40218. National Environmental Justice Advisory Council.
- Sec. 40219. Environmental Justice Clearinghouse.
- Sec. 40220. Public meetings.
- Sec. 40221. Environmental projects for environmental justice communities.
- Sec. 40222. Grants to further achievement of Tribal coastal zone objectives.
- Sec. 40223. Cosmetic labeling.
- Sec. 40224. Safer cosmetic alternatives for disproportionately impacted communities.

- Sec. 40225. Safer child care centers, schools, and homes for disproportionately impacted communities.
- Sec. 40226. Certain menstrual products misbranded if labeling does not include ingredients.
- Sec. 40227. Support by National Institute of Environmental Health Sciences for research on health disparities impacting communities of color.
- Sec. 40228. Revenues for just transition assistance.
- Sec. 40229. Economic revitalization for fossil fuel dependent communities.
- Sec. 40230. Evaluation by Comptroller General of the United States.

1 (c) FINDINGS.—Congress finds the following:

2 (1) Communities of color, low-income commu-
3 nities, Tribal and indigenous communities, fossil
4 fuel-dependent communities, and other vulnerable
5 populations, such as persons with disabilities, chil-
6 dren, and the elderly, are disproportionately bur-
7 dened by environmental hazards that include expo-
8 sure to polluted air, waterways, and landscapes.

9 (2) Environmental justice disparities are also
10 exhibited through a lack of equitable access to green
11 spaces, public recreation opportunities, and informa-
12 tion and data on potential exposure to environmental
13 hazards.

14 (3) Communities experiencing environmental in-
15 justice have been subjected to systemic racial, social,
16 and economic injustices and face a disproportionate
17 burden of adverse human health or environmental
18 effects, a higher risk of intentional, unconscious, and
19 structural discrimination, and disproportionate en-
20 ergy burdens.

1 (4) Environmental justice communities have
2 been made more vulnerable to the effects of climate
3 change due to a combination of factors, particularly
4 the legacy of segregation and historically racist zon-
5 ing codes, and often have the least resources to re-
6 spond, making it a necessity for environmental jus-
7 tice communities to be meaningfully engaged as
8 partners and stakeholders in government decision-
9 making as our nation builds its climate resilience.

10 (5) Potential environmental and climate threats
11 to environmental justice communities merit a higher
12 level of engagement, review, and consent to ensure
13 that communities are not forced to bear dispropor-
14 tionate environmental and health impacts.

15 (6) The burden of proof that a proposed action
16 will not harm communities, including through cumu-
17 lative exposure effects, should fall on polluting in-
18 dustries and on the Federal Government in its regu-
19 latory role, not the communities themselves.

20 (7) Executive Order 12898 (59 Fed. Reg. 32,
21 relating to Federal Actions To Address Environ-
22 mental Justice in Minority Populations and Low-In-
23 come Populations) directs Federal agencies to ad-
24 dress disproportionately high and adverse human
25 health or environmental effects of its programs, but

1 Federal agencies have been inconsistent in updating
2 their strategic plans for environmental justice and
3 reporting on their progress in enacting these plans.

4 (8) Government action to correct environmental
5 injustices is a moral imperative. Federal policy can
6 and should improve public health and improve the
7 overall well-being of all communities.

8 (9) All people have the right to breathe clean
9 air, drink clean water, live free of dangerous levels
10 of toxic pollution, and share the benefits of a pros-
11 perous and vibrant pollution-free economy.

12 (10) A fair and just transition to a pollution-
13 free economy is necessary to ensure that workers
14 and communities in deindustrialized areas have ac-
15 cess to the resources and benefits of a sustainable
16 future. This transition must also address the eco-
17 nomic disparities experienced by residents living in
18 areas contaminated by pollution or environmental
19 degradation, including access to jobs, and members
20 of those communities must be fully and meaningfully
21 involved in transition planning processes.

22 (11) It is the responsibility of the Federal Gov-
23 ernment to seek to achieve environmental justice,
24 health equity, and climate justice for all commu-
25 nities.

1 **SEC. 40202. STATEMENT OF POLICY.**

2 It is the policy of Congress that each Federal agency
3 should—

4 (1) seek to achieve environmental justice as
5 part of its mission by identifying and addressing, as
6 appropriate, disproportionately adverse human
7 health or environmental effects of its programs, poli-
8 cies, practices, and activities on communities of
9 color, low-income communities, and Tribal and in-
10 digenous communities in each State and territory of
11 the United States;

12 (2) promote meaningful involvement by commu-
13 nities and due process in the development, imple-
14 mentation, and enforcement of environmental laws;

15 (3) provide direct guidance and technical assist-
16 ance to communities experiencing environmental in-
17 justice focused on increasing shared understanding
18 of the science, laws, regulations, and policy related
19 to Federal agency action on environmental justice
20 issues;

21 (4) cooperate with State governments, Tribal
22 Governments, and local governments to address pol-
23 lution and public health burdens in communities ex-
24 perienceing environmental injustice, and build
25 healthy, sustainable, and resilient communities; and

1 (5) recognize the right of all people to clean air,
2 safe and affordable drinking water, protection from
3 climate hazards, and to the sustainable preservation
4 of the ecological integrity and aesthetic, scientific,
5 cultural, and historical values of the natural environ-
6 ment.

7 **SEC. 40203. DEFINITIONS.**

8 In this subtitle:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Environ-
11 mental Protection Agency.

12 (2) ADVISORY COUNCIL.—The term “Advisory
13 Council” means the National Environmental Justice
14 Advisory Council established by the President under
15 section 40218.

16 (3) AGGRIEVED PERSON.—The term “aggrieved
17 person” means a person aggrieved by discrimination
18 on the basis of race, color, or national origin.

19 (4) CLEARINGHOUSE.—The term “Clearing-
20 house” means the Environmental Justice Clearing-
21 house established by the Administrator under section
22 40219.

23 (5) COMMUNITY OF COLOR.—The term “com-
24 munity of color” means a geographically distinct
25 area in which the population of any of the following

categories of individuals is higher than the average populations of that category for the State in which the community is located:

(A) Black.

(B) African American.

(C) Asian.

(D) Pacific Islander.

(E) Other non-White race.

(F) Hispanic.

(G) Latino.

(H) Linguistically isolated.

(6) COVERED AGENCY.—The term “covered agency” means an agency described in section 40208(c).

(7) DEMONSTRATES.—The term “demonstrates” means meets the burdens of going forward with the evidence and of persuasion.

(8) DIRECTOR.—The term “Director” means the Director of the National Institute of Environmental Health Sciences.

(9) DISPARATE IMPACT.—The term “disparate impact” means an action or practice that, even if appearing neutral, actually has the effect of subjecting persons to discrimination because of their race, color, or national origin.

1 (10) DISPROPORTIONATE BURDEN OF ADVERSE
2 HUMAN HEALTH OR ENVIRONMENTAL EFFECTS.—

3 The term “disproportionate burden of adverse
4 human health or environmental effects” means a sit-
5 uation where there exists higher or more adverse
6 human health or environmental effects on commu-
7 nities of color, low-income communities, and Tribal
8 and indigenous communities.

9 (11) ENVIRONMENTAL JUSTICE.—The term
10 “environmental justice” means the fair treatment
11 and meaningful involvement of all people regardless
12 of race, color, culture, national origin, or income,
13 with respect to the development, implementation,
14 and enforcement of environmental laws, regulations,
15 and policies to ensure that each person enjoys—

16 (A) the same degree of protection from en-
17 vironmental and health hazards; and

18 (B) equal access to any Federal agency ac-
19 tion on environmental justice issues in order to
20 have a healthy environment in which to live,
21 learn, work, and recreate.

22 (12) ENVIRONMENTAL JUSTICE COMMUNITY.—
23 The term “environmental justice community” means
24 a community with significant representation of com-
25 munities of color, low-income communities, or Tribal

1 and indigenous communities, that experiences, or is
2 at risk of experiencing higher or more adverse
3 human health or environmental effects.

4 (13) ENVIRONMENTAL LAW.—The term “envi-
5 ronmental law” includes laws such as the Clean Air
6 Act (42 U.S.C. 7401 et seq.), the Federal Water
7 Pollution Control Act (33 U.S.C. 1251 et seq.), the
8 Energy Policy Act of 2005, the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
10 the Pollution Prevention Act of 1990 (42 U.S.C.
11 13101 et seq.), the Safe Drinking Water Act (42
12 U.S.C. 300f et seq.), the Solid Waste Disposal Act
13 (42 U.S.C. 6901 et seq.), the Federal Insecticide,
14 Fungicide, and Rodenticide Act (7 U.S.C. 136 et
15 seq.), and the Toxic Substances Control Act (15
16 U.S.C. 2601 et seq.).

17 (14) FAIR TREATMENT.—The term “fair treat-
18 ment” means the conduct of a program, policy, prac-
19 tice or activity by a Federal agency in a manner that
20 ensures that no group of individuals (including ra-
21 cial, ethnic, or socioeconomic groups) experience a
22 disproportionate burden of adverse human health or
23 environmental effects resulting from such program,
24 policy, practice, or activity, as determined through
25 consultation with, and with the meaningful partici-

1 pation of, individuals from the communities affected
2 by a program, policy, practice or activity of a Fed-
3 eral agency.

4 (15) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term “Indian tribe” in
6 section 4 of the Indian Self-Determination and Edu-
7 cation Assistance Act (25 U.S.C. 5304).

8 (16) LOCAL GOVERNMENT.—The term “local
9 government” means—

10 (A) a county, municipality, city, town,
11 township, local public authority, school district,
12 special district, intrastate district, council of
13 governments (regardless of whether the council
14 of governments is incorporated as a nonprofit
15 corporation under State law), regional or inter-
16 state governmental entity, or agency or instru-
17 mentality of a local government; or

18 (B) an Indian Tribe or authorized Tribal
19 organization, or Alaska Native village or organi-
20 zation, that is not a Tribal Government.

21 (17) LOW-INCOME COMMUNITY.—The term
22 “low-income community” means any census block
23 group in which 30 percent or more of the population
24 are individuals with an annual household income
25 equal to, or less than, the greater of—

1 (A) an amount equal to 80 percent of the
2 median income of the area in which the house-
3 hold is located, as reported by the Department
4 of Housing and Urban Development; and

5 (B) 200 percent of the Federal poverty
6 line.

7 (18) POPULATION.—The term “population”
8 means a census block group or series of geographi-
9 cally contiguous blocks representing certain common
10 characteristics, such as (but not limited to) race,
11 ethnicity, national origin, income-level, health dis-
12 parities, or other public health and socioeconomic at-
13 tributes.

14 (19) STATE.—The term “State” means any
15 State of the United States, the District of Columbia,
16 the Commonwealth of Puerto Rico, the Virgin Is-
17 lands, Guam, American Samoa, and the Common-
18 wealth of the Northern Mariana Islands.

19 (20) TRIBAL AND INDIGENOUS COMMUNITY.—
20 The term “Tribal and indigenous community” refers
21 to a population of people who are members of—

22 (A) a federally recognized Indian Tribe;

23 (B) a State-recognized Indian Tribe;

24 (C) an Alaska Native or Native Hawaiian
25 community or organization; and

1 (D) any other community of indigenous
2 people located in a State.

3 (21) TRIBAL GOVERNMENT.—The term “Tribal
4 Government” means the governing body of an In-
5 dian Tribe.

6 (22) WORKING GROUP.—The term “Working
7 Group” means the Interagency Working Group on
8 Environmental Justice Compliance and Enforcement
9 established by the President under section 40208.

10 **SEC. 40204. PROHIBITED DISCRIMINATION.**

11 Section 601 of the Civil Rights Act of 1964 (42
12 U.S.C. 2000d) is amended—

13 (1) by striking “No” and inserting “(a) No”;
14 and

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

16 “(b)(1)(A) Discrimination (including exclusion from
17 participation and denial of benefits) based on disparate
18 impact is established under this title if—

19 “(i) a covered agency has a program, policy,
20 practice, or activity that causes a disparate impact
21 on the basis of race, color, or national origin and the
22 covered agency fails to demonstrate that the chal-
23 lenged program, policy, practice, or activity is re-
24 lated to and necessary to achieve the nondiscrim-
25 inatory goal of the program, policy, practice, or ac-

1 tivity alleged to have been operated in a discrimina-
2 tory manner; or

3 “(ii) a less discriminatory alternative program,
4 policy, practice, or activity exists, and the covered
5 agency refuses to adopt such alternative program,
6 policy, practice, or activity.

7 “(B) With respect to demonstrating that a particular
8 program, policy, practice, or activity does not cause a dis-
9 parate impact, the covered agency shall demonstrate that
10 each particular challenged program, policy, practice, or ac-
11 tivity does not cause a disparate impact, except that if
12 the covered agency demonstrates to the courts that the
13 elements of the covered agency’s decision-making process
14 are not capable of separation for analysis, the decision-
15 making process may be analyzed as 1 program, policy,
16 practice, or activity.

17 “(2) A demonstration that a program, policy, prac-
18 tice, or activity is necessary to achieve the goals of a pro-
19 gram, policy, practice, or activity may not be used as a
20 defense against a claim of intentional discrimination under
21 this title.

22 “(c) No person in the United States shall be sub-
23 jected to discrimination, including retaliation or intimidat-
24 ion, because such person opposed any program, policy,
25 practice, or activity prohibited by this title, or because

1 such person made a charge, testified, assisted, or partici-
2 pated in any manner in an investigation, proceeding, or
3 hearing under this title.”.

4 **SEC. 40205. RIGHT OF ACTION.**

5 (a) IN GENERAL.—Section 602 of the Civil Rights
6 Act of 1964 (42 U.S.C. 2000d–1) is amended—

7 (1) by inserting “(a)” before “Each Federal de-
8 partment and agency which is empowered”; and

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

10 “(b) Any person aggrieved by the failure to comply
11 with this title, including any regulation promulgated pur-
12 suant to this title, may file suit in any district court of
13 the United States having jurisdiction of the parties, with-
14 out respect to the amount in controversy and without re-
15 gard to the citizenship of the parties.”.

16 (b) EFFECTIVE DATE.—

17 (1) IN GENERAL.—This section, including the
18 amendments made by this section, takes effect on
19 the date of enactment of this Act.

20 (2) APPLICATION.—This section, including the
21 amendments made by this section, applies to all ac-
22 tions or proceedings pending on or after the date of
23 enactment of this Act.

1 **SEC. 40206. RIGHTS OF RECOVERY.**

2 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
3 2000d et seq.) is amended by inserting after section 602
4 the following:

5 **“SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.**

6 “(a) CLAIMS BASED ON PROOF OF INTENTIONAL
7 DISCRIMINATION.—In an action brought by an aggrieved
8 person under this title against a covered agency who has
9 engaged in unlawful intentional discrimination (not a
10 practice that is unlawful because of its disparate impact)
11 prohibited under this title (including its implementing reg-
12 ulations), the aggrieved person may recover equitable and
13 legal relief (including compensatory and punitive dam-
14 ages), attorney’s fees (including expert fees), and costs of
15 the action, except that punitive damages are not available
16 against a government, government agency, or political
17 subdivision.

18 “(b) CLAIMS BASED ON THE DISPARATE IMPACT
19 STANDARD OF PROOF.—In an action brought by an ag-
20 grievied person under this title against a covered agency
21 who has engaged in unlawful discrimination based on dis-
22 parate impact prohibited under this title (including imple-
23 menting regulations), the aggrieved person may recover
24 attorney’s fees (including expert fees), and costs of the
25 action.”.

1 **SEC. 40207. CONSIDERATION OF CUMULATIVE IMPACTS**
2 **AND PERSISTENT VIOLATIONS IN CERTAIN**
3 **PERMITTING DECISIONS.**

4 (a) FEDERAL WATER POLLUTION CONTROL ACT.—
5 Section 402 of the Federal Water Pollution Control Act
6 (33 U.S.C. 1342) is amended—

7 (1) by striking the section designation and
8 heading and all that follows through “Except as” in
9 subsection (a)(1) and inserting the following:

10 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-**
11 **NATION SYSTEM.**

12 “(a) PERMITS ISSUED BY ADMINISTRATOR.—

13 “(1) IN GENERAL.—Except as”;

14 (2) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by striking “upon condition that
17 such discharge will meet either (A) all”
18 and inserting the following: “subject to the
19 conditions that—

20 “(A) the discharge will achieve compliance with, as
21 applicable—

22 “(i) all”;

23 (ii) by striking “403 of this Act, or
24 (B) prior” and inserting the following:

25 “403; or

26 “(ii) prior”; and

1 (iii) by striking “this Act.” and insert-
2 ing the following: “this Act; and

3 “(B) with respect to the issuance or renewal of the
4 permit—

5 “(i) based on an analysis by the Administrator
6 of existing water quality and the potential cumu-
7 lative impacts (as defined in section 501 of the
8 Clean Air Act (42 U.S.C. 7661)) of the discharge,
9 considered in conjunction with the designated and
10 actual uses of the impacted navigable water, there
11 exists a reasonable certainty of no harm to the
12 health of the general population, or to any poten-
13 tially exposed or susceptible subpopulation; or

14 “(ii) if the Administrator determines that, due
15 to those potential cumulative impacts, there does not
16 exist a reasonable certainty of no harm to the health
17 of the general population, or to any potentially ex-
18 posed or susceptible subpopulation, the permit or re-
19 newal includes such terms and conditions as the Ad-
20 ministrator determines to be necessary to ensure a
21 reasonable certainty of no harm.”; and

22 (B) in paragraph (2), by striking “assure
23 compliance with the requirements of paragraph
24 (1) of this subsection, including conditions on
25 data and information collection, reporting, and

1 such other requirements as he deems appro-
2 priate.” and inserting the following: “ensure
3 compliance with the requirements of paragraph
4 (1), including—
5 “(A) conditions relating to—
6 “(i) data and information collection;
7 “(ii) reporting; and
8 “(iii) such other requirements as the Ad-
9 ministrator determines to be appropriate; and
10 “(B) additional controls or pollution prevention
11 requirements.”; and
12 (3) in subsection (b)—
13 (A) in each of paragraphs (1)(D), (2)(B),
14 and (3) through (7), by striking the semicolon
15 at the end and inserting a period;
16 (B) in paragraph (8), by striking “; and”
17 at the end and inserting a period; and
18 (C) by adding at the end the following:
19 “(10) To ensure that no permit will be issued or re-
20 newed if, with respect to an application for the permit,
21 the State determines, based on an analysis by the State
22 of existing water quality and the potential cumulative im-
23 pacts (as defined in section 501 of the Clean Air Act (42
24 U.S.C. 7661)) of the discharge, considered in conjunction
25 with the designated and actual uses of the impacted navi-

1 gable water, that the terms and conditions of the permit
2 or renewal would not be sufficient to ensure a reasonable
3 certainty of no harm to the health of the general popu-
4 lation, or to any potentially exposed or susceptible sub-
5 population.”.

6 (b) CLEAN AIR ACT.—

7 (1) DEFINITIONS.—Section 501 of the Clean
8 Air Act (42 U.S.C. 7661) is amended—

9 (A) in the matter preceding paragraph (1),
10 by striking “As used in this title—” and insert-
11 ing “In this title:”;

12 (B) by redesignating paragraphs (2), (3),
13 and (4) as paragraphs (3), (5), and (4), respec-
14 tively, and moving the paragraphs so as to ap-
15 pear in numerical order; and

16 (C) by inserting after paragraph (1) the
17 following:

18 “(2) CUMULATIVE IMPACTS.—The term ‘cumu-
19 lative impacts’ means any exposure to a public
20 health or environmental risk, or other effect occur-
21 ring in a specific geographical area, including from
22 an emission, discharge, or release—

23 “(A) including—

24 “(i) environmental pollution re-
25 leased—

1 “(I)(aa) routinely;
2 “(bb) accidentally; or
3 “(cc) otherwise; and
4 “(II) from any source, whether
5 single or multiple; and
6 “(ii) as assessed based on the com-
7 bined past, present, and reasonably fore-
8 seeable emissions and discharges affecting
9 the geographical area; and
10 “(B) evaluated taking into account sen-
11 sitive populations and other factors that may
12 heighten vulnerability to environmental pollu-
13 tion and associated health risks, including so-
14 cioeconomic characteristics.”.

15 (2) PERMIT PROGRAMS.—Section 502(b) of the
16 Clean Air Act (42 U.S.C. 7661a(b)) is amended—
17 (A) in paragraph (5)—
18 (i) in subparagraphs (A) and (C), by
19 striking “assure” each place it appears and
20 inserting “ensure”; and
21 (ii) by striking subparagraph (F) and
22 inserting the following:
23 “(F) ensure that no permit will be issued
24 or renewed, as applicable, if—

1 “(i) with respect to an application for
2 a permit or renewal of a permit for a
3 major source, the permitting authority de-
4 termines under paragraph (9)(A)(i)(II)(bb)
5 that the terms and conditions of the per-
6 mit or renewal would not be sufficient to
7 ensure a reasonable certainty of no harm
8 to the health of the general population, or
9 to any potentially exposed or susceptible
10 subpopulation, of the applicable census
11 block groups or Tribal census block groups
12 (as those terms are defined by the Director
13 of the Bureau of the Census); or

14 “(ii) the Administrator objects to the
15 issuance of the permit in a timely manner
16 under this title.”; and

17 (B) by amending paragraph (9) to read as
18 follows:

19 “(9) MAJOR SOURCES.—

20 “(A) IN GENERAL.—With respect to any
21 permit or renewal of a permit, as applicable, for
22 a major source, a requirement that the permit-
23 ting authority shall—

24 “(i) in determining whether to issue
25 or renew the permit—

1 “(I) evaluate the potential cumu-
2 lative impacts of the major source, as
3 described in the applicable cumulative
4 impacts analysis submitted under sec-
5 tion 503(b)(3), taking into consider-
6 ation other pollution sources and risk
7 factors within a community;

8 “(II) if, due to those potential
9 cumulative impacts, the permitting
10 authority cannot determine that there
11 exists a reasonable certainty of no
12 harm to the health of the general pop-
13 ulation, or to any potentially exposed
14 or susceptible subpopulation, of any
15 census block groups or Tribal census
16 block groups (as those terms are de-
17 fined by the Director of the Bureau of
18 the Census) located in, or immediately
19 adjacent to, the area in which the
20 major source is, or is proposed to be,
21 located—

22 “(aa) include in the permit
23 or renewal such standards and
24 requirements (including addi-
25 tional controls or pollution pre-

1 vention requirements) as the per-
2 mitting authority determines to
3 be necessary to ensure a reason-
4 able certainty of no such harm;
5 or

6 “(bb) if the permitting au-
7 thority determines that standards
8 and requirements described in
9 item (aa) would not be sufficient
10 to ensure a reasonable certainty
11 of no such harm, deny the
12 issuance or renewal of the per-
13 mit;

14 “(III) determine whether the ap-
15 plicant is a persistent violator, based
16 on such criteria relating to the history
17 of compliance by an applicant with
18 this Act as the Administrator shall es-
19 tablish by not later than 180 days
20 after the date of enactment of the En-
21 vironmental Justice for All Act;

22 “(IV) if the permitting authority
23 determines under subclause (III) that
24 the applicant is a persistent violator
25 and the permitting authority does not

1 deny the issuance or renewal of the
2 permit pursuant to subclause
3 (II)(bb)—

4 “(aa) require the applicant
5 to submit a plan that describes—

6 “(AA) if the applicant
7 is not in compliance with
8 this Act, measures the appli-
9 cant will carry out to
10 achieve that compliance, to-
11 gether with an approximate
12 deadline for that achieve-
13 ment;

14 “(BB) measures the
15 applicant will carry out, or
16 has carried out to ensure the
17 applicant will remain in
18 compliance with this Act,
19 and to mitigate the environ-
20 mental and health effects of
21 noncompliance; and

22 “(CC) the measures the
23 applicant has carried out in
24 preparing the plan to con-
25 sult or negotiate with the

1 communities affected by
2 each persistent violation ad-
3 dressed in the plan; and

4 “(bb) once such a plan is
5 submitted, determine whether the
6 plan is adequate to ensuring that
7 the applicant—

8 “(AA) will achieve com-
9 pliance with this Act expedi-
10 tiously;

11 “(BB) will remain in
12 compliance with this Act;

13 “(CC) will mitigate the
14 environmental and health ef-
15 fects of noncompliance; and

16 “(DD) has solicited and
17 responded to community
18 input regarding the redemp-
19 tion plan; and

20 “(V) deny the issuance or re-
21 newal of the permit if the permitting
22 authority determines that—

23 “(aa) the plan submitted
24 under subclause (IV)(aa) is inad-
25 equate; or

1 “(bb)(AA) the applicant has
2 submitted a plan on a prior occa-
3 sion, but continues to be a per-
4 sistent violator; and

5 “(BB) no indication exists
6 of extremely exigent cir-
7 cumstances excusing the per-
8 sistent violations; and

9 “(ii) in the case of such a permit with
10 a term of 3 years or longer, require permit
11 revisions in accordance with subparagraph
12 (B).

13 “(B) REVISION REQUIREMENTS.—

14 “(i) DEADLINE.—A revision described
15 in subparagraph (A)(ii) shall occur as ex-
16 peditiously as practicable and consistent
17 with the procedures established under
18 paragraph (6) but not later than 18
19 months after the promulgation of such
20 standards and regulations.

21 “(ii) EXCEPTION.—A revision under
22 this paragraph shall not be required if the
23 effective date of the standards or regula-
24 tions is a date after the expiration of the
25 permit term.

1 “(iii) TREATMENT AS RENEWAL.—A
2 permit revision under this paragraph shall
3 be treated as a permit renewal if it com-
4 plies with the requirements of this title re-
5 garding renewals.”.

6 (3) PERMIT APPLICATIONS.—Section 503(b) of
7 the Clean Air Act (42 U.S.C. 7661b(b)) is amended
8 by adding at the end the following:

9 “(3) MAJOR SOURCE ANALYSES.—The regulations
10 required by section 502(b) shall include a requirement
11 that an applicant for a permit or renewal of a permit for
12 a major source shall submit, together with the compliance
13 plan required under this subsection, a cumulative impacts
14 analysis for each census block group or Tribal census
15 block group (as those terms are defined by the Director
16 of the Bureau of the Census) located in, or immediately
17 adjacent to, the area in which the major source is, or is
18 proposed to be, located that analyzes—

19 “(A) community demographics and locations of
20 community exposure points, such as schools, day
21 care centers, nursing homes, hospitals, health clinics,
22 places of religious worship, parks, playgrounds, and
23 community centers;

24 “(B) air quality and the potential effect on that
25 air quality of emissions of air pollutants (including

1 pollutants listed under section 108 or 112) from the
2 major source, including in combination with existing
3 sources of pollutants;

4 “(C) the potential effects on soil quality and
5 water quality of emissions of lead and other air pol-
6 lutants that could contaminate soil or water from
7 the major source, including in combination with ex-
8 isting sources of pollutants; and

9 “(D) public health and any potential effects on
10 public health from the major source.”.

11 **SEC. 40208. INTERAGENCY WORKING GROUP ON ENVIRON-**
12 **MENTAL JUSTICE COMPLIANCE AND EN-**
13 **FORCEMENT.**

14 (a) ESTABLISHMENT.—Not later than 30 days after
15 the date of enactment of this Act, the President shall es-
16 tablish a working group, to be known as the Interagency
17 Working Group on Environmental Justice Compliance and
18 Enforcement.

19 (b) PURPOSES.—The purposes of the Working Group
20 are—

21 (1) to improve coordination and collaboration
22 among Federal agencies and to help advise and as-
23 sist Federal agencies in identifying and addressing,
24 as appropriate, the disproportionate human health
25 and environmental effects of Federal programs, poli-

1 cies, practices, and activities on communities of
2 color, low-income communities, and Tribal and in-
3 digenous communities;

4 (2) to promote meaningful involvement and due
5 process in the development, implementation, and en-
6 forcement of environmental laws;

7 (3) to coordinate with, and provide direct guid-
8 ance and technical assistance to, environmental jus-
9 tice communities, with a focus on increasing commu-
10 nity understanding of the science, regulations, and
11 policy related to Federal agency actions on environ-
12 mental justice issues; and

13 (4) to address environmental health, pollution,
14 and public health burdens in environmental justice
15 communities, and build healthy, sustainable, and re-
16 silient communities.

17 (c) COMPOSITION.—The Working Group shall be
18 composed of members as follows (or their designee):

19 (1) The Secretary of Agriculture.

20 (2) The Secretary of Commerce.

21 (3) The Secretary of Defense.

22 (4) The Secretary of Education.

23 (5) The Secretary of Energy.

24 (6) The Secretary of Health and Human Serv-
25 ices.

1 (7) The Secretary of Homeland Security.

2 (8) The Secretary of Housing and Urban Devel-
3 opment.

4 (9) The Secretary of the Interior.

5 (10) The Attorney General.

6 (11) The Secretary of Labor.

7 (12) The Secretary of Transportation.

8 (13) The Administrator of the Environmental
9 Protection Agency.

10 (14) The Director of the Office of Management
11 and Budget.

12 (15) The Director of the Office of Science and
13 Technology Policy.

14 (16) The Deputy Assistant to the President for
15 Environmental Policy.

16 (17) The Assistant to the President for Domes-
17 tic Policy.

18 (18) The Director of the National Economic
19 Council.

20 (19) The Chairperson of the Council on Envi-
21 ronmental Quality.

22 (20) The Chairperson of the Council of Eco-
23 nomic Advisers.

24 (21) The Director of the National Institutes of
25 Health.

1 (22) The Director of the Office of Environ-
2 mental Justice.

3 (23) The Chairperson of the Consumer Product
4 Safety Commission.

5 (24) The Chairperson of the Chemical Safety
6 Board.

7 (25) The Director of the National Park Service.

8 (26) The Assistant Secretary of the Bureau of
9 Indian Affairs.

10 (27) The Chairperson of the National Environ-
11 mental Justice Advisory Council.

12 (28) The head of any other agency that the
13 President may designate.

14 (d) GOVERNANCE.—The Chairperson of the Council
15 on Environmental Quality shall serve as Chairperson of
16 the Working Group.

17 (e) REPORT TO PRESIDENT.—The Working Group
18 shall report to the President through the Chairperson of
19 the Council on Environmental Quality.

20 (f) UNIFORM CONSIDERATION GUIDANCE.—

21 (1) IN GENERAL.—To ensure that there is a
22 common level of understanding of terminology used
23 in dealing with environmental justice issues, not
24 later than 1 year after the date of enactment of this
25 Act, after coordinating with and conducting outreach

1 to environmental justice communities, State govern-
2 ments, Tribal Governments, and local governments,
3 the Working Group shall develop and publish in the
4 Federal Register a guidance document to assist Fed-
5 eral agencies in defining and applying the following
6 terms:

7 (A) Health disparities.

8 (B) Environmental exposure disparities.

9 (C) Demographic characteristics, including
10 age, sex, and race or ethnicity.

11 (D) Social stressors, including poverty,
12 housing quality, access to health care, edu-
13 cation, immigration status, linguistic isolation,
14 historical trauma, and lack of community re-
15 sources.

16 (E) Cumulative impacts or risks.

17 (F) Community vulnerability or suscepti-
18 bility to adverse human health and environ-
19 mental effects (including climate change).

20 (G) Barriers to meaningful involvement in
21 the development, implementation, and enforce-
22 ment of environmental laws.

23 (H) Community capacity to address envi-
24 ronmental concerns, including the capacity to

1 obtain equitable access to environmental amen-
2 ities.

3 (2) PUBLIC COMMENT.—For a period of not
4 less than 30 days, the Working Group shall seek
5 public comment on the guidance document developed
6 under paragraph (1).

7 (3) DOCUMENTATION.—Not later than 90 days
8 after the date of publication of the guidance docu-
9 ment under paragraph (1), the head of each Federal
10 agency participating in the Working Group shall
11 document the ways in which the Federal agency will
12 incorporate guidance from the document into the en-
13 vironmental justice strategy of the Federal agency
14 developed and finalized under section 40209(b).

15 (g) DEVELOPMENT OF INTERAGENCY FEDERAL EN-
16 VIRONMENTAL JUSTICE STRATEGY.—

17 (1) IN GENERAL.—Not later than 3 years after
18 the date of enactment of this Act, after notice and
19 opportunity for public comment, the Working Group
20 shall develop and issue a coordinated interagency
21 Federal environmental justice strategy.

22 (2) CONSIDERATION.—In carrying out para-
23 graph (1), the Working Group shall consider each
24 environmental justice strategy developed and final-

1 ized by each Federal agency that participates in the
2 Working Group under section 40209(b).

3 (h) REPORT TO PRESIDENT.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date described in subsection (g)(1), the
6 Working Group shall submit to the President a re-
7 port that contains—

8 (A) a description of the implementation of
9 the interagency Federal environmental justice
10 strategy; and

11 (B) a copy of the finalized environmental
12 justice strategy of each Federal agency that
13 participates in the Working Group that is devel-
14 oped and finalized under section 40209(b).

15 (2) PUBLIC AVAILABILITY.—The head of each
16 Federal agency that participates in the Working
17 Group shall make the report described in paragraph
18 (1) available to the public (including by posting a
19 copy of the report on the website of each Federal
20 agency).

21 **SEC. 40209. FEDERAL AGENCY ACTIONS AND RESPONSIBIL-**
22 **ITIES.**

23 (a) CONDUCT OF PROGRAMS.—Each Federal agency
24 that participates in the Working Group shall conduct each
25 program, policy, practice, and activity of the Federal agen-

1 cy that adversely affects, or has the potential to adversely
2 affect, human health or the environment in a manner that
3 ensures that each such program, policy, practice, or activ-
4 ity does not have an effect of excluding any individual
5 from participating in, denying any individual the benefits
6 of, or subjecting any individual to discrimination or dis-
7 parate impact under, such program, policy, practice, or ac-
8 tivity of the Federal agency because of the race, color, na-
9 tional origin, or income level of the individual.

10 (b) FEDERAL AGENCY ENVIRONMENTAL JUSTICE
11 STRATEGIES.—

12 (1) IN GENERAL.—Not later than 2 years after
13 the date of enactment of this Act, and after notice
14 and opportunity for public comment, each Federal
15 agency that participates in the Working Group shall
16 develop and finalize an agencywide environmental
17 justice strategy that—

18 (A) identifies staff to support implementa-
19 tion of the Federal agency’s environmental jus-
20 tice strategy;

21 (B) identifies and addresses any dispropor-
22 tionately high or adverse human health or envi-
23 ronmental effects of its programs, policies,
24 practices, and activities on—

25 (i) communities of color;

1 (ii) low-income communities; and

2 (iii) Tribal and indigenous commu-
3 nities; and

4 (C) complies with each requirement de-
5 scribed in paragraph (2).

6 (2) CONTENTS.—Each environmental justice
7 strategy developed by a Federal agency under para-
8 graph (1) shall contain—

9 (A) an assessment that identifies each pro-
10 gram, policy, practice, and activity (including
11 any public participation process) of the Federal
12 agency, relating to human health or the envi-
13 ronment that the Federal agency determines
14 should be revised—

15 (i) to ensure that all persons have the
16 same degree of protection from environ-
17 mental and health hazards;

18 (ii) to ensure meaningful public in-
19 volvement and due process in the develop-
20 ment, implementation, and enforcement of
21 all Federal laws;

22 (iii) to improve direct guidance and
23 technical assistance to environmental jus-
24 tice communities with respect to the under-
25 standing of the science, regulations, and

1 policy related to Federal agency action on
2 environmental justice issues;

3 (iv) to improve cooperation with State
4 governments, Tribal Governments, and
5 local governments to address pollution and
6 public health burdens in environmental jus-
7 tice communities, and build healthy, sus-
8 tainable, and resilient communities;

9 (v) to improve Federal research and
10 data collection efforts related to—

11 (I) the health and environment of
12 communities of color, low-income com-
13 munities, and Tribal and indigenous
14 communities;

15 (II) climate change; and

16 (III) the inequitable distribution
17 of burdens and benefits of the man-
18 agement and use of natural resources,
19 including water, minerals, or land;
20 and

21 (vi) to reduce or eliminate dispropor-
22 tionately adverse human health or environ-
23 mental effects on communities of color,
24 low-income communities, and Tribal and
25 indigenous communities; and

1 (B) a timetable for the completion of—

2 (i) each revision identified under sub-
3 paragraph (A); and

4 (ii) an assessment of the economic
5 and social implications of each revision
6 identified under subparagraph (A).

7 (3) REPORTS.—

8 (A) ANNUAL REPORTS.—Not later than 2
9 years after the finalization of an environmental
10 justice strategy under this subsection, and an-
11 nually thereafter, a Federal agency that partici-
12 pates in the Working Group shall submit to the
13 Working Group a report describing the progress
14 of the Federal agency in implementing the envi-
15 ronmental justice strategy of the Federal agen-
16 cy.

17 (B) PERIODIC REPORTS.—In addition to
18 the annual reports described in subparagraph
19 (A), upon receipt of a request from the Work-
20 ing Group, a Federal agency shall submit to the
21 Working Group a report that contains such in-
22 formation as the Working Group may require.

23 (4) REVISION OF AGENCYWIDE ENVIRON-
24 MENTAL JUSTICE STRATEGY.—Not later than 5
25 years after the date of enactment of this Act, each

1 Federal agency that participates in the Working
2 Group shall—

3 (A) evaluate and revise the environmental
4 justice strategy of the Federal agency; and

5 (B) submit to the Working Group a copy
6 of the revised version of the environmental jus-
7 tice strategy of the Federal agency.

8 (5) PETITION.—

9 (A) IN GENERAL.—The head of a Federal
10 agency may submit to the President a petition
11 for an exemption of any requirement described
12 in this section with respect to any program or
13 activity of the Federal agency if the head of the
14 Federal agency determines that complying with
15 such requirement would compromise the agen-
16 cy's ability to carry out its core missions.

17 (B) AVAILABILITY TO PUBLIC.—Each peti-
18 tion submitted by a Federal agency to the
19 President under subparagraph (A) shall be
20 made available to the public (including through
21 a description of the petition on the website of
22 the Federal agency).

23 (C) CONSIDERATION.—In determining
24 whether to grant a petition for an exemption
25 submitted by a Federal agency to the President

1 under subparagraph (A), the President shall
2 make a decision that reflects both the merits of
3 the specific case and the broader national inter-
4 est in breaking cycles of environmental injus-
5 tice, and shall consider whether the granting of
6 the petition would likely—

7 (i) result in disproportionately adverse
8 human health or environmental effects on
9 communities of color, low-income commu-
10 nities, and Tribal and indigenous commu-
11 nities; or

12 (ii) exacerbate, or fail to ameliorate,
13 any disproportionately adverse human
14 health or environmental effect on any com-
15 munity of color, low-income community, or
16 Tribal and indigenous community.

17 (D) APPEAL.—

18 (i) IN GENERAL.—Not later than 90
19 days after the date on which the President
20 approves a petition under this paragraph,
21 an individual may appeal the decision of
22 the President to approve the petition.

23 (ii) WRITTEN APPEAL.—

24 (I) IN GENERAL.—To appeal a
25 decision of the President under sub-

1 paragraph (A), an individual shall
2 submit a written appeal to—

3 (aa) the Council on Environ-
4 mental Quality;

5 (bb) the Deputy Assistant to
6 the President for Environmental
7 Policy; or

8 (cc) the Assistant to the
9 President for Domestic Policy.

10 (II) CONTENTS.—A written ap-
11 peal shall contain a description of
12 each reason why the exemption that is
13 the subject of the petition is unneces-
14 sary.

15 (iii) REQUIREMENT OF PRESIDENT.—
16 Not later than 90 days after the date on
17 which an official described in clause (ii)(I)
18 receives a written appeal submitted by an
19 individual under that clause, the President
20 shall provide to the individual a written no-
21 tification describing the decision of the
22 President with respect to the appeal.

23 (c) HUMAN HEALTH AND ENVIRONMENTAL RE-
24 SEARCH, DATA COLLECTION, AND ANALYSIS.—

1 (1) RESEARCH.—Each Federal agency, to the
2 maximum extent practicable and permitted by appli-
3 cable law, shall—

4 (A) in conducting environmental, public ac-
5 cess, or human health research, include diverse
6 segments of the population in epidemiological
7 and clinical studies, including segments at high
8 risk from environmental hazards such as com-
9 munities of color, low-income communities, and
10 Tribal and indigenous communities;

11 (B) in conducting environmental or human
12 health analyses, identify multiple and cumu-
13 lative exposures, including potentially exacer-
14 bated risks due to current and future climate
15 impacts; and

16 (C) actively encourage and solicit commu-
17 nity-based science, and provide to communities
18 of color, low-income communities, and Tribal
19 and indigenous communities the opportunity to
20 comment on and participate in the development
21 and design of research strategies carried out
22 pursuant to this subtitle.

23 (2) DISPROPORTIONATE IMPACT.—To the max-
24 imum extent practicable and permitted by applicable
25 law (including section 552a of title 5, United States

1 Code (commonly known as the “Privacy Act”)), each
2 Federal agency shall—

3 (A) collect, maintain, and analyze informa-
4 tion assessing and comparing environmental
5 and human health risks borne by populations
6 identified by race, national origin, income, or
7 other readily available and appropriate informa-
8 tion; and

9 (B) use that information to determine
10 whether the programs, policies, and activities of
11 the Federal agency have disproportionally ad-
12 verse human health or environmental effects on
13 communities of color, low-income communities,
14 and Tribal and indigenous communities.

15 (3) INFORMATION RELATING TO NON-FEDERAL
16 FACILITIES.—In connection with the implementation
17 of Federal agency environmental justice strategies
18 under subsection (b), each Federal agency, to the
19 maximum extent practicable and permitted by appli-
20 cable law, shall collect, maintain, and analyze infor-
21 mation relating to the race, national origin, and in-
22 come level, and other readily accessible and appro-
23 priate information, for communities of color, low-in-
24 come communities, and Tribal and indigenous com-
25 munities in proximity to any facility or site expected

1 to have a substantial environmental, human health,
2 or economic effect on the surrounding populations, if
3 the facility or site becomes the subject of a substan-
4 tial Federal environmental administrative or judicial
5 action.

6 (4) IMPACT FROM FEDERAL FACILITIES.—Each
7 Federal agency, to the maximum extent practicable
8 and permitted by applicable law, shall collect, main-
9 tain, and analyze information relating to the race,
10 national origin, and income level, and other readily
11 accessible and appropriate information, for commu-
12 nities of color, low-income communities, and Tribal
13 and indigenous communities in proximity to any fa-
14 cility of the Federal agency that is—

15 (A) subject to the reporting requirements
16 under the Emergency Planning and Community
17 Right-to-Know Act of 1986 (42 U.S.C. 11001
18 et seq.), as required by Executive Order 12856
19 (42 U.S.C. 4321 note); and

20 (B) expected to have a substantial environ-
21 mental, human health, or economic effect on
22 surrounding populations.

23 (d) CONSUMPTION OF FISH AND WILDLIFE.—

24 (1) IN GENERAL.—Each Federal agency shall
25 develop, publish (unless prohibited by law), and re-

1 vise, as practicable and appropriate, guidance on ac-
2 tions of the Federal agency that will impact fish and
3 wildlife consumed by populations that principally
4 rely on fish or wildlife for subsistence.

5 (2) REQUIREMENT.—The guidance described in
6 paragraph (1) shall—

7 (A) reflect the latest scientific information
8 available concerning methods for evaluating the
9 human health risks associated with the con-
10 sumption of pollutant-bearing fish or wildlife;
11 and

12 (B) publish the risks of such consumption
13 patterns.

14 (e) MAPPING AND SCREENING TOOL.—The Adminis-
15 trator shall make available to the public an environmental
16 justice mapping and screening tool (such as EJScreen or
17 an equivalent tool) that includes, at a minimum, the fol-
18 lowing features:

19 (1) Nationally consistent data.

20 (2) Environmental data.

21 (3) Demographic data, including data relating
22 to race, ethnicity, and income.

23 (4) Capacity to produce maps and reports by
24 geographical area.

1 (5) Data on national parks and other federally
2 protected natural, historic, and cultural sites.

3 (f) JUDICIAL REVIEW AND RIGHTS OF ACTION.—

4 Any person may commence a civil action—

5 (1) to seek relief from, or to compel, an agency
6 action under this section (including regulations pro-
7 mulgated pursuant to this section); or

8 (2) otherwise to ensure compliance with this
9 section (including regulations promulgated pursuant
10 to this section).

11 (g) INFORMATION SHARING.—In carrying out this
12 section, each Federal agency, to the maximum extent
13 practicable and permitted by applicable law, shall share
14 information and eliminate unnecessary duplication of ef-
15 forts through the use of existing data systems and cooper-
16 ative agreements among Federal agencies and with State,
17 local, and Tribal governments.

18 (h) CODIFICATION OF GUIDANCE.—

19 (1) COUNCIL ON ENVIRONMENTAL QUALITY.—

20 Sections II and III of the guidance issued by the
21 Council on Environmental Quality entitled “Environ-
22 mental Justice Guidance Under the National Envi-
23 ronmental Policy Act” and dated December 10,
24 1997, are enacted into law.

1 (2) ENVIRONMENTAL PROTECTION AGENCY.—

2 The guidance issued by the Environmental Protec-
3 tion Agency entitled “EPA Policy on Consultation
4 and Coordination with Indian Tribes: Guidance for
5 Discussing Tribal Treaty Rights” and dated Feb-
6 ruary 2016 is enacted into law.

7 **SEC. 40210. OMBUDSMEN.**

8 (a) ESTABLISHMENT.—The Administrator shall es-
9 tablish within the Environmental Protection Agency a po-
10 sition of Environmental Justice Ombudsman.

11 (b) REPORTING.—The Environmental Justice Om-
12 budsman shall—

13 (1) report directly to the Administrator; and

14 (2) not be required to report to the Office of
15 Environmental Justice of the Environmental Protec-
16 tion Agency.

17 (c) FUNCTIONS.—The Ombudsman shall—

18 (1) in coordination with the Inspector General
19 of the Environmental Protection Agency, establish
20 an independent, neutral, accessible, confidential, and
21 standardized process—

22 (A) to receive, review, and process com-
23 plaints and allegations with respect to environ-
24 mental justice programs and activities of the
25 Environmental Protection Agency; and

1 (B) to assist individuals in resolving com-
2 plaints and allegations described in subpara-
3 graph (A);

4 (2) identify and thereafter review, examine, and
5 make recommendations to the Administrator to ad-
6 dress recurring and chronic complaints regarding
7 specific environmental justice programs and activi-
8 ties of the Environmental Protection Agency identi-
9 fied by the Ombudsman pursuant to paragraph (1);

10 (3) review the Environmental Protection Agen-
11 cy's compliance with policies and standards of the
12 Environmental Protection Agency with respect to its
13 environmental justice programs and activities; and

14 (4) produce an annual report that details the
15 findings of the regional staff, feedback received from
16 environmental justice communities, and rec-
17 ommendations to increase cooperation between the
18 Environmental Protection Agency and environmental
19 justice communities.

20 (d) AVAILABILITY OF REPORT.—The Administrator
21 shall make each report produced pursuant to subsection
22 (c) available to the public (including by posting a copy of
23 the report on the website of the Environmental Protection
24 Agency).

25 (e) REGIONAL STAFF.—

1 (1) AUTHORITY OF ENVIRONMENTAL JUSTICE
2 OMBUDSMAN.—The Administrator shall allow the
3 Environmental Justice Ombudsman to hire such
4 staff as the Environmental Justice Ombudsman de-
5 termines to be necessary to carry out at each re-
6 gional office of the Environmental Protection Agency
7 the functions of the Environmental Justice Ombuds-
8 man described in subsection (c).

9 (2) PURPOSES.—Staff hired pursuant to para-
10 graph (1) shall—

11 (A) foster cooperation between the Envi-
12 ronmental Protection Agency and environ-
13 mental justice communities;

14 (B) consult with environmental justice
15 communities on the development of policies and
16 programs of the Environmental Protection
17 Agency;

18 (C) receive feedback from environmental
19 justice communities on the performance of the
20 Environmental Protection Agency; and

21 (D) compile and submit to the Environ-
22 mental Justice Ombudsman such information
23 as may be necessary for the Ombudsman to
24 produce the annual report described in sub-
25 section (c).

1 (3) FULL-TIME POSITION.—Each individual
2 hired by the Environmental Justice Ombudsman
3 under paragraph (1) shall be hired as a full-time
4 employee of the Environmental Protection Agency.

5 **SEC. 40211. ACCESS TO PARKS, OUTDOOR SPACES, AND**
6 **PUBLIC RECREATION OPPORTUNITIES.**

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE ENTITY.—

9 (A) IN GENERAL.—The term “eligible enti-
10 ty” means—

11 (i) a State;

12 (ii) a political subdivision of a State,
13 including—

14 (I) a city; and

15 (II) a county;

16 (iii) a special purpose district, includ-
17 ing park districts; and

18 (iv) an Indian Tribe.

19 (B) POLITICAL SUBDIVISIONS AND INDIAN
20 TRIBES.—A political subdivision of a State or
21 an Indian Tribe shall be considered an eligible
22 entity only if the political subdivision or Indian
23 Tribe represents or otherwise serves a quali-
24 fying urban area.

1 (2) OUTDOOR RECREATION LEGACY PARTNER-
2 SHIP GRANT PROGRAM.—The term “Outdoor Recre-
3 ation Legacy Partnership Grant Program” means
4 the program established under subsection (b).

5 (3) QUALIFYING URBAN AREA.—The term
6 “qualifying urban area” means an area identified by
7 the Census Bureau as an “urban area” in the most
8 recent census.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (b) ESTABLISHMENT.—The Secretary shall establish
12 an outdoor recreation legacy partnership grant program
13 under which the Secretary may award grants to eligible
14 entities for projects—

15 (1) to acquire land and water for parks and
16 other outdoor recreation purposes;

17 (2) to develop new or renovate existing outdoor
18 recreation facilities; and

19 (3) to develop projects that provide opportuni-
20 ties for outdoor education and public lands vol-
21 unteerism.

22 (c) MATCHING REQUIREMENT.—

23 (1) IN GENERAL.—As a condition of receiving a
24 grant under subsection (b), an eligible entity shall
25 provide matching funds in the form of cash or an in-

1 kind contribution in an amount equal to not less
2 than 100 percent of the amounts made available
3 under the grant.

4 (2) SOURCES.—The matching amounts referred
5 to in paragraph (1) may include amounts made
6 available from State, local, nongovernmental, or pri-
7 vate sources.

8 (3) WAIVER.—The Secretary may waive all or
9 part of the matching requirement under paragraph
10 (1) if the Secretary determines that—

11 (A) no reasonable means are available
12 through which an applicant can meet the
13 matching requirement; and

14 (B) the probable benefit of such project
15 outweighs the public interest in such matching
16 requirement.

17 (d) ELIGIBLE USES.—

18 (1) IN GENERAL.—A grant recipient may use a
19 grant awarded under this section—

20 (A) to acquire land or water that provides
21 outdoor recreation opportunities to the public;
22 and

23 (B) to develop or renovate outdoor rec-
24 reational facilities that provide outdoor recre-

1 ation opportunities to the public, with priority
2 given to projects that—

3 (i) create or significantly enhance ac-
4 cess to park and recreational opportunities
5 in an urban or suburban area that lacks
6 access to such activities;

7 (ii) engage and empower underserved
8 communities and youth;

9 (iii) provide opportunities for youth
10 employment or job training;

11 (iv) establish or expand public-private
12 partnerships, with a focus on leveraging re-
13 sources; and

14 (v) take advantage of coordination
15 among various levels of government.

16 (2) LIMITATIONS ON USE.—A grant recipient
17 may not use grant funds for—

18 (A) grant administration costs;

19 (B) incidental costs related to land acquisi-
20 tion, including appraisal and titling;

21 (C) operation and maintenance activities;

22 (D) facilities that support semiprofessional
23 or professional athletics;

1 (E) indoor facilities such as recreation cen-
2 ters or facilities that support primarily non-out-
3 door purposes; or

4 (F) acquisition of land or interests in land
5 that restrict access to specific persons.

6 (e) NATIONAL PARK SERVICE REQUIREMENTS.—In
7 carrying out the Outdoor Recreation Legacy Partnership
8 Grant Program, the Secretary shall—

9 (1) conduct an initial screening and technical
10 review of applications received; and

11 (2) evaluate and score all qualifying applica-
12 tions.

13 (f) REPORTING.—

14 (1) ANNUAL REPORTS.—Not later than 30 days
15 after the last day of each report period, each State
16 lead agency that receives a grant under this section
17 shall annually submit to the Secretary performance
18 and financial reports that—

19 (A) summarize project activities conducted
20 during the report period; and

21 (B) provide the status of the project, in-
22 cluding of description of how the project has
23 improved access to parkland, open space, or
24 recreational facilities from the community per-
25 spective.

1 (2) FINAL REPORTS.—Not later than 90 days
2 after the earlier of the date of expiration of a project
3 period or the completion of a project, each State
4 lead agency that receives a grant under this section
5 shall submit to the Secretary a final report con-
6 taining such information as the Secretary may re-
7 quire.

8 (g) REVENUE SHARING.—Section 105(a)(2) of the
9 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
10 1331 note) is amended—

11 (1) in subparagraph (A), by striking “and”;

12 (2) in subparagraph (B)—

13 (A) by striking “25 percent” and inserting
14 “20 percent”; and

15 (B) by striking the period at the end and
16 inserting “; and”; and

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

18 “(C) 5 percent to provide grants under the
19 Outdoor Recreation Legacy Partnership Grant
20 Program established under section 40211 of the
21 Environmental Justice For All Act.”.

22 **SEC. 40212. TRANSIT TO TRAILS GRANT PROGRAM.**

23 (a) DEFINITIONS.—In this section:

1 (1) CRITICALLY UNDERSERVED COMMUNITY.—

2 The term “critically underserved community”
3 means—

4 (A) a community that can demonstrate to
5 the Secretary that the community has inad-
6 equate, insufficient, or no park space or recre-
7 ation facilities, including by demonstrating—

8 (i) quality concerns relating to the
9 available park space or recreation facilities;

10 (ii) the presence of recreational facili-
11 ties that do not serve the needs of the com-
12 munity; or

13 (iii) the inequitable distribution of
14 park space for high-need populations,
15 based on income, age, or other measures of
16 vulnerability and need;

17 (B) a community in which at least 50 per-
18 cent of the population is not located within
19 $\frac{1}{2}$ mile of park space;

20 (C) a community that is designated as a
21 qualified opportunity zone under section
22 1400Z–1 of the Internal Revenue Code of 1986;
23 or

24 (D) any other community that the Sec-
25 retary determines to be appropriate.

1 (2) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State;

4 (B) a political subdivision of a State (in-
5 cluding a city or a county) that represents or
6 otherwise serves an urban area or a rural area;

7 (C) a special purpose district (including a
8 park district);

9 (D) an Indian tribe (as defined in section
10 4 of the Indian Self-Determination and Edu-
11 cation Assistance Act (25 U.S.C. 5304)) that
12 represents or otherwise serves an urban area or
13 a rural area; or

14 (E) a metropolitan planning organization
15 (as defined in section 134(b) of title 23, United
16 States Code).

17 (3) PROGRAM.—The term “program” means
18 the Transit to Trails Grant Program established
19 under subsection (b)(1).

20 (4) RURAL AREA.—The term “rural area”
21 means a community that is not an urban area.

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of Transportation.

24 (6) TRANSPORTATION CONNECTOR.—

1 (A) IN GENERAL.—The term “transportation connector” means a system that—

2 (i) connects 2 zip codes or communities within a 175-mile radius of a designated service area; and

3 (ii) offers rides available to the public.

4 (B) INCLUSIONS.—The term “transportation connector” includes microtransits, bus lines, bus rails, light rail, rapid transits, or personal rapid transits.

5 (7) URBAN AREA.—The term “urban area” means a community that—

6 (A) is densely developed;

7 (B) has residential, commercial, and other nonresidential areas; and

8 (C)(i) is an urbanized area with a population of 50,000 or more; or

9 (ii) is an urban cluster with a population of—

10 (I) not less than 2,500; and

11 (II) not more than 50,000.

12 (b) GRANT PROGRAM.—

13 (1) ESTABLISHMENT.—The Secretary shall establish a grant program, to be known as the “Tran-

1 sit to Trails Grant Program”, under which the Sec-
2 retary shall award grants to eligible entities for—

3 (A) projects that develop transportation
4 connectors or routes in or serving, and related
5 education materials for, critically underserved
6 communities to increase access and mobility to
7 Federal or non-Federal public land, waters,
8 parkland, or monuments; or

9 (B) projects that facilitate transportation
10 improvements to enhance access to Federal or
11 non-Federal public land and recreational oppor-
12 tunities in critically underserved communities.

13 (2) ADMINISTRATION.—

14 (A) IN GENERAL.—The Secretary shall ad-
15 minister the program to assist eligible entities
16 in the development of transportation connectors
17 or routes in or serving, and related education
18 materials for, critically underserved commu-
19 nities and Federal or non-Federal public land,
20 waters, parkland, and monuments.

21 (B) JOINT PARTNERSHIPS.—The Secretary
22 shall encourage joint partnership projects under
23 the program, if available, among multiple agen-
24 cies, including school districts, nonprofit organi-
25 zations, metropolitan planning organizations,

1 regional transportation authorities, transit
2 agencies, and State and local governmental
3 agencies (including park and recreation agen-
4 cies and authorities) to enhance investment of
5 public sources.

6 (C) ANNUAL GRANT PROJECT PROPOSAL
7 SOLICITATION, REVIEW, AND APPROVAL.—

8 (i) IN GENERAL.—The Secretary
9 shall—

10 (I) annually solicit the submis-
11 sion of project proposals for grants
12 from eligible entities under the pro-
13 gram; and

14 (II) review each project proposal
15 submitted under subclause (I) on a
16 timeline established by the Secretary.

17 (ii) REQUIRED ELEMENTS FOR
18 PROJECT PROPOSAL.—A project proposal
19 submitted under clause (i)(I) shall in-
20 clude—

21 (I) a statement of the purposes
22 of the project;

23 (II) the name of the entity or in-
24 dividual with overall responsibility for
25 the project;

- 1 (III) a description of the quali-
2 fications of the entity or individuals
3 identified under subclause (II);
- 4 (IV) a description of—
- 5 (aa) staffing and stake-
6 holder engagement for the
7 project;
- 8 (bb) the logistics of the
9 project; and
- 10 (cc) anticipated outcomes of
11 the project;
- 12 (V) a proposed budget for the
13 funds and time required to complete
14 the project;
- 15 (VI) information regarding the
16 source and amount of matching fund-
17 ing available for the project;
- 18 (VII) information that dem-
19 onstrates the clear potential of the
20 project to contribute to increased ac-
21 cess to parkland for critically under-
22 served communities; and
- 23 (VIII) any other information that
24 the Secretary considers to be nec-
25 essary for evaluating the eligibility of

1 the project for funding under the pro-
2 gram.

3 (iii) CONSULTATION; APPROVAL OR
4 DISAPPROVAL.—The Secretary shall, with
5 respect to each project proposal submitted
6 under this subparagraph, as appropriate—

7 (I) consult with the government
8 of each State in which the proposed
9 project is to be conducted;

10 (II) after taking into consider-
11 ation any comments resulting from
12 the consultation under subclause (I),
13 approve or disapprove the proposal;
14 and

15 (III) provide written notification
16 of the approval or disapproval to—

17 (aa) the individual or entity
18 that submitted the proposal; and

19 (bb) each State consulted
20 under subclause (I).

21 (D) PRIORITY.—To the extent practicable,
22 in determining whether to approve project pro-
23 posals under the program, the Secretary shall
24 prioritize projects that are designed to increase
25 access and mobility to local or neighborhood

1 Federal or non-Federal public land, waters,
2 parkland, monuments, or recreational opportu-
3 nities.

4 (3) TRANSPORTATION PLANNING PROCE-
5 DURES.—

6 (A) PROCEDURES.—In consultation with
7 the head of each appropriate Federal land man-
8 agement agency, the Secretary shall develop, by
9 rule, transportation planning procedures for
10 projects conducted under the program that are
11 consistent with metropolitan and statewide
12 planning processes.

13 (B) REQUIREMENTS.—All projects carried
14 out under the program shall be developed in co-
15 operation with States and metropolitan plan-
16 ning organizations.

17 (4) NON-FEDERAL CONTRIBUTIONS.—

18 (A) IN GENERAL.—As a condition of re-
19 ceiving a grant under the program, an eligible
20 entity shall provide funds in the form of cash
21 or an in-kind contribution in an amount equal
22 to not less than 100 percent of the amount of
23 the grant.

24 (B) SOURCES.—The non-Federal contribu-
25 tion required under subparagraph (A) may in-

1 clude amounts made available from State, local,
2 nongovernmental, or private sources.

3 (5) ELIGIBLE USES.—Grant funds provided
4 under the program may be used—

5 (A) to develop transportation connectors or
6 routes in or serving, and related education ma-
7 terials for, critically underserved communities
8 to increase access and mobility to Federal and
9 non-Federal public land, waters, parkland, and
10 monuments; and

11 (B) to create or significantly enhance ac-
12 cess to Federal or non-Federal public land and
13 recreational opportunities in an urban area or
14 a rural area.

15 (6) GRANT AMOUNT.—A grant provided under
16 the program shall be—

17 (A) not less than \$25,000; and

18 (B) not more than \$500,000.

19 (7) TECHNICAL ASSISTANCE.—It is the intent
20 of Congress that grants provided under the program
21 deliver project funds to areas of greatest need while
22 offering technical assistance to all applicants and po-
23 tential applicants for grant preparation to encourage
24 full participation in the program.

1 (8) PUBLIC INFORMATION.—The Secretary
2 shall ensure that current schedules and routes for
3 transportation systems developed after the receipt of
4 a grant under the program are available to the pub-
5 lic, including on a website maintained by the recipi-
6 ent of a grant.

7 (c) REPORTING REQUIREMENT.—

8 (1) REPORTS BY GRANT RECIPIENTS.—The
9 Secretary shall require a recipient of a grant under
10 the program to submit to the Secretary at least 1
11 performance and financial report that—

12 (A) includes—

13 (i) demographic data on communities
14 served by the project; and

15 (ii) a summary of project activities
16 conducted after receiving the grant; and

17 (B) describes the status of each project
18 funded by the grant as of the date of the re-
19 port.

20 (2) ADDITIONAL REPORTS.—In addition to the
21 report required under paragraph (1), the Secretary
22 may require additional reports from a recipient, as
23 the Secretary determines to be appropriate, includ-
24 ing a final report.

1 (3) DEADLINES.—The Secretary shall establish
2 deadlines for the submission of each report required
3 under paragraph (1) or (2).

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$10,000,000 for each fiscal year.

7 **SEC. 40213. EVERY KID OUTDOORS.**

8 Section 9001(b)(5) of the John D. Dingell, Jr. Con-
9 servation, Management, and Recreation Act (Public Law
10 116–9; 133 Stat. 830) is repealed.

11 **SEC. 40214. PROTECTIONS FOR ENVIRONMENTAL JUSTICE**
12 **COMMUNITIES AGAINST HARMFUL FEDERAL**
13 **ACTIONS.**

14 (a) PURPOSE; DEFINITIONS.—

15 (1) PURPOSE.—The purpose of this section is
16 to establish additional protections relating to Fed-
17 eral actions affecting environmental justice commu-
18 nities in recognition of the disproportionate burden
19 of adverse human health or environmental effects
20 faced by such communities.

21 (2) DEFINITIONS.—In this section:

22 (A) FEDERAL ACTION.—The term “Fed-
23 eral action” means a proposed action that re-
24 quires the preparation of an environmental im-
25 pact statement, environmental assessment, cat-

1 egorical exclusion, or other document under the
2 National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.).

4 (B) ENVIRONMENTAL IMPACT STATE-
5 MENT.—The term “environmental impact state-
6 ment” means the detailed statement of environ-
7 mental impacts of a proposed action required to
8 be prepared pursuant to the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.).

11 (b) PREPARATION OF A COMMUNITY IMPACT RE-
12 PORT.—A Federal agency proposing to take a Federal ac-
13 tion that has the potential to cause negative environmental
14 or public health impacts on an environmental justice com-
15 munity shall prepare a community impact report assessing
16 the potential impacts of the proposed action.

17 (c) CONTENTS.—The community impact report de-
18 scribed in subsection (b) shall—

19 (1) assess the degree to which a proposed Fed-
20 eral action affecting an environmental justice com-
21 munity will cause multiple or cumulative exposure to
22 human health and environmental hazards that influ-
23 ence, exacerbate or contribute to adverse health out-
24 comes;

1 (2) assess relevant public health data and in-
2 dustry data concerning the potential for multiple or
3 cumulative exposure to human health or environ-
4 mental hazards in the area of the environmental jus-
5 tice community and historical patterns of exposure
6 to environmental hazards and agencies shall assess
7 these multiple, or cumulative effects, even if certain
8 effects are not within the control or subject to the
9 discretion of the Federal agency proposing the Fed-
10 eral action;

11 (3) assess the impact of such proposed Federal
12 action on such environmental justice community's
13 ability to access public parks, outdoor spaces, and
14 public recreation opportunities;

15 (4) evaluate alternatives to or mitigation meas-
16 ures for the proposed Federal action that will—

17 (A) eliminate or reduce any identified ex-
18 posure to human health and environmental haz-
19 ards described in paragraph (1) to a level that
20 is reasonably expected to avoid human health
21 impacts in environmental justice communities;
22 and

23 (B) not negatively impact an environ-
24 mental justice community's ability to access

1 public parks, outdoor spaces, and public recre-
2 ation opportunities; and

3 (5) analyze any alternative developed by mem-
4 bers of an affected environmental justice community
5 that meets the purpose and need of the proposed ac-
6 tion.

7 (d) DELEGATION.—Federal agencies shall not dele-
8 gate responsibility for the preparation of a community im-
9 pact report prepared under this section to any other enti-
10 ty.

11 (e) NATIONAL ENVIRONMENTAL POLICY ACT RE-
12 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-
13 NITIES.—When carrying out the requirements of the Na-
14 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
15 et seq.) for a proposed Federal action that may affect an
16 environmental justice community, a Federal agency
17 shall—

18 (1) consider all potential direct, indirect, and
19 cumulative impacts caused by the action, alter-
20 natives to such action, and mitigation measures on
21 the environmental justice community;

22 (2) require any public comment period carried
23 out during the scoping phase of the environmental
24 review process to be no less than 90 days;

1 (3) provide early and meaningful community in-
2 volvement opportunities by—

3 (A) holding multiple hearings in such com-
4 munity regarding the proposed Federal action
5 in each prominent language within the environ-
6 mental justice community; and

7 (B) providing notice of any step or action
8 in the National Environmental Policy Act proc-
9 ess that involves public participation to any rep-
10 resentative entities or organizations present in
11 the environmental justice community includ-
12 ing—

13 (i) local religious organizations;

14 (ii) civic associations and organiza-
15 tions;

16 (iii) business associations of people of
17 color;

18 (iv) environmental and environmental
19 justice organizations, including community-
20 based grassroots organizations led by peo-
21 ple of color;

22 (v) homeowners', tenants', and neigh-
23 borhood watch groups;

24 (vi) local and Tribal governments;

25 (vii) rural cooperatives;

- 1 (viii) business and trade organiza-
- 2 tions;
- 3 (ix) community and social service or-
- 4 ganizations;
- 5 (x) universities, colleges, and voca-
- 6 tional schools;
- 7 (xi) labor and other worker organiza-
- 8 tions;
- 9 (xii) civil rights organizations;
- 10 (xiii) senior citizens' groups; and
- 11 (xiv) public health agencies and clin-
- 12 ics; and

13 (4) provide translations of publicly available
14 documents made available pursuant to the National
15 Environmental Policy Act in any language spoken by
16 more than 5 percent of the population residing with-
17 in the environmental justice community.

18 (f) COMMUNICATION METHODS AND REQUIRE-
19 MENTS.—Any notice provided under subsection (e)(3)(B)
20 shall be provided—

21 (1) through communication methods that are
22 accessible in the environmental justice community.
23 Such methods may include electronic media, news-
24 papers, radio, direct mailings, canvassing, and other
25 outreach methods particularly targeted at commu-

1 nities of color, low-income communities, and Tribal
2 and indigenous communities; and

3 (2) at least 30 days before any hearing in such
4 community or the start of any public comment pe-
5 riod.

6 (g) REQUIREMENTS FOR ACTIONS REQUIRING AN
7 ENVIRONMENTAL IMPACT STATEMENT.—For any pro-
8 posed Federal action affecting an environmental justice
9 community requiring the preparation of an environmental
10 impact statement, the Federal agency shall provide the fol-
11 lowing information when giving notice of the proposed ac-
12 tion:

13 (1) A description of the proposed action.

14 (2) An outline of the anticipated schedule for
15 completing the process under the National Environ-
16 mental Policy Act, with a description of key mile-
17 stones.

18 (3) An initial list of alternatives and potential
19 impacts.

20 (4) An initial list of other existing or proposed
21 sources of multiple or cumulative exposure to envi-
22 ronmental hazards that contribute to higher rates of
23 serious illnesses within the environmental justice
24 community.

25 (5) An agency point of contact.

1 (6) Timely notice of locations where comments
2 will be received or public meetings held.

3 (7) Any telephone number or locations where
4 further information can be obtained.

5 (h) NATIONAL ENVIRONMENTAL POLICY ACT RE-
6 QUIREMENTS FOR INDIAN TRIBES.—When carrying out
7 the requirements of the National Environmental Policy
8 Act for a proposed Federal action that may affect an In-
9 dian Tribe, a Federal agency shall—

10 (1) seek Tribal representation in the process in
11 a manner that is consistent with the government-to-
12 government relationship between the United States
13 and Tribal governments, the Federal Government’s
14 trust responsibility to federally recognized Tribes,
15 and any treaty rights;

16 (2) ensure that an Indian Tribe is invited to
17 hold the status of a cooperating agency throughout
18 the National Environmental Policy Act process for
19 any proposed action that could impact an Indian
20 Tribe including actions that could impact off res-
21 ervation lands and sacred sites; and

22 (3) invite an Indian Tribe to hold the status of
23 a cooperating agency in accordance with paragraph
24 (2) no later than the commencement of the scoping

1 process for a proposed action requiring the prepara-
2 tion of an environmental impact statement.

3 (i) AGENCY DETERMINATIONS.—Federal agency de-
4 terminations about the analysis of a community impact
5 report described in this section shall be subject to judicial
6 review to the same extent as any other analysis performed
7 under the National Environmental Policy Act.

8 (j) EFFECTIVE DATE.—This section shall take effect
9 one year after the date of enactment of this Act.

10 (k) SAVINGS CLAUSE.—Nothing in this section di-
11 minishes any right granted through the National Environ-
12 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to
13 the public.

14 **SEC. 40215. TRAINING OF EMPLOYEES OF FEDERAL AGEN-**
15 **CIES.**

16 (a) INITIAL TRAINING.—Not later than 1 year after
17 the date of enactment of this Act, each employee of the
18 Environmental Protection Agency, the Department of the
19 Interior, and the National Oceanic and Atmospheric Ad-
20 ministration shall complete an environmental justice train-
21 ing program to ensure that each such employee—

22 (1) has received training in environmental jus-
23 tice; and

24 (2) is capable of—

1 (A) appropriately incorporating environ-
2 mental justice concepts into the daily activities
3 of the employee; and

4 (B) increasing the meaningful participation
5 of individuals from environmental justice com-
6 munities in the activities of the applicable agen-
7 cy.

8 (b) MANDATORY PARTICIPATION.—Effective on the
9 date that is 1 year after the date of enactment of this
10 Act, each individual hired by the Environmental Protec-
11 tion Agency, the Department of the Interior, and the Na-
12 tional Oceanic and Atmospheric Administration after that
13 date shall be required to participate in environmental jus-
14 tice training.

15 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-
16 EES.—

17 (1) IN GENERAL.—With respect to each Fed-
18 eral agency that participates in the Working Group,
19 not later than 30 days after the date on which an
20 individual is appointed to the position of environ-
21 mental justice coordinator, environmental justice
22 ombudsman, or any other position the responsibility
23 of which involves the conduct of environmental jus-
24 tice activities, the individual shall be required to pos-

1 sess documentation of the completion by the indi-
2 vidual of environmental justice training.

3 (2) EFFECT.—If an individual described in
4 paragraph (1) fails to meet the requirement de-
5 scribed in that paragraph, the Federal agency at
6 which the individual is employed shall transfer the
7 individual to a different position until the date on
8 which the individual completes environmental justice
9 training.

10 (3) EVALUATION.—Not later than 3 years after
11 the date of enactment of this Act, the Inspector
12 General of each Federal agency that participates in
13 the Working Group shall evaluate the training pro-
14 grams of such Federal agency to determine if such
15 Federal agency has improved the rate of training of
16 the employees of such Federal agency to ensure that
17 each employee has received environmental justice
18 training.

19 **SEC. 40216. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

20 (a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT
21 PROGRAM.—

22 (1) ESTABLISHMENT.—The Administrator shall
23 establish a program under which the Administrator
24 shall provide grants to eligible entities to assist the
25 eligible entities in—

1 (A) building capacity to address issues re-
2 lating to environmental justice; and

3 (B) carrying out any activity described in
4 paragraph (4).

5 (2) ELIGIBILITY.—To be eligible to receive a
6 grant under paragraph (1), an eligible entity shall be
7 a nonprofit, community-based organization that con-
8 ducts activities, including providing medical and pre-
9 ventive health services, to reduce the dispropor-
10 tionate health impacts of environmental pollution in
11 the environmental justice community at which the
12 eligible entity proposes to conduct an activity that is
13 the subject of the application described in paragraph
14 (3).

15 (3) APPLICATION.—To be eligible to receive a
16 grant under paragraph (1), an eligible entity shall
17 submit to the Administrator an application at such
18 time, in such manner, and containing such informa-
19 tion as the Administrator may require, including—

20 (A) an outline describing the means by
21 which the project proposed by the eligible entity
22 will—

23 (i) with respect to environmental and
24 public health issues at the local level, in-
25 crease the understanding of the environ-

1 mental justice community at which the eli-
2 gible entity will conduct the project;

3 (ii) improve the ability of the environ-
4 mental justice community to address each
5 issue described in clause (i);

6 (iii) facilitate collaboration and co-
7 operation among various stakeholders (in-
8 cluding members of the environmental jus-
9 tice community); and

10 (iv) support the ability of the environ-
11 mental justice community to proactively
12 plan and implement just sustainable com-
13 munity development and revitalization ini-
14 tiatives, including countering displacement
15 and gentrification;

16 (B) a proposed budget for each activity of
17 the project that is the subject of the applica-
18 tion;

19 (C) a list of proposed outcomes with re-
20 spect to the proposed project;

21 (D) a description of the ways by which the
22 eligible entity may leverage the funds of the eli-
23 gible entity, or the funds made available
24 through a grant under this subsection, to de-

1 velop a project that is capable of being sus-
2 tained beyond the period of the grant; and

3 (E) a description of the ways by which the
4 eligible entity is linked to, and representative
5 of, the environmental justice community at
6 which the eligible entity will conduct the
7 project.

8 (4) USE OF FUNDS.—An eligible entity may
9 only use a grant under this subsection to carry out
10 culturally and linguistically appropriate projects and
11 activities that are driven by the needs, opportunities,
12 and priorities of the environmental justice commu-
13 nity at which the eligible entity proposes to conduct
14 the project or activity to address environmental jus-
15 tice concerns and improve the health or environment
16 of the environmental justice community, including
17 activities—

18 (A) to create or develop collaborative part-
19 nerships;

20 (B) to educate and provide outreach serv-
21 ices to the environmental justice community;

22 (C) to identify and implement projects to
23 address environmental or public health con-
24 cerns; or

1 (D) to develop a comprehensive under-
2 standing of environmental or public health
3 issues.

4 (5) REPORT.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this Act, and an-
7 nually thereafter, the Administrator shall sub-
8 mit to the Committees on Energy and Com-
9 merce and Natural Resources of the House of
10 Representatives and the Committees on Envi-
11 ronment and Public Works and Energy and
12 Natural Resources of the Senate a report de-
13 scribing the ways by which the grant program
14 under this subsection has helped community-
15 based nonprofit organizations address issues re-
16 lating to environmental justice.

17 (B) PUBLIC AVAILABILITY.—The Adminis-
18 trator shall make each report required under
19 subparagraph (A) available to the public (in-
20 cluding by posting a copy of the report on the
21 website of the Environmental Protection Agen-
22 cy).

23 (6) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out

1 this subsection \$25,000,000 for each of fiscal years
2 2023 through 2027.

3 (b) STATE GRANT PROGRAM.—

4 (1) ESTABLISHMENT.—The Administrator shall
5 establish a program under which the Administrator
6 shall provide grants to States to enable the States—

7 (A) to establish culturally and linguistically
8 appropriate protocols, activities, and mecha-
9 nisms for addressing issues relating to environ-
10 mental justice; and

11 (B) to carry out culturally and linguis-
12 tically appropriate activities to reduce or elimi-
13 nate disproportionately adverse human health
14 or environmental effects on environmental jus-
15 tice communities in the State, including reduc-
16 ing economic vulnerabilities that result in the
17 environmental justice communities being dis-
18 proportionately affected.

19 (2) ELIGIBILITY.—

20 (A) APPLICATION.—To be eligible to re-
21 ceive a grant under paragraph (1), a State shall
22 submit to the Administrator an application at
23 such time, in such manner, and containing such
24 information as the Administrator may require,
25 including—

1 (i) a plan that contains a description
2 of the means by which the funds provided
3 through a grant under paragraph (1) will
4 be used to address issues relating to envi-
5 ronmental justice at the State level; and

6 (ii) assurances that the funds pro-
7 vided through a grant under paragraph (1)
8 will be used only to supplement the
9 amount of funds that the State allocates
10 for initiatives relating to environmental
11 justice.

12 (B) ABILITY TO CONTINUE PROGRAM.—To
13 be eligible to receive a grant under paragraph
14 (1), a State shall demonstrate to the Adminis-
15 trator that the State has the ability to continue
16 each program that is the subject of funds pro-
17 vided through a grant under paragraph (1)
18 after receipt of the funds.

19 (3) REPORT.—

20 (A) IN GENERAL.—Not later than 1 year
21 after the date of enactment of this Act, and an-
22 nually thereafter, the Administrator shall sub-
23 mit to the Committees on Energy and Com-
24 merce and Natural Resources of the House of
25 Representatives and the Committees on Envi-

ronment and Public Works and Energy and
Natural Resources of the Senate a report de-
scribing—

(i) the implementation of the grant
program established under paragraph (1);

(ii) the impact of the grant program
on improving the ability of each partici-
pating State to address environmental jus-
tice issues; and

(iii) the activities carried out by each
State to reduce or eliminate disproportion-
ately adverse human health or environ-
mental effects on environmental justice
communities in the State.

(B) PUBLIC AVAILABILITY.—The Adminis-
trator shall make each report required under
subparagraph (A) available to the public (in-
cluding by posting a copy of the report on the
website of the Environmental Protection Agen-
cy).

(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out
this subsection \$15,000,000 for each of fiscal years
2023 through 2027.

(c) TRIBAL GRANT PROGRAM.—

1 (1) ESTABLISHMENT.—The Administrator shall
2 establish a program under which the Administrator
3 shall provide grants to Tribal Governments to enable
4 the Indian Tribes—

5 (A) to establish culturally and linguistically
6 appropriate protocols, activities, and mecha-
7 nisms for addressing issues relating to environ-
8 mental justice; and

9 (B) to carry out culturally and linguis-
10 tically appropriate activities to reduce or elimi-
11 nate disproportionately adverse human health
12 or environmental effects on environmental jus-
13 tice communities in Tribal and indigenous com-
14 munities, including reducing economic vulnera-
15 bilities that result in the Tribal and indigenous
16 communities being disproportionately affected.

17 (2) ELIGIBILITY.—

18 (A) APPLICATION.—To be eligible to re-
19 ceive a grant under paragraph (1), a Tribal
20 Government shall submit to the Administrator
21 an application at such time, in such manner,
22 and containing such information as the Admin-
23 istrator may require, including—

24 (i) a plan that contains a description
25 of the means by which the funds provided

1 through a grant under paragraph (1) will
2 be used to address issues relating to envi-
3 ronmental justice in Tribal and indigenous
4 communities; and

5 (ii) assurances that the funds pro-
6 vided through a grant under paragraph (1)
7 will be used only to supplement the
8 amount of funds that the Tribal Govern-
9 ment allocates for initiatives relating to en-
10 vironmental justice.

11 (B) ABILITY TO CONTINUE PROGRAM.—To
12 be eligible to receive a grant under paragraph
13 (1), a Tribal Government shall demonstrate to
14 the Administrator that the Tribal Government
15 has the ability to continue each program that is
16 the subject of funds provided through a grant
17 under paragraph (1) after receipt of the funds.

18 (3) REPORT.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of enactment of this Act, and an-
21 nually thereafter, the Administrator shall sub-
22 mit to the Committees on Energy and Com-
23 merce and Natural Resources of the House of
24 Representatives and the Committees on Envi-
25 ronment and Public Works and Energy and

1 Natural Resources of the Senate a report de-
2 scribing—

3 (i) the implementation of the grant
4 program established under paragraph (1);

5 (ii) the impact of the grant program
6 on improving the ability of each partici-
7 pating Indian Tribe to address environ-
8 mental justice issues; and

9 (iii) the activities carried out by each
10 Tribal Government to reduce or eliminate
11 disproportionately adverse human health or
12 environmental effects on applicable envi-
13 ronmental justice communities in Tribal
14 and indigenous communities.

15 (B) PUBLIC AVAILABILITY.—The Adminis-
16 trator shall make each report required under
17 subparagraph (A) available to the public (in-
18 cluding by posting a copy of the report on the
19 website of the Environmental Protection Agen-
20 cy).

21 (4) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this subsection \$25,000,000 for each of fiscal years
24 2023 through 2027.

1 (d) COMMUNITY-BASED PARTICIPATORY RESEARCH
2 GRANT PROGRAM.—

3 (1) ESTABLISHMENT.—The Administrator, in
4 consultation with the Director, shall establish a pro-
5 gram under which the Administrator shall provide
6 not more than 25 multiyear grants to eligible enti-
7 ties to carry out community-based participatory re-
8 search—

9 (A) to address issues relating to environ-
10 mental justice;

11 (B) to improve the environment of resi-
12 dents and workers in environmental justice
13 communities; and

14 (C) to improve the health outcomes of resi-
15 dents and workers in environmental justice
16 communities.

17 (2) ELIGIBILITY.—To be eligible to receive a
18 multiyear grant under paragraph (1), an eligible en-
19 tity shall be a partnership comprised of—

20 (A) an accredited institution of higher edu-
21 cation; and

22 (B) a community-based organization.

23 (3) APPLICATION.—To be eligible to receive a
24 multiyear grant under paragraph (1), an eligible en-
25 tity shall submit to the Administrator an application

1 at such time, in such manner, and containing such
2 information as the Administrator may require, in-
3 cluding—

4 (A) a detailed description of the partner-
5 ship of the eligible entity that, as determined by
6 the Administrator, demonstrates the participa-
7 tion of members of the community at which the
8 eligible entity proposes to conduct the research;
9 and

10 (B) a description of—

11 (i) the project proposed by the eligible
12 entity; and

13 (ii) the ways by which the project
14 will—

15 (I) address issues relating to en-
16 vironmental justice;

17 (II) assist in the improvement of
18 health outcomes of residents and
19 workers in environmental justice com-
20 munities; and

21 (III) assist in the improvement of
22 the environment of residents and
23 workers in environmental justice com-
24 munities.

1 (4) PUBLIC AVAILABILITY.—The Administrator
2 shall make the results of the grants available pro-
3 vided under this subsection to the public, including
4 by posting on the website of the Environmental Pro-
5 tection Agency a copy of the grant awards and an
6 annual report at the beginning of each fiscal year
7 describing the research findings associated with each
8 grant provided under this subsection.

9 (5) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this subsection \$10,000,000 for each of fiscal years
12 2023 through 2027.

13 **SEC. 40217. ENVIRONMENTAL JUSTICE BASIC TRAINING**
14 **PROGRAM.**

15 (a) ESTABLISHMENT.—The Administrator shall es-
16 tablish a basic training program, in coordination and con-
17 sultation with nongovernmental environmental justice or-
18 ganizations, to increase the capacity of residents of envi-
19 ronmental justice communities to identify and address dis-
20 proportionately adverse human health or environmental ef-
21 fects by providing culturally and linguistically appro-
22 priate—

23 (1) training and education relating to—

1 (A) basic and advanced techniques for the
2 detection, assessment, and evaluation of the ef-
3 fects of hazardous substances on human health;

4 (B) methods to assess the risks to human
5 health presented by hazardous substances;

6 (C) methods and technologies to detect
7 hazardous substances in the environment;

8 (D) basic biological, chemical, and physical
9 methods to reduce the quantity and toxicity of
10 hazardous substances;

11 (E) the rights and safeguards currently af-
12 forded to individuals through policies and laws
13 intended to help environmental justice commu-
14 nities address disparate impacts and discrimi-
15 nation, including—

16 (i) environmental laws; and

17 (ii) section 602 of the Civil Rights Act
18 of 1964 (42 U.S.C. 2000d–1);

19 (F) public engagement opportunities
20 through the policies and laws described in sub-
21 paragraph (E);

22 (G) materials available on the Clearing-
23 house;

1 (H) methods related to expanding access
2 to parks and other natural and recreational
3 amenities; and

4 (I) finding and applying for Federal grants
5 related to environmental justice; and

6 (2) short courses and continuation education
7 programs for residents of communities who are lo-
8 cated in close proximity to hazardous substances to
9 provide—

10 (A) education relating to—

11 (i) the proper manner to handle haz-
12 ardous substances;

13 (ii) the management of facilities at
14 which hazardous substances are located
15 (including facility compliance protocols);
16 and

17 (iii) the evaluation of the hazards that
18 facilities described in clause (ii) pose to
19 human health; and

20 (B) training on environmental and occupa-
21 tional health and safety with respect to the pub-
22 lic health and engineering aspects of hazardous
23 waste control.

24 (b) GRANT PROGRAM.—

1 (1) ESTABLISHMENT.—In carrying out the
2 basic training program established under subsection
3 (a), the Administrator may provide grants to, or
4 enter into any contract or cooperative agreement
5 with, an eligible entity to carry out any training or
6 educational activity described in subsection (a).

7 (2) ELIGIBLE ENTITY.—To be eligible to receive
8 assistance under paragraph (1), an eligible entity
9 shall be an accredited institution of education in
10 partnership with—

11 (A) a community-based organization that
12 carries out activities relating to environmental
13 justice;

14 (B) a generator of hazardous waste;

15 (C) any individual who is involved in the
16 detection, assessment, evaluation, or treatment
17 of hazardous waste;

18 (D) any owner or operator of a facility at
19 which hazardous substances are located; or

20 (E) any State government, Tribal Govern-
21 ment, or local government.

22 (c) PLAN.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this Act, the Administrator,
25 in consultation with the Director, shall develop and

1 publish in the Federal Register a plan to carry out
2 the basic training program established under sub-
3 section (a).

4 (2) CONTENTS.—The plan described in para-
5 graph (1) shall contain—

6 (A) a list that describes the relative pri-
7 ority of each activity described in subsection
8 (a); and

9 (B) a description of research and training
10 relevant to environmental justice issues of com-
11 munities adversely affected by pollution.

12 (3) COORDINATION WITH FEDERAL AGEN-
13 CIES.—The Administrator shall, to the maximum ex-
14 tent practicable, take appropriate steps to coordinate
15 the activities of the basic training program described
16 in the plan with the activities of other Federal agen-
17 cies to avoid any duplication of effort.

18 (d) REPORT.—

19 (1) IN GENERAL.—Not later than 2 years after
20 the date of enactment of this Act, and every 2 years
21 thereafter, the Administrator shall submit to the
22 Committees on Energy and Commerce and Natural
23 Resources of the House of Representatives and the
24 Committees on Environment and Public Works and

1 Energy and Natural Resources of the Senate a re-
2 port describing—

3 (A) the implementation of the basic train-
4 ing program established under subsection (a);
5 and

6 (B) the impact of the basic training pro-
7 gram on improving training opportunities for
8 residents of environmental justice communities.

9 (2) PUBLIC AVAILABILITY.—The Administrator
10 shall make the report required under paragraph (1)
11 available to the public (including by posting a copy
12 of the report on the website of the Environmental
13 Protection Agency).

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$10,000,000 for each of fiscal years 2023 through 2027.

17 **SEC. 40218. NATIONAL ENVIRONMENTAL JUSTICE ADVI-**
18 **SORY COUNCIL.**

19 (a) ESTABLISHMENT.—The President shall establish
20 an advisory council, to be known as the National Environ-
21 mental Justice Advisory Council.

22 (b) MEMBERSHIP.—The Advisory Council shall be
23 comprised of 26 members who have knowledge of, or expe-
24 rience relating to, the effect of environmental conditions

1 on communities of color, low-income communities, and
2 Tribal and indigenous communities, including—

3 (1) representatives of—

4 (A) community-based organizations that
5 carry out initiatives relating to environmental
6 justice, including grassroots organizations led
7 by people of color;

8 (B) State governments, Tribal Govern-
9 ments, and local governments;

10 (C) Indian Tribes and other indigenous
11 groups;

12 (D) nongovernmental and environmental
13 organizations; and

14 (E) private sector organizations (including
15 representatives of industries and businesses);
16 and

17 (2) experts in the fields of—

18 (A) socioeconomic analysis;

19 (B) health and environmental effects;

20 (C) exposure evaluation;

21 (D) environmental law and civil rights law;

22 and

23 (E) environmental health science research.

24 (c) SUBCOMMITTEES; WORKGROUPS.—

1 (1) ESTABLISHMENT.—The Advisory Council
2 may establish any subcommittee or workgroup to as-
3 sist the Advisory Council in carrying out any duty
4 of the Advisory Council described in subsection (d).

5 (2) REPORT.—Upon the request of the Advisory
6 Council, each subcommittee or workgroup estab-
7 lished by the Advisory Council under paragraph (1)
8 shall submit to the Advisory Council a report that
9 contains—

10 (A) a description of each recommendation
11 of the subcommittee or workgroup; and

12 (B) any advice requested by the Advisory
13 Council with respect to any duty of the Advi-
14 sory Council.

15 (d) DUTIES.—The Advisory Council shall provide
16 independent advice and recommendations to the Environ-
17 mental Protection Agency with respect to issues relating
18 to environmental justice, including advice—

19 (1) to help develop, facilitate, and conduct re-
20 views of the direction, criteria, scope, and adequacy
21 of the scientific research and demonstration projects
22 of the Environmental Protection Agency relating to
23 environmental justice;

24 (2) to improve participation, cooperation, and
25 communication with respect to such issues—

1 (A) within the Environmental Protection
2 Agency;

3 (B) between the Environmental Protection
4 Agency and other entities; and

5 (C) between, and among, the Environ-
6 mental Protection Agency and Federal agencies,
7 State and local governments, Indian Tribes, en-
8 vironmental justice leaders, interest groups, and
9 the public;

10 (3) requested by the Administrator to help im-
11 prove the response of the Environmental Protection
12 Agency in securing environmental justice for com-
13 munities of color, low-income communities, and
14 Tribal and indigenous communities; and

15 (4) on issues relating to—

16 (A) the developmental framework of the
17 Environmental Protection Agency with respect
18 to the integration by the Environmental Protec-
19 tion Agency of socioeconomic programs into the
20 strategic planning, annual planning, and man-
21 agement accountability of the Environmental
22 Protection Agency to achieve environmental jus-
23 tice results throughout the Environmental Pro-
24 tection Agency;

1 (B) the measurement and evaluation of the
2 progress, quality, and adequacy of the Environ-
3 mental Protection Agency in planning, devel-
4 oping, and implementing environmental justice
5 strategies, projects, and programs;

6 (C) any existing and future information
7 management systems, technologies, and data
8 collection activities of the Environmental Pro-
9 tection Agency (including recommendations to
10 conduct analyses that support and strengthen
11 environmental justice programs in administra-
12 tive and scientific areas);

13 (D) the administration of grant programs
14 relating to environmental justice assistance; and

15 (E) education, training, and other outreach
16 activities conducted by the Environmental Pro-
17 tection Agency relating to environmental jus-
18 tice.

19 (e) MEETINGS.—

20 (1) FREQUENCY.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the Advisory Council shall meet bi-
23 annually.

24 (B) AUTHORITY OF ADMINISTRATOR.—The
25 Administrator may require the Advisory Council

1 to conduct additional meetings if the Adminis-
2 trator determines that the conduct of any addi-
3 tional meetings are necessary.

4 (2) PUBLIC PARTICIPATION.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), each meeting of the Advisory Coun-
7 cil shall be open to the public to provide the
8 public an opportunity—

9 (i) to submit comments to the Advi-
10 sory Council; and

11 (ii) to appear before the Advisory
12 Council.

13 (B) AUTHORITY OF ADMINISTRATOR.—The
14 Administrator may close any meeting, or por-
15 tion of any meeting, to the public.

16 (f) FACA.—The Federal Advisory Committee Act (5
17 U.S.C. App.) shall apply to the Advisory Council.

18 (g) TRAVEL EXPENSES.—The Administrator may
19 provide to any member of the Advisory Council travel ex-
20 penses, including per diem in lieu of subsistence, at rates
21 authorized for an employee of an agency under subchapter
22 I of chapter 57 of title 5, United States Code, while away
23 from the home or regular place of business of the member
24 in the performance of the duties of the Advisory Council.

1 **SEC. 40219. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

2 (a) ESTABLISHMENT.—Not later than 1 year after
3 the date of enactment of this Act, the Administrator shall
4 establish a public internet-based clearinghouse, to be
5 known as the Environmental Justice Clearinghouse.

6 (b) CONTENTS.—The Clearinghouse shall be com-
7 prised of culturally and linguistically appropriate mate-
8 rials related to environmental justice, including—

9 (1) information describing the activities con-
10 ducted by the Environmental Protection Agency to
11 address issues relating to environmental justice;

12 (2) copies of training materials provided by the
13 Administrator to help individuals and employees un-
14 derstand and carry out environmental justice activi-
15 ties;

16 (3) links to web pages that describe environ-
17 mental justice activities of other Federal agencies;

18 (4) a directory of individuals who possess tech-
19 nical expertise in issues relating to environmental
20 justice;

21 (5) a directory of nonprofit and community-
22 based organizations, including grassroots organiza-
23 tions led by people of color, that address issues re-
24 lating to environmental justice at the local, State,
25 and Federal levels (with particular emphasis given to
26 nonprofit and community-based organizations that

1 possess the capability to provide advice or technical
2 assistance to environmental justice communities);
3 and

4 (6) any other appropriate information as deter-
5 mined by the Administrator, including information
6 on any resources available to help address the dis-
7 proportionate burden of adverse human health or en-
8 vironmental effects on environmental justice commu-
9 nities.

10 (c) CONSULTATION.—In developing the Clearing-
11 house, the Administrator shall consult with individuals
12 representing academic and community-based organiza-
13 tions who have expertise in issues relating to environ-
14 mental justice.

15 (d) ANNUAL REVIEW.—The Advisory Council shall—

16 (1) conduct a review of the Clearinghouse on an
17 annual basis; and

18 (2) recommend to the Administrator any up-
19 dates for the Clearinghouse that the Advisory Coun-
20 cil determines to be necessary for the effective oper-
21 ation of the Clearinghouse.

22 **SEC. 40220. PUBLIC MEETINGS.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of this Act, and biennially thereafter,
25 the Administrator shall hold public meetings on environ-

1 mental justice issues in each region of the Environmental
2 Protection Agency to gather public input with respect to
3 the implementation and updating of environmental justice
4 strategies and efforts of the Environmental Protection
5 Agency.

6 (b) OUTREACH TO ENVIRONMENTAL JUSTICE COM-
7 MUNITIES.—The Administrator, in advance of the meet-
8 ings described in subsection (a), shall to the extent prac-
9 ticable hold multiple meetings in environmental justice
10 communities in each region to provide meaningful commu-
11 nity involvement opportunities.

12 (c) NOTICE.—Notice for the meetings described in
13 subsections (a) and (b) shall be provided—

14 (1) to applicable representative entities or orga-
15 nizations present in the environmental justice com-
16 munity including—

17 (A) local religious organizations;

18 (B) civic associations and organizations;

19 (C) business associations of people of color;

20 (D) environmental and environmental jus-
21 tice organizations;

22 (E) homeowners', tenants', and neighbor-
23 hood watch groups;

24 (F) local and Tribal Governments;

25 (G) rural cooperatives;

1 (H) business and trade organizations;

2 (I) community and social service organiza-
3 tions;

4 (J) universities, colleges, and vocational
5 schools;

6 (K) labor organizations;

7 (L) civil rights organizations;

8 (M) senior citizens' groups; and

9 (N) public health agencies and clinics;

10 (2) through communication methods that are
11 accessible in the applicable environmental justice
12 community, which may include electronic media,
13 newspapers, radio, and other media particularly tar-
14 geted at communities of color, low-income commu-
15 nities, and Tribal and indigenous communities; and

16 (3) at least 30 days before any such meeting.

17 (d) COMMUNICATION METHODS AND REQUIRE-
18 MENTS.—The Administrator shall—

19 (1) provide translations of any documents made
20 available to the public pursuant to this section in
21 any language spoken by more than 5 percent of the
22 population residing within the applicable environ-
23 mental justice community, and make available trans-
24 lation services for meetings upon request; and

1 (2) not require members of the public to
2 produce a form of identification or register their
3 names, provide other information, complete a ques-
4 tionnaire, or otherwise fulfill any condition precedent
5 to attending a meeting, but if an attendance list,
6 register, questionnaire, or other similar document is
7 utilized during meetings, it shall state clearly that
8 the signing, registering, or completion of the docu-
9 ment is voluntary.

10 (e) REQUIRED ATTENDANCE OF CERTAIN EMPLOY-
11 EES.—In holding a public meeting under subsection (a),
12 the Administrator shall ensure that at least 1 employee
13 of the Environmental Protection Agency at the level of As-
14 sistant Administrator is present at the meeting to serve
15 as a representative of the Environmental Protection Agen-
16 cy.

17 **SEC. 40221. ENVIRONMENTAL PROJECTS FOR ENVIRON-**
18 **MENTAL JUSTICE COMMUNITIES.**

19 The Administrator shall ensure that all environ-
20 mental projects developed as part of a settlement relating
21 to violations in an environmental justice community—

22 (1) are developed through consultation with,
23 and with the meaningful participation of, individuals
24 in the affected environmental justice community;
25 and

1 (2) result in a quantifiable improvement to the
2 health and well-being of individuals in the affected
3 environmental justice community.

4 **SEC. 40222. GRANTS TO FURTHER ACHIEVEMENT OF TRIB-**
5 **AL COASTAL ZONE OBJECTIVES.**

6 (a) GRANTS AUTHORIZED.—The Coastal Zone Man-
7 agement Act of 1972 (16 U.S.C. 1451 et seq.) is amended
8 by adding at the end the following:

9 **“SEC. 320. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
10 **COASTAL ZONE OBJECTIVES.**

11 “(a) GRANTS AUTHORIZED.—The Secretary may
12 award competitive grants to Indian Tribes to further
13 achievement of the objectives of such a Tribe for its Tribal
14 coastal zone.

15 “(b) COST SHARE.—

16 “(1) IN GENERAL.—The Federal share of the
17 cost of any activity carried out with a grant under
18 this section shall be—

19 “(A) in the case of a grant of less than
20 \$200,000, 100 percent of such cost; and

21 “(B) in the case of a grant of \$200,000 or
22 more, 95 percent of such cost, except as pro-
23 vided in paragraph (2).

24 “(2) WAIVER.—The Secretary may waive the
25 application of paragraph (1)(B) with respect to a

1 grant to an Indian Tribe, or otherwise reduce the
2 portion of the share of the cost of an activity re-
3 quired to be paid by an Indian Tribe under such
4 paragraph, if the Secretary determines that the
5 Tribe does not have sufficient funds to pay such por-
6 tion.

7 “(c) COMPATIBILITY.—The Secretary may not award
8 a grant under this section unless the Secretary determines
9 that the activities to be carried out with the grant are
10 compatible with this title and that the grantee has con-
11 sulted with the affected coastal state regarding the grant
12 objectives and purposes.

13 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—
14 Amounts awarded as a grant under this section shall be
15 used for one or more of the objectives and purposes au-
16 thorized under subsections (b) and (c), respectively, of sec-
17 tion 306A.

18 “(e) FUNDING.—Of amounts appropriated to carry
19 out this Act, \$5,000,000 is authorized to carry out this
20 section for each fiscal year.

21 “(f) DEFINITIONS.—In this section:

22 “(1) INDIAN LAND.—The term ‘Indian land’
23 has the meaning that term has under section 2601
24 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

1 “(2) TRIBAL COASTAL ZONE.—The term ‘Tribal
2 coastal zone’ means any Indian land of an Indian
3 Tribe that is within the coastal zone.

4 “(3) TRIBAL COASTAL ZONE OBJECTIVE.—The
5 term ‘Tribal coastal zone objective’ means, with re-
6 spect to an Indian Tribe, any of the following objec-
7 tives:

8 “(A) Protection, restoration, or preserva-
9 tion of areas in the Tribal coastal zone of such
10 Tribe that hold—

11 “(i) important ecological, cultural, or
12 sacred significance for such Tribe; or

13 “(ii) traditional, historic, and esthetic
14 values essential to such Tribe.

15 “(B) Preparing and implementing a special
16 area management plan and technical planning
17 for important coastal areas.

18 “(C) Any coastal or shoreline stabilization
19 measure, including any mitigation measure, for
20 the purpose of public safety, public access, or
21 cultural or historical preservation.”.

22 (b) GUIDANCE.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of Com-
24 merce shall issue guidance for the program established
25 under the amendment made by subsection (a), including

1 the criteria for awarding grants under such program based
2 on consultation with Indian Tribes (as that term is defined
3 in that amendment).

4 (c) USE OF STATE GRANTS TO FULFILL TRIBAL OB-
5 JECTIVES.—Section 306A(c)(2) of the Coastal Zone Man-
6 agement Act of 1972 (16 U.S.C. 1455a(c)(2)) is amended
7 by striking “and” after the semicolon at the end of sub-
8 paragraph (D), by striking the period at the end of sub-
9 paragraph (E) and inserting “; and”, and by adding at
10 the end the following:

11 “(F) fulfilling any Tribal coastal zone objective
12 (as that term is defined in section 320).”.

13 (d) OTHER PROGRAMS NOT AFFECTED.—Nothing in
14 this section shall be construed to affect the ability of an
15 Indian Tribe to apply for, receive assistance under, or par-
16 ticipate in any program authorized by the Coastal Zone
17 Management Act of 1972 (16 U.S.C. 1451 et seq.) or
18 other related Federal laws.

19 **SEC. 40223. COSMETIC LABELING.**

20 (a) IN GENERAL.—Chapter VI of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 361 et seq.) is amend-
22 ed by adding at the end the following:

23 **“SEC. 604. LABELING.**

24 “(a) COSMETIC PRODUCTS FOR PROFESSIONAL
25 USE.—

1 “(1) DEFINITION OF PROFESSIONAL.—With re-
2 spect to cosmetics, the term ‘professional’ means an
3 individual who—

4 “(A) is licensed by an official State author-
5 ity to practice in the field of cosmetology, nail
6 care, barbering, or esthetics;

7 “(B) has complied with all requirements
8 set forth by the State for such licensing; and

9 “(C) has been granted a license by a State
10 board or legal agency or legal authority.

11 “(2) LISTING OF INGREDIENTS.—Cosmetic
12 products used and sold by professionals shall list all
13 ingredients and warnings, as required for other cos-
14 metic products under this chapter.

15 “(3) PROFESSIONAL USE LABELING.—In the
16 case of a cosmetic product intended to be used only
17 by a professional on account of a specific ingredient
18 or increased concentration of an ingredient that re-
19 quires safe handling by trained professionals, the
20 product shall bear a statement as follows: ‘To be Ad-
21 ministered Only by Licensed Professionals’.

22 “(b) DISPLAY REQUIREMENTS.—A listing required
23 under subsection (a)(2) and a statement required under
24 subsection (a)(3) shall be prominently displayed—

1 “(1) in the primary language used on the label;
2 and

3 “(2) in conspicuous and legible type in contrast
4 by typography, layout, or color with other material
5 printed or displayed on the label.

6 “(c) INTERNET SALES.—In the case of internet sales
7 of cosmetics, each internet website offering a cosmetic
8 product for sale to consumers shall provide the same infor-
9 mation that is included on the packaging of the cosmetic
10 product as regularly available through in-person sales, ex-
11 cept information that is unique to a single cosmetic prod-
12 uct sold in a retail facility, such as a lot number or expira-
13 tion date, and the warnings and statements described in
14 subsection (b) shall be prominently and conspicuously dis-
15 played on the website.

16 “(d) CONTACT INFORMATION.—The label on each
17 cosmetic shall bear the domestic telephone number or elec-
18 tronic contact information, and it is encouraged that the
19 label include both the telephone number and electronic
20 contact information, that consumers may use to contact
21 the responsible person with respect to adverse events. The
22 contact number shall provide a means for consumers to
23 obtain additional information about ingredients in a cos-
24 metic, including the ability to ask if a specific ingredient
25 may be present that is not listed on the label, including

1 whether a specific ingredient may be contained in the fra-
2 grance or flavor used in the cosmetic. The manufacturer
3 of the cosmetic is responsible for providing such informa-
4 tion, including obtaining the information from suppliers
5 if it is not readily available. Suppliers are required to re-
6 lease such information upon request of the cosmetic manu-
7 facturer.”.

8 (b) MISBRANDING.—Section 602 of the Federal
9 Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amend-
10 ed by adding at the end the following:

11 “(g) If its labeling does not conform with a require-
12 ment under section 604.”.

13 (c) EFFECTIVE DATE.—Section 604 of the Federal
14 Food, Drug, and Cosmetic Act, as added by subsection
15 (a), shall take effect on the date that is 1 year after the
16 date of enactment of this Act.

17 **SEC. 40224. SAFER COSMETIC ALTERNATIVES FOR DIS-**
18 **PROPORTIONATELY IMPACTED COMMU-**
19 **NITIES.**

20 (a) IN GENERAL.—The Secretary of Health and
21 Human Services (in this section referred to as the “Sec-
22 retary”), acting through the Commissioner of Food and
23 Drugs, shall award grants to eligible entities—

24 (1) to support research focused on the design of
25 safer alternatives to chemicals in cosmetics with in-

1 herent toxicity or associated with chronic adverse
2 health effects; or

3 (2) to provide educational awareness and com-
4 munity outreach efforts to educate the promote the
5 use of safer alternatives in cosmetics.

6 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
7 grant under subsection (a), an entity shall—

8 (1) be a public institution such as a university,
9 a not-for-profit research institution, or a not-for-
10 profit grassroots organization; and

11 (2) not benefit from a financial relationship
12 with a chemical or cosmetics manufacturer, supplier,
13 or trade association.

14 (c) PRIORITY.—In awarding grants under subsection
15 (a), the Secretary shall give priority to applicants pro-
16 posing to focus on—

17 (1) replacing chemicals in professional cosmetic
18 products used by nail and hair and beauty salon
19 workers with safer alternatives; or

20 (2) replacing chemicals in cosmetic products
21 marketed to women and girls of color, including any
22 such beauty, personal hygiene, and intimate care
23 products, with safer alternatives.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
25 out this section, there are authorized to be appropriated

1 such sums as may be necessary for fiscal years 2022
2 through 2027.

3 **SEC. 40225. SAFER CHILD CARE CENTERS, SCHOOLS, AND**
4 **HOMES FOR DISPROPORTIONATELY IM-**
5 **PACTED COMMUNITIES.**

6 (a) IN GENERAL.—The Secretary of Health and
7 Human Services (in this section referred to as the “Sec-
8 retary”), acting through the Commissioner of Food and
9 Drugs, in consultation with the Administrator of the Envi-
10 ronmental Protection Agency, shall award grants to eligi-
11 ble entities to support research focused on the design of
12 safer alternatives to chemicals in consumer, cleaning, toy,
13 and baby products with inherent toxicity or that are asso-
14 ciated with chronic adverse health effects.

15 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
16 grant under subsection (a), an entity shall—

17 (1) be a public institution such as a university
18 or a not-for-profit research institution; and

19 (2) not benefit from a financial relationship
20 with—

21 (A) a chemical manufacturer, supplier, or
22 trade association; or

23 (B) a cleaning, toy, or baby product manu-
24 facturer, supplier, or trade association.

1 (c) PRIORITY.—In awarding grants under subsection
2 (a), the Secretary shall give priority to applicants pro-
3 posing to focus on replacing chemicals in cleaning, toy,
4 or baby products used by childcare providers with safer
5 alternatives.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
7 out this section, there are authorized to be appropriated
8 such sums as may be necessary for fiscal years 2022
9 through 2027.

10 **SEC. 40226. CERTAIN MENSTRUAL PRODUCTS MISBRANDED**

11 **IF LABELING DOES NOT INCLUDE INGREDI-**
12 **ENTS.**

13 (a) IN GENERAL.—Section 502 of the Federal Food,
14 Drug, and Cosmetic Act (21 U.S.C. 352) is amended by
15 adding at the end the following:

16 “(ee) If it is a menstrual product, such as a men-
17 strual cup, a scented, scented deodorized, or unscented
18 menstrual pad or tampon, a therapeutic vaginal douche
19 apparatus, or an obstetrical and gynecological device de-
20 scribed in section 884.5400, 884.5425, 884.5435,
21 884.5460, 884.5470, or 884.5900 of title 21, Code of Fed-
22 eral Regulations (or any successor regulation), unless its
23 label or labeling lists the name of each ingredient or com-
24 ponent of the product in order of the most predominant

1 ingredient or component to the least predominant ingre-
2 dient or component.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) applies with respect to products introduced
5 or delivered for introduction into interstate commerce on
6 or after the date that is one year after the date of the
7 enactment of this Act.

8 **SEC. 40227. SUPPORT BY NATIONAL INSTITUTE OF ENVI-**
9 **RONMENTAL HEALTH SCIENCES FOR RE-**
10 **SEARCH ON HEALTH DISPARITIES IMPACT-**
11 **ING COMMUNITIES OF COLOR.**

12 Subpart 12 of part C of title IV of the Public Health
13 Service Act (42 U.S.C. 285l et seq.) is amended by adding
14 at the end the following new section:

15 **“SEC. 463C. RESEARCH ON HEALTH DISPARITIES RELATED**
16 **TO COSMETICS IMPACTING COMMUNITIES OF**
17 **COLOR.**

18 “(a) IN GENERAL.—The Director of the Institute
19 shall award grants to eligible entities—

20 “(1) to expand support for basic, epidemiolog-
21 ical, and social scientific investigations into—

22 “(A) the chemicals linked (or with possible
23 links) to adverse health effects most commonly
24 found in cosmetics marketed to women and

1 girls of color, including beauty, personal hy-
2 giene, and intimate care products;

3 “(B) the marketing and sale of such cos-
4 metics containing chemicals linked to adverse
5 health effects to women and girls of color across
6 their lifespans;

7 “(C) the use of such cosmetics by women
8 and girls of color across their lifespans; or

9 “(D) the chemicals linked to the adverse
10 health effects most commonly found in products
11 used by nail, hair, and beauty salon workers;

12 “(2) to provide educational awareness and com-
13 munity outreach efforts to educate the promote the
14 use of safer alternatives in cosmetics; and

15 “(3) to disseminate the results of any such re-
16 search described in subparagraph (A) or (B) of
17 paragraph (1) (conducted by the grantee pursuant
18 to this section or otherwise) to help communities
19 identify and address potentially unsafe chemical ex-
20 posures in the use of cosmetics.

21 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
22 a grant under subsection (a), an entity shall—

23 “(1) be a public institution such as a university,
24 a not-for-profit research institution, or a not-for-
25 profit grassroots organization; and

1 “(2) not benefit from a financial relationship
2 with a chemical or cosmetics manufacturer, supplier,
3 or trade association.

4 “(c) REPORT.—Not later than the end 1 year after
5 awarding grants under this section, and each year there-
6 after, the Director of the Institute shall issue for the pub-
7 lic and submit to the Committee on Energy and Commerce
8 of the House of Representatives and the Committee on
9 Health, Education, Labor, and Pensions of the Senate a
10 report on the results of the investigations funded under
11 subsection (a), including—

12 “(1) summary findings on—

13 “(A) marketing strategies, product cat-
14 egories, and specific cosmetics containing ingre-
15 dients linked to adverse health effects; and

16 “(B) the demographics of the populations
17 marketed to and using these cosmetics for per-
18 sonal and professional use; and

19 “(2) recommended public health information
20 strategies to reduce potentially unsafe exposures to
21 cosmetics.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
23 carry out this section, there are authorized to be appro-
24 priated such sums as may be necessary for fiscal years
25 2022 through 2027.”.

1 **SEC. 40228. REVENUES FOR JUST TRANSITION ASSISTANCE.**

2 (a) MINERAL LEASING REVENUE.—The Mineral
3 Leasing Act (30 U.S.C. 181 et seq.) is amended—

4 (1) in section 7, by striking “12 ½” and insert-
5 ing “18.75”;

6 (2) in section 17—

7 (A) by striking “12.5” each place such
8 term appears and inserting “18.75”; and

9 (B) by striking “12 ½” each place such
10 term appears and inserting “18.75”;

11 (3) in section 31(e), by striking “16²/₃” each
12 place such term appears and inserting “25”;

13 (4) in section 17, by striking “Lease sales shall
14 be held for each State where eligible lands are avail-
15 able at least quarterly and more frequently if the
16 Secretary of the Interior determines such sales are
17 necessary.” and inserting “Lease sales may be held
18 in each State no more than once each year.”; and

19 (5) in section 35—

20 (A) by striking “All” and inserting “(1)
21 All”; and

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

23 “(2) Notwithstanding paragraph (1), any funds
24 collected as a result of the amendments made by
25 section 40228(a) of the Environmental Justice For

1 All Act shall be distributed consistent with the man-
2 ner provided in section 40228(d) of such Act.”.

3 (b) CONSERVATION OF RESOURCES FEES.—There is
4 established a Conservation of Resources Fee of \$4 per
5 acre per year on producing Federal onshore and offshore
6 oil and gas leases.

7 (c) SPECULATIVE LEASING FEES.—The fee for spec-
8 ulative leasing for Federal oil and gas nonproducing leases
9 on- and off-shore shall be \$6 per acre per year.

10 (d) DEPOSIT.—

11 (1) All funds collected pursuant to subsections
12 (b) and (c) shall be deposited in the Federal Energy
13 Transition Economic Development Assistance Fund
14 established in section 40229;

15 (2) 50 percent of funds collected as a result of
16 the amendments made by this section shall be depos-
17 ited in the Federal Energy Transition Economic De-
18 velopment Assistance Fund established in section
19 40229; and

20 (3) 50 percent of funds collected as a result of
21 the amendments made by this section shall be re-
22 turned to the States where production occurred.

23 (e) ADJUSTMENT FOR INFLATION.—The Secretary
24 shall, by regulation at least once every four years, adjust
25 each fee created by this section to reflect any change in

1 the Consumer Price Index (all items, United States city
2 average) as prepared by the Department of Labor.

3 (f) DEFINITIONS.—For the purposes of this section:

4 (1) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (2) NONPRODUCING LEASE.—The term “non-
7 producing lease” means any lease where oil or nat-
8 ural gas is produced for less than 90 days in a cal-
9 endar year.

10 **SEC. 40229. ECONOMIC REVITALIZATION FOR FOSSIL FUEL**
11 **DEPENDENT COMMUNITIES.**

12 (a) PURPOSE.—The purpose of this section is to pro-
13 mote economic revitalization, diversification, and develop-
14 ment in communities that depend on fossil fuel mining,
15 extraction, or refining for a significant amount of eco-
16 nomic opportunities, or where a significant proportion of
17 the population is employed at electric generating stations
18 that use fossil fuels as the predominant fuel supply.

19 (b) ESTABLISHMENT OF FEDERAL ENERGY TRANSI-
20 TION ECONOMIC DEVELOPMENT ASSISTANCE FUND.—
21 There is established in the Treasury of the United States
22 a fund, to be known as the “Federal Energy Transition
23 Economic Development Assistance Fund”. Such fund con-
24 sists of amounts deposited under section 40228.

1 (c) DISTRIBUTION OF FUNDS.—Of the amounts de-
2 posited into the Fund—

3 (1) 35 percent shall be distributed by the Sec-
4 retary to States in which extraction of fossil fuels
5 occurs on public lands, based on a formula reflecting
6 existing production and extraction in each such
7 State;

8 (2) 35 percent shall be distributed by the Sec-
9 retary to States based on a formula reflecting the
10 quantity of fossil fuels historically produced and ex-
11 tracted in each such State on public lands before the
12 date of enactment of this Act; and

13 (3) 30 percent shall be allocated to a competi-
14 tive grant program pursuant to subsection (e).

15 (d) USE OF FUNDS.—

16 (1) IN GENERAL.—Funds distributed by the
17 Secretary to States under paragraphs (1) and (2) of
18 subsection (c) may be used for—

19 (A) environmental remediation of lands
20 and waters impacted by the full life-cycle of fos-
21 sil fuel extraction and mining;

22 (B) building partnerships to attract and
23 invest in the economic future of historically fos-
24 sil-fuel dependent communities;

1 (C) increasing capacity and other technical
2 assistance fostering long-term economic growth
3 and opportunity in historically fossil-fuel de-
4 pendent communities;

5 (D) guaranteeing pensions, healthcare, and
6 retirement security and providing a bridge of
7 wage support until a displaced worker either
8 finds new employment or reaches retirement;

9 (E) severance payments for displaced
10 workers;

11 (F) carbon sequestration projects in nat-
12 ural systems on public lands; or

13 (G) expanding broadband access and
14 broadband infrastructure.

15 (2) PRIORITY TO FOSSIL FUEL WORKERS.—In
16 distributing funds under paragraph (1), the Sec-
17 retary shall place a priority on displaced assisting
18 workers dislocated from fossil fuel mining and ex-
19 traction industries.

20 (e) COMPETITIVE GRANT PROGRAM.—

21 (1) IN GENERAL.—The Secretary shall establish
22 a competitive grant program to provide funds to eli-
23 gible entities for the purposes described in para-
24 graph (3).

1 (2) ELIGIBLE ENTITIES.—For the purposes of
2 this subsection, the term “eligible entities” means
3 local, State, and Tribal governments, development
4 districts (as such term is defined in section 382E of
5 the Consolidated Farm and Rural Development Act
6 (7 U.S.C. 2009aa–4)), nonprofits, labor unions, eco-
7 nomic development agencies, and institutions of
8 higher education, including community colleges.

9 (3) ELIGIBLE USE OF FUNDS.—The Secretary
10 may award grants from amounts in the Fund for the
11 purposes listed in subsection (d) and for—

12 (A) existing job retraining and apprentice-
13 ship programs for displaced workers or for pro-
14 grams designed to promote economic develop-
15 ment in communities affected by a downturn in
16 fossil fuel extraction and mining;

17 (B) developing projects that diversify local
18 and regional economies, create jobs in new or
19 existing non-fossil fuel industries, attract new
20 sources of job-creating investment, and provide
21 a range of workforce services and skills train-
22 ing;

23 (C) internship programs in a field related
24 to clean energy; and

1 (D) the development and support of a
2 clean energy—

3 (i) certificate program at a labor or-
4 ganization; or

5 (ii) a major or minor program at an
6 institution of higher education, as such
7 term is defined in section 101 of the High-
8 er Education Act of 1965 (20 U.S.C.
9 1001).

10 (f) JUST TRANSITION ADVISORY COMMITTEE.—

11 (1) ESTABLISHMENT.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary shall establish an advisory committee to be
14 known as the “Just Transition Advisory Com-
15 mittee”.

16 (2) CHAIR.—The President shall appoint a
17 Chair of the Advisory Committee.

18 (3) DUTIES.—The Advisory Committee shall—

19 (A) advise, assist, and support the Sec-
20 retary in the management and allocation of
21 funds available under subsection (c) and in the
22 establishment and administration of the Com-
23 petitive Grant Program under subsection (e);
24 and

1 (B) develop procedures to ensure that
2 States and applicants eligible to participate in
3 the Competitive Grant Program established
4 pursuant to subsection (e) are notified of avail-
5 ability of Federal funds pursuant to this sub-
6 title.

7 (4) MEMBERSHIP.—The total membership of
8 the Advisory Committee shall not exceed 20 mem-
9 bers and the Advisory Committee shall be composed
10 of the following members appointed by the Chair:

11 (A) A representative of the Assistant Sec-
12 retary of Commerce for Economic Development.

13 (B) A representative of the Secretary of
14 Labor.

15 (C) A representative of the Under Sec-
16 retary for Rural Development.

17 (D) Two individuals with professional eco-
18 nomic development or workforce retraining ex-
19 perience.

20 (E) An equal number of representatives
21 from each of the following:

22 (i) Labor unions.

23 (ii) Nonprofit environmental organiza-
24 tions.

1 (iii) Environmental justice organiza-
2 tions.

3 (iv) Fossil fuel transition commu-
4 nities.

5 (v) Public interest groups.

6 (vi) Tribal and indigenous commu-
7 nities.

8 (5) TERMINATION.—The Just Transition Advi-
9 sory Committee shall not terminate except by an Act
10 of Congress.

11 (g) LIMIT ON USE OF FUNDS.—

12 (1) ADMINISTRATIVE COSTS.—Not more than 7
13 percent of the amounts in the Fund may be used for
14 administrative costs incurred in implementing this
15 subtitle.

16 (2) LIMITATION ON FUNDS TO A SINGLE ENTI-
17 TY.—Not more than 5 percent of the amounts in the
18 Fund may be awarded to a single eligible entity.

19 (3) CALENDAR YEAR LIMITATION.—At least 15
20 percent of the amount in the Fund must be spent
21 in each calendar year.

22 (h) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
23 TURED GOODS.—None of the funds appropriated or other-
24 wise made available by this subtitle may be used for a
25 project for the construction, alteration, maintenance, or

1 repair of a public building or public work unless all of the
2 iron, steel, and manufactured goods used in the project
3 are produced in the United States unless such manufac-
4 tured good is not produced in the United States.

5 (i) SUBMISSION TO CONGRESS.—The Secretary shall
6 submit to the Committees on Appropriations and Energy
7 and Natural Resources of the Senate and to the Commit-
8 tees on Appropriations and Natural Resources in the
9 House of Representatives, with the annual budget submis-
10 sion of the President, a list of projects, including a de-
11 scription of each project, that received funding under this
12 section in the previous calendar year.

13 (j) DEFINITIONS.—For the purposes of this section:

14 (1) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (2) ADVISORY COMMITTEE.—The term “Advi-
17 sory Committee” means the Just Transition Advi-
18 sory Committee established by this section.

19 (3) PUBLIC LAND.—The term “public land”
20 means any land and interest in land owned by the
21 United States within the several States and adminis-
22 tered by the Secretary of the Interior or the Chief
23 of the United States Forest Service, without regard
24 to how the United States acquired ownership, in-
25 cluding lands located on the Outer Continental Shelf

1 but excluding lands held in trust for an Indian or
2 Indian Tribe.

3 (4) FOSSIL FUEL.—The term “fossil fuel”
4 means coal, petroleum, natural gas, tar sands, oil
5 shale, or any derivative of coal, petroleum, or nat-
6 ural gas.

7 (5) DISPLACED WORKER.—The term “displaced
8 worker” means an individual who, due to efforts to
9 reduce net emissions from public lands or as a result
10 of a downturn in fossil fuel mining, extraction, or
11 production, has suffered a reduction in employment
12 or economic opportunities.

13 (6) FOSSIL FUEL TRANSITION COMMUNITIES.—
14 The term “fossil fuel transition communities” means
15 a community—

16 (A) that has been adversely affected eco-
17 nomically by a recent reduction in fossil fuel
18 mining, extraction, or production related activ-
19 ity, as demonstrated by employment data, per
20 capita income, or other indicators of economic
21 distress;

22 (B) that has historically relied on fossil
23 fuel mining, extraction, or production related
24 activity for a substantial portion of its economy;
25 or

1 (C) in which the economic contribution of
2 fossil fuel mining, extraction or production re-
3 lated activity has significantly declined.

4 (7) FOSSIL FUEL DEPENDENT COMMUNITIES.—
5 The term “fossil fuel dependent communities”
6 means a community—

7 (A) that depends on fossil fuel mining, and
8 extraction, or refining for a significant amount
9 of economic opportunities; or

10 (B) where a significant proportion of the
11 population is employed at electric generating
12 stations that use fossil fuels as the predominant
13 fuel supply.

14 **SEC. 40230. EVALUATION BY COMPTROLLER GENERAL OF**
15 **THE UNITED STATES.**

16 Not later than 2 years after the date of enactment
17 of this Act, and biennially thereafter, the Comptroller
18 General of the United States shall submit to the Commit-
19 tees on Energy and Commerce and Natural Resources of
20 the House of Representatives, and the Committees on En-
21 vironment and Public Works and Energy and Natural Re-
22 sources of the Senate, a report that contains an evaluation
23 of the effectiveness of each activity carried out under this
24 subtitle and the amendments made by this subtitle.

1 **Subtitle C—Low-Income Solar**
2 **Energy**

3 **SEC. 40301. SHORT TITLE.**

4 This subtitle may be cited as the “Low-Income Solar
5 Energy Act”.

6 **SEC. 40302. DEFINITIONS.**

7 In this subtitle, the term “low-income”, used with re-
8 spect to a household, means a household that is eligible
9 for a payment under the Low-Income Home Energy As-
10 sistance Act of 1981 (42 U.S.C. 8621 et seq.), in accord-
11 ance with—

12 (1) section 2605(b)(2) of such Act (42 U.S.C.
13 8624(b)); and

14 (2) State eligibility guidelines (consistent with
15 such Act) for that payment.

16 **SEC. 40303. LOW-INCOME HOME ENERGY ASSISTANCE.**

17 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
18 2602 of the Low-Income Home Energy Assistance Act of
19 1981 (42 U.S.C. 8621) is amended—

20 (1) in the first sentence of subsection (b), by
21 striking “2607A),” and all that follows and inserting
22 “2607A), \$6,075,000,000 for fiscal year 2022 and
23 each subsequent fiscal year.”; and

24 (2) in subsection (e), by striking “(e) of” and
25 inserting “(f) of”.

1 (b) RESERVATION OF FUNDS.—Section 2604 of the
2 Low-Income Home Energy Assistance Act of 1981 (42
3 U.S.C. 8623) is amended—

4 (1) by redesignating subsection (e) as sub-
5 section (f); and

6 (2) by inserting after subsection (d) the fol-
7 lowing:

8 “(e)(1) Of the funds available to a State under sub-
9 section (a), a territory under subsection (b), or a tribal
10 organization or other entity under subsection (d), up to
11 25 percent may be reserved by the State, territory, or or-
12 ganization or entity, for solar projects for covered housing.

13 “(2) The Secretary shall expand the program funded
14 under section 2602(b) to include such solar projects, and
15 for purposes of this title shall consider—

16 “(A) the funds used for such projects to be as-
17 sistance for home energy costs; and

18 “(B) the projects to be activities that provide
19 assistance for home energy costs, rather than to res-
20 idential weatherization or other energy-related home
21 repair.

22 “(3) In determining whether to award, under that
23 program, funding that includes a portion for a solar
24 project to a State, territory, or tribal organization or enti-
25 ty, the Secretary shall use the application and request

1 processes specified in this title, with such adjustments as
2 the Secretary may specify in regulations.

3 “(4) The Secretary shall issue regulations and guid-
4 ance for States, territories, and tribal organizations and
5 entities, that receive funds under subsection (a), (b), or
6 (d) (referred to individually in this subsection as a ‘cov-
7 ered recipient’), to—

8 “(A) define the solar projects that may be fund-
9 ed through the reserved funds described in para-
10 graph (1);

11 “(B) specify the circumstances and process
12 under which a covered recipient, with an arrange-
13 ment with a particular type of local agency or orga-
14 nization to distribute assistance for home energy
15 costs, may instead enter into an arrangement with
16 a different local agency or organization with exper-
17 tise in solar projects, for such projects; and

18 “(C) specify how a covered recipient may dis-
19 tribute such funds in a manner that usefully fi-
20 nances the work of solar project developers and solar
21 panel installers for such projects.

22 “(5) Not later than 6 months after the date of enact-
23 ment of the Low-Income Solar Energy Act, the Secretary
24 shall—

6 “(6) In this section, the term ‘covered housing’ means
7 federally assisted housing as defined in section 683 of the
8 Housing and Community Development Act of 1992 (42
9 U.S.C. 13641), and housing occupied by a low-income
10 household, as defined in section 40302 of the Low-Income
11 Solar Energy Act.”.

(d) CONFORMING AMENDMENT.—Section 2609 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8628) is amended by inserting “, including solar projects for covered housing or community solar projects under section 2604(e)” after “home repairs”.

24 (a) DEFINITIONS.—In this section:

1 (1) COMMUNITY SOLAR PROJECT.—The term
2 “community solar project” means a project for the
3 renewable generation of energy through solar power
4 that has multiple subscribers that receive benefits on
5 utility bills that are directly attributable to the
6 project.

7 (2) COMMUNITY SOLAR SUBSCRIPTION.—The
8 term “community solar subscription” means owner-
9 ship of a financial share in a community solar
10 project that serves multiple consumers.

11 (3) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means a developer or installer of solar equip-
13 ment.

14 (4) ELIGIBLE HOUSEHOLD.—The term “eligible
15 household” means a household that includes an eligi-
16 ble individual as defined in section 32(c)(1) of the
17 Internal Revenue Code of 1986 for purposes of the
18 credit under section 32 of that Code.

19 (5) INTERCONNECTION.—The term “inter-
20 connection” has the meaning given the term in sec-
21 tion 111(d)(15) of the Public Utility Regulatory
22 Policies Act of 1978 (16 U.S.C. 2621(d)(15)).

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of Energy.

25 (b) SOLAR FINANCING PROGRAM.—

1 (1) IN GENERAL.—The Secretary shall establish
2 a solar financing program under which the Secretary
3 shall offer a variety of financing mechanisms, includ-
4 ing grants, loans, loan guarantees, and interest buy-
5 downs, to support the deployment of solar projects
6 for eligible households, in accordance with this sub-
7 section.

8 (2) GRANTS.—

9 (A) IN GENERAL.—Under the program es-
10 tablished under paragraph (1), the Secretary
11 shall award grants to eligible entities for de-
12 ploying residential solar projects or community
13 solar projects—

14 (i) that benefit eligible households;

15 and

16 (ii) in which the tariff, net metering,
17 bill credit, or other valuation of solar en-
18 ergy generation, or the sale of that solar
19 generation by a third party, enables a sav-
20 ings-to-investment ratio of at least 1:1 for
21 an eligible entity over a period of not more
22 than 10 years.

23 (B) USE OF FUNDS.—An eligible entity
24 that receives a grant under the program estab-

1 lished under paragraph (1) shall use the grant
2 only to pay for—

3 (i) the cost and installation of solar
4 equipment in buildings in which the dwell-
5 ing units of eligible households are located,
6 including the cost of materials, labor, and
7 permitting;

8 (ii) repairs or upgrades to the build-
9 ings described in clause (i) that may be
10 needed to ensure that solar equipment is
11 installed in a safe manner; and

12 (iii) the cost of a community solar
13 subscription.

14 (3) SOLAR HOUSING LOANS.—

15 (A) IN GENERAL.—Under the program es-
16 tablished under paragraph (1), the Secretary
17 shall provide loans at zero percent interest—

18 (i) to owners of buildings—

19 (I) that receive assistance under
20 section 8(o) of the United States
21 Housing Act of 1937 (42 U.S.C.
22 1437f(o)); or

23 (II) with respect to which a cred-
24 it is allowable under section 42 of the
25 Internal Revenue Code of 1986 for

the taxable year in which the loan is provided; and

(ii) for the purpose of—

(I) installing solar equipment that benefits the dwelling unit of a tenant;

(II) if necessary for the installation of solar equipment under subclause (I), making any upgrade to the building in which the dwelling unit is located; and

(III) covering the cost of a community solar subscription.

(B) SAVINGS.—

(i) IN GENERAL.—An owner of a building receiving a loan under this subsection shall—

(I) reduce the rent that each tenant described in clause (ii) is required to pay by an amount that is proportional to the savings obtained through any solar upgrades described in subparagraph (A); and

(II) enter into an affordability agreement with the Secretary to en-

1 sure that the rent of the tenant re-
2 mains affordable for the duration of
3 the tenancy.

4 (ii) TENANT DESCRIBED.—A tenant
5 referred to in clause (i) is a tenant that is
6 in a low-income household and occupying a
7 dwelling unit in the building, which dwell-
8 ing unit is affected by a solar upgrade de-
9 scribed in subparagraph (A).

10 (C) GUIDANCE; REGULATION.—The Sec-
11 retary shall—

12 (i) publish guidance on what con-
13 stitutes a benefit to the dwelling unit of a
14 tenant under subparagraph (A)(ii)(I); and

15 (ii) promulgate a regulation on the
16 manner in which a community solar sub-
17 scription under subparagraph (A)(ii)(III)
18 shall be managed.

19 (c) COMMUNITY SOLAR PROJECTS.—The Secretary
20 shall establish a program under which the Secretary shall
21 make grants for community solar projects—

22 (1) to be used for costs associated with inter-
23 connection of the community solar project, including
24 application fees, interconnection fees, engineering re-

1 views, and other associated costs incurred during the
2 interconnection process;

3 (2) to be used for costs associated with up-
4 grades to a distribution system, if the distribution
5 system requires service or new equipment to accom-
6 modate the installation of the community solar
7 project; and

8 (3) led by nonprofit organizations to support
9 the implementation of the projects for low-income
10 households.

11 (d) MINORITY AND WOMAN-OWNED BUSINESSES.—
12 The Secretary shall, to the maximum extent practicable,
13 contract with minority or women-owned businesses for the
14 deployment of solar projects that are financed pursuant
15 to this section.

16 (e) SOLAR WORKFORCE PROGRAM.—

17 (1) DEFINITIONS.—In this subsection:

18 (A) ELIGIBLE PARTICIPANT.—The term
19 “eligible participant” means an individual who
20 is a member of an underrepresented group, in-
21 cluding—

22 (i) an individual who is a religious, ra-
23 cial, or ethnic minority;

24 (ii) a woman;

25 (iii) a veteran;

- 1 (iv) an individual with a disability;
- 2 (v) an unemployed energy worker;
- 3 (vi) an energy worker employed by a
- 4 fossil fuel industry who is being
- 5 transitioned away from that industry be-
- 6 cause of a State renewable program or
- 7 Federal program, as determined by the
- 8 Secretary;
- 9 (vii) a socioeconomically disadvan-
- 10 tagged individual; and
- 11 (viii) a formerly incarcerated indi-
- 12 vidual.

13 (B) LOCAL WORKFORCE DEVELOPMENT
14 BOARD; STATE WORKFORCE DEVELOPMENT
15 BOARD.—The terms “local workforce develop-
16 ment board” and “State workforce development
17 board” have the meanings given the terms
18 “local board” and “State board”, respectively,
19 in section 3 of the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3102).

21 (C) PROGRAM PARTNER.—The term “pro-
22 gram partner” means—

- 23 (i) a business;
- 24 (ii) an employer or industry associa-
- 25 tion;

1 (iii) a labor management organization;

2 (iv) a local workforce development
3 board or State workforce development
4 board;

5 (v) a 2- or 4-year institution of higher
6 education that offers an educational pro-
7 gram leading to an associate's or bach-
8 elor's degree in conjunction with a certifi-
9 cate of completion of an apprenticeship or
10 other training program;

11 (vi) the Armed Forces (including the
12 National Guard and the Army Reserve);

13 (vii) a nonprofit organization;

14 (viii) a community-based organization;

15 and

16 (ix) an economic development agency.

17 (2) ESTABLISHMENT.—The Secretary shall es-
18 tablish a solar workforce program to assist eligible
19 participants in pursuing careers in the solar energy
20 industry, including as—

21 (A) solar photovoltaic system installers;

22 (B) solar technicians;

23 (C) electrical system inspectors; and

24 (D) other professionals in the solar indus-
25 try, as determined by the Secretary.

1 (3) COURSES.—In carrying out the program es-
2 tablished under paragraph (2), the Secretary shall
3 create courses or seek to administer existing courses
4 that provide—

5 (A) job training, including through intern-
6 ships and work-based training in accordance
7 with paragraph (4);

8 (B) employment skills training; and

9 (C) comprehensive support services that—

10 (i) enhance the training experience
11 and promote the professional development
12 of participants; and

13 (ii) help participants transition into
14 the workforce.

15 (4) COURSE PARTNERS.—To the maximum ex-
16 tent practicable, the Secretary shall partner with
17 program partners to provide internships and work-
18 based training as part of the job training offered
19 under paragraph (3)(A).

20 (5) EXAM REQUIREMENT.—As a requirement
21 for completing a course under paragraph (3), the
22 Secretary shall require each participant in the
23 course to earn an applicable industry-recognized
24 entry-level certificate or other credential, as deter-
25 mined by the Secretary.

1 (f) GUARANTEE OF LOANS FOR ACQUISITION OF
2 PROPERTY.—Section 108 of the Housing and Community
3 Development Act of 1974 (42 U.S.C. 5308) is amended
4 by striking “or (6)” and inserting “(6) the installation of
5 solar energy equipment; or (7)”.

6 (g) POWER PURCHASE AGREEMENTS FOR PUBLIC
7 HOUSING AGENCIES.—Section 6 of the United States
8 Housing Act of 1937 (42 U.S.C. 1437d) is amended by
9 adding at the end the following:

10 “(u) POWER PURCHASE AGREEMENTS.—

11 “(1) IN GENERAL.—Each contract for contribu-
12 tions for a public housing agency shall provide that
13 the agency may enter into third-party power pur-
14 chase agreements with third-party providers for a
15 period of not more than 20 years, in addition to a
16 2-year option period, for the installation of solar en-
17 ergy equipment in public housing projects.

18 “(2) UTILITIES.—With respect to tenant-paid
19 utilities, any solar rate savings from a power pur-
20 chase agreement that may result in rebates to a
21 family shall not be used in the calculation of lower
22 utility allowances for the family that results in an
23 increase in the rent paid by the family.”.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Secretary to carry

1 out this section and the amendments made by this section
 2 \$240,000,000 for each of fiscal years 2022 through 2026.

3 **SEC. 40305. RULEMAKING RELATING TO UTILITY ALLOW-**
 4 **ANCES.**

5 (a) DEFINITIONS.—In this section, the term “covered
 6 housing” means—

7 (1) public housing, as defined in section 3(b) of
 8 the United States Housing Act of 1937 (42 U.S.C.
 9 1437a(b)); and

10 (2) tenant-based assistance provided under sec-
 11 tion 8(o) of such Act (42 U.S.C. 1437f(o)).

12 (b) RULEMAKING.—The Secretary of Housing and
 13 Urban Development shall promulgate regulations to pro-
 14 vide that, with respect to covered housing, any solar rate
 15 savings for a dwelling unit that is associated with this sub-
 16 title or an amendment made by this subtitle shall not be
 17 used in the calculation of lower utility allowances for a
 18 family that results in an increase in the rent paid by the
 19 family.

20 **Subtitle D—Climate Action**
 21 **Planning for Ports**

22 **SEC. 40401. SHORT TITLE.**

23 This subtitle may be cited as the “Climate Action
 24 Planning for Ports Act of 2020”.

1 **SEC. 40402. GRANTS TO REDUCE GREENHOUSE GAS EMIS-**
2 **SIONS AT PORTS.**

3 (a) GRANTS.—The Administrator of the Environ-
4 mental Protection Agency may award grants to eligible en-
5 tities—

6 (1) to implement plans to reduce greenhouse
7 gas emissions at one or more ports or port facilities
8 within the jurisdictions of the respective eligible enti-
9 ties; and

10 (2) to develop climate action plans described in
11 subsection (b)(2).

12 (b) APPLICATION.—

13 (1) IN GENERAL.—To seek a grant under this
14 section, an eligible entity shall submit an application
15 to the Administrator of the Environmental Protec-
16 tion Agency at such time, in such manner, and con-
17 taining such information and assurances as the Ad-
18 ministrator may require.

19 (2) CLIMATE ACTION PLAN.—At a minimum,
20 each such application shall contain—

21 (A) a detailed and strategic plan, to be
22 known as a climate action plan, that outlines
23 how the eligible entity will develop and imple-
24 ment climate change mitigation or adaptation
25 measures through the grant; or

1 (B) a request pursuant to subsection
2 (a)(2) for funding for the development of a cli-
3 mate action plan.

4 (3) REQUIRED COMPONENTS.—A climate action
5 plan under paragraph (2) shall demonstrate that the
6 measures proposed to be implemented through the
7 grant—

8 (A) will reduce greenhouse gas emissions
9 at the port or port facilities involved pursuant
10 to greenhouse gas emission reduction goals set
11 forth in the climate action plan;

12 (B) will reduce other air pollutants at the
13 port or port facilities involved pursuant to cri-
14 teria pollutant emission reduction goals set
15 forth in the climate action plan;

16 (C) will implement emissions accounting
17 and inventory practices to determine baseline
18 emissions and measure progress; and

19 (D) will ensure labor protections for work-
20 ers employed directly at the port or port facili-
21 ties involved, including by—

22 (i) demonstrating that implementation
23 of the measures proposed to be imple-
24 mented through the grant will not result in

1 a net loss of jobs at the port or port facilities involved;

2
3 (ii) ensuring that laborers and mechanics employed by contractors and subcontractors on construction projects to implement the plan will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under sections 3141 through 3144, 3146, and 3147 of title 40, United States Code; and

12 (iii) requiring any projects initiated to carry out the plan with total capital costs of \$1,000,000 or greater to utilize a project labor agreement and not impact any preexisting project labor agreement.

17 (4) OTHER COMPONENTS.—In addition to the components required by paragraph (3), a climate action plan under paragraph (2) shall demonstrate that the measures proposed to be implemented through the grant will do at least two of the following:

23 (A) Improve energy efficiency at a port or
24 port facility, including by using—

1 (i) energy-efficient vehicles, such as
2 hybrid, low-emission, or zero-emission vehi-
3 cles;

4 (ii) energy efficient cargo-handling,
5 harbor vessels, or storage facilities such as
6 energy-efficient refrigeration equipment;

7 (iii) energy-efficient lighting;

8 (iv) shore power; or

9 (v) other energy efficiency improve-
10 ments.

11 (B) Deploy technology or processes that
12 reduce idling of vehicles at a port or port facil-
13 ity.

14 (C) Reduce the direct emissions of green-
15 house gases and other air pollutants with a goal
16 of achieving zero emissions, including by replac-
17 ing and retrofitting equipment (including vehi-
18 cles onsite, cargo-handling equipment, or harbor
19 vessels) at a port or port facility.

20 (5) PROHIBITED USE.—An eligible entity may
21 not use a grant provided under this section—

22 (A) to purchase fully automated cargo han-
23 dling equipment;

1 (B) to build, or plan to build, terminal in-
2 frastructure that is designed for fully auto-
3 mated cargo handling equipment;

4 (C) to purchase, test, or develop highly
5 automated trucks, chassis, or any related equip-
6 ment that can be used to transport container-
7 ized freight; or

8 (D) to extend to any independent con-
9 tractor, independent owner, operator, or other
10 entity that is not using employees for the sake
11 of performing work on terminal grounds.

12 (6) COORDINATION WITH STAKEHOLDERS.—In
13 developing a climate action plan under paragraph
14 (2), an eligible entity shall—

15 (A) identify and collaborate with stake-
16 holders who may be affected by the plan, in-
17 cluding local environmental justice communities
18 and other near-port communities;

19 (B) address the potential cumulative ef-
20 fects of the plan on stakeholders when those ef-
21 fects may have a community-level impact; and

22 (C) ensure effective advance communica-
23 tion with stakeholders to avoid and minimize
24 conflicts.

1 (c) PRIORITY.—In awarding grants under this sec-
2 tion, the Administrator of the Environmental Protection
3 Agency shall give priority to applicants proposing—

4 (1) to strive for zero emissions as a key strat-
5 egy within the grantee’s climate action plan under
6 paragraph (2);

7 (2) to take a regional approach to reducing
8 greenhouse gas emissions at ports;

9 (3) to collaborate with near-port communities to
10 identify and implement mutual solutions to reduce
11 air pollutants at ports or port facilities affecting
12 such communities, with emphasis given to implemen-
13 tation of such solutions in near-port communities
14 that are environmental justice communities;

15 (4) to implement activities with off-site benefits,
16 such as by reducing air pollutants from vehicles,
17 equipment, and vessels at sites other than the port
18 or port facilities involved; and

19 (5) to reduce localized health risk pursuant to
20 health risk reduction goals that are set within the
21 grantee’s climate action plan under paragraph (2).

22 (d) MODEL METHODOLOGIES.—The Administrator
23 of the Environmental Protection Agency shall—

24 (1) develop model methodologies which grantees
25 under this section may choose to use for emissions

1 accounting and inventory practices referred to in
2 subsection (b)(3)(C); and

3 (2) ensure that such methodologies are designed
4 to measure progress in reducing air pollution at
5 near-port communities.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “Administrator” means the Ad-
8 ministrator of the Environmental Protection Agency.

9 (2) The term “cargo-handling equipment” in-
10 cludes—

11 (A) ship-to-shore container cranes and
12 other cranes;

13 (B) container-handling equipment; and

14 (C) equipment for moving or handling
15 cargo, including trucks, reachstackers, topload-
16 ers, and forklifts.

17 (3) The term “eligible entity” means—

18 (A) a port authority;

19 (B) a State, regional, local, or Tribal agen-
20 cy that has jurisdiction over a port authority or
21 a port;

22 (C) an air pollution control district; or

23 (D) a private entity (including any non-
24 profit organization) that—

1 (i) applies for a grant under this sec-
2 tion in collaboration with an entity de-
3 scribed in subparagraph (A), (B), or (C);
4 and

5 (ii) owns, operates, or uses a port fa-
6 cility, cargo equipment, transportation
7 equipment, related technology, or a ware-
8 house facility at a port or port facility.

9 (4) The term “environmental justice commu-
10 nity” means a community with significant represen-
11 tation of communities of color, low-income commu-
12 nities, or Tribal and indigenous communities, that
13 experiences, or is at risk of experiencing, higher or
14 more adverse human health or environmental effects.

15 (5) The term “harbor vessel” includes a ship,
16 boat, lighter, or maritime vessel designed for service
17 at and around harbors and ports.

18 (6) The term “inland port” means a logistics or
19 distribution hub that is located inland from navi-
20 gable waters, where cargo, such as break-bulk cargo
21 or cargo in shipping containers, is processed, stored,
22 and transferred between trucks, rail cars, or air-
23 craft.

24 (7) The term “port” includes an inland port.

25 (8) The term “stakeholder”—

1 (9) The term “stakeholder” means residents,
2 community groups, businesses, business owners,
3 labor unions, commission members, or groups from
4 which a near-port community draws its resources
5 that—

6 (A) have interest in the climate action plan
7 of a grantee under this section; or

8 (B) can affect or be affected by the objec-
9 tives and policies of such a climate action plan.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—To carry out this subtitle,
12 there is authorized to be appropriated \$250,000,000
13 for each of fiscal years 2022 through 2026.

14 (2) DEVELOPMENT OF CLIMATE ACTION
15 PLANS.—In addition to the authorization of appro-
16 priations in paragraph (1), there is authorized to be
17 appropriated for grants pursuant to subsection
18 (a)(2) to develop climate action plans \$50,000,000
19 for fiscal year 2023, to remain available until ex-
20 pended.

21 **Subtitle E—Open Back Better**

22 **SEC. 40501. SHORT TITLE.**

23 This subtitle may be cited as the “Open Back Better
24 Act of 2020”.

1 **SEC. 40502. FACILITIES ENERGY RESILIENCY.**

2 (a) DEFINITIONS.—In this section:

3 (1) COVERED PROJECT.—The term “covered
4 project” means a building project at an eligible facil-
5 ity that—

6 (A) increases—

7 (i) resiliency, including—

8 (I) public health and safety;

9 (II) power outages;

10 (III) natural disasters;

11 (IV) indoor air quality; and

12 (V) any modifications neces-
13 sitated by the COVID–19 pandemic;

14 (ii) energy efficiency;

15 (iii) renewable energy; and

16 (iv) grid integration; and

17 (B) may have combined heat and power
18 and energy storage as project components.

19 (2) EARLY CHILDHOOD EDUCATION PRO-
20 GRAM.—The term “early childhood education pro-
21 gram” has the meaning given the term in section
22 103 of the Higher Education Act of 1965 (20
23 U.S.C. 1003).

24 (3) ELEMENTARY SCHOOL.—The term “elemen-
25 tary school” has the meaning given the term in sec-

tion 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) ELIGIBLE FACILITY.—The term “eligible facility” means a public facility, as determined by the Secretary, including—

(A) a public school, including an elementary school and a secondary school;

(B) a facility used to operate an early childhood education program;

(C) a local educational agency;

(D) a medical facility;

(E) a local or State government building;

(F) a community facility;

(G) a public safety facility;

(H) a day care center;

(I) an institution of higher education;

(J) a public library; and

(K) a wastewater treatment facility.

(5) ENVIRONMENTAL JUSTICE COMMUNITY.—The term “environmental justice community” means a community with significant representation of communities of color, low income communities, or Tribal and indigenous communities, that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects.

1 (6) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 101 of the Higher
4 Education Act of 1965 (20 U.S.C. 1001).

5 (7) LOCAL EDUCATIONAL AGENCY.—The term
6 “local educational agency” has the meaning given
7 the term in section 8101 of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 7801).

9 (8) LOW INCOME.—The term “low income”,
10 with respect to a household, means an annual house-
11 hold income equal to, or less than, the greater of—

12 (A) 80 percent of the median income of the
13 area in which the household is located, as re-
14 ported by the Department of Housing and
15 Urban Development; and

16 (B) 200 percent of the Federal poverty
17 line.

18 (9) LOW INCOME COMMUNITY.—The term “low
19 income community” means a census block group in
20 which not less than 30 percent of households are low
21 income.

22 (10) SECONDARY SCHOOL.—The term “sec-
23 ondary school” has the meaning given the term in
24 section 8101 of the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 7801).

1 (11) SECRETARY.—The term “Secretary”
2 means the Secretary of Energy.

3 (12) STATE.—The term “State” has the mean-
4 ing given the term in section 3 of the Energy Policy
5 and Conservation Act (42 U.S.C. 6202).

6 (13) STATE ENERGY PROGRAM.—The term
7 “State Energy Program” means the State Energy
8 Program established under part D of title III of the
9 Energy Policy and Conservation Act (42 U.S.C.
10 6321 et seq.).

11 (14) TRIBAL ORGANIZATION.—

12 (A) IN GENERAL.—The term “tribal orga-
13 nization” has the meaning given the term in
14 section 3765 of title 38, United States Code.

15 (B) TECHNICAL AMENDMENT.—Section
16 3765(4) of title 38, United States Code, is
17 amended by striking “section 4(l) of the Indian
18 Self-Determination and Education Assistance
19 Act (25 U.S.C. 450b(l))” and inserting “section
20 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 5304)”.

22 (b) STATE PROGRAMS.—

23 (1) ESTABLISHMENT.—Not later than 60 days
24 after the date of enactment of this Act, the Sec-
25 retary shall distribute grants to States under the

1 State Energy Program, in accordance with the allo-
2 cation formula established under that Program, to
3 implement covered projects.

4 (2) USE OF FUNDS.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), grant funds under paragraph (1)
7 may be used for technical assistance, project fa-
8 cilitation, and administration.

9 (B) TECHNICAL ASSISTANCE.—A State
10 may use not more than 10 percent of grant
11 funds received under paragraph (1) to provide
12 technical assistance for the development, facili-
13 tation, management, oversight, and measure-
14 ment of results of covered projects implemented
15 using those funds.

16 (C) ENVIRONMENTAL JUSTICE AND OTHER
17 COMMUNITIES.—To support communities ad-
18 versely impacted by the COVID–19 pandemic, a
19 State shall use not less than 40 percent of
20 grant funds received under paragraph (1) to
21 implement covered projects in environmental
22 justice communities or low income communities.

23 (D) PRIVATE FINANCING.—A State receiv-
24 ing a grant under paragraph (1) shall—

1 (i) to the extent practicable, leverage
2 private financing for cost-effective energy
3 efficiency, renewable energy, resiliency, and
4 other smart-building improvements, such
5 as by entering into an energy service per-
6 formance contract; but

7 (ii) maintain the use of grant funds to
8 carry out covered projects with more
9 project resiliency, public health, and cap-
10 ital-intensive efficiency and emission reduc-
11 tion components than are typically avail-
12 able through private energy service per-
13 formance contracts.

14 (E) GUIDANCE.—In carrying out a covered
15 project using grant funds received under para-
16 graph (1), a State shall, to the extent prac-
17 ticable, adhere to guidance developed by the
18 Secretary pursuant to the American Recovery
19 and Reinvestment Act of 2009 (Public Law
20 111–5; 123 Stat. 115) relating to distribution
21 of funds, if that guidance will speed the dis-
22 tribution of funds under this subsection.

23 (3) NO MATCHING REQUIREMENT.—Notwith-
24 standing any other provision of law, a State receiv-

1 ing a grant under paragraph (1) shall not be re-
2 quired to provide any amount of matching funding.

3 (4) REPORT.—Not later than 1 year after the
4 date on which grants are distributed under para-
5 graph (1), and each year thereafter until the funds
6 appropriated under paragraph (5) are no longer
7 available, the Secretary shall submit a report on the
8 use of those funds (including in the communities de-
9 scribed in paragraph (2)(C)) to—

10 (A) the Subcommittee on Energy and
11 Water Development of the Committee on Ap-
12 propriations of the Senate;

13 (B) the Subcommittee on Energy and
14 Water Development and Related Agencies of
15 the Committee on Appropriations of the House
16 of Representatives;

17 (C) the Committee on Energy and Natural
18 Resources of the Senate; and

19 (D) the Committee on Energy and Com-
20 merce of the House of Representatives.

21 (5) FUNDING.—In addition to any amounts
22 made available to the Secretary to carry out the
23 State Energy Program, there is appropriated to the
24 Secretary, out of funds in the Treasury not other-
25 wise appropriated, \$18,000,000,000 to carry out this

1 subsection, to remain available until September 30,
2 2027.

3 (6) SUPPLEMENT, NOT SUPPLANT.—Funds
4 made available under paragraph (5) shall supple-
5 ment, not supplant, any other funds made available
6 to States for the State Energy Program or the
7 weatherization assistance program established under
8 part A of title IV of the Energy Conservation and
9 Production Act (42 U.S.C. 6861 et seq.).

10 (c) FEDERAL ENERGY MANAGEMENT PROGRAM.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of enactment of this Act, the Secretary
13 shall use the funds appropriated under paragraph
14 (4) to provide grants under the AFFECT program
15 under the Federal Energy Management Program of
16 the Department of Energy to implement covered
17 projects.

18 (2) PRIVATE FINANCING.—A recipient of a
19 grant under paragraph (1) shall—

20 (A) to the extent practicable, leverage pri-
21 vate financing for cost-effective energy effi-
22 ciency, renewable energy, resiliency, and other
23 smart-building improvements, such as by enter-
24 ing into an energy service performance contract;
25 but

1 (B) maintain the use of grant funds to
2 carry out covered projects with more project re-
3 siliency, public health, and capital-intensive effi-
4 ciency and emission reduction components than
5 are typically available through private energy
6 service performance contracts.

7 (3) REPORT.—Not later than 1 year after the
8 date on which grants are distributed under para-
9 graph (1), and each year thereafter until the funds
10 appropriated under paragraph (4) are no longer
11 available, the Secretary shall submit a report on the
12 use of those funds to—

13 (A) the Subcommittee on Energy and
14 Water Development of the Committee on Ap-
15 propriations of the Senate;

16 (B) the Subcommittee on Energy and
17 Water Development and Related Agencies of
18 the Committee on Appropriations of the House
19 of Representatives;

20 (C) the Committee on Energy and Natural
21 Resources of the Senate; and

22 (D) the Committee on Energy and Com-
23 merce of the House of Representatives.

24 (4) FUNDING.—In addition to any amounts
25 made available to the Secretary to carry out the AF-

1 FECT program described in paragraph (1), there is
2 appropriated to the Secretary, out of funds in the
3 Treasury not otherwise appropriated, \$500,000,000
4 to carry out this subsection, to remain available
5 until September 30, 2027.

6 (d) TRIBAL ORGANIZATIONS.—

7 (1) IN GENERAL.—Not later than 60 days after
8 the date of enactment of this Act, the Secretary, act-
9 ing through the head of the Office of Indian Energy,
10 shall distribute funds made available under para-
11 graph (3) to tribal organizations to implement cov-
12 ered projects.

13 (2) REPORT.—Not later than 1 year after the
14 date on which funds are distributed under para-
15 graph (1), and each year thereafter until the funds
16 made available under paragraph (3) are no longer
17 available, the Secretary shall submit a report on the
18 use of those funds to—

19 (A) the Subcommittee on Energy and
20 Water Development of the Committee on Ap-
21 propriations of the Senate;

22 (B) the Subcommittee on Energy and
23 Water Development and Related Agencies of
24 the Committee on Appropriations of the House
25 of Representatives;

1 (C) the Committee on Energy and Natural
2 Resources of the Senate; and

3 (D) the Committee on Energy and Com-
4 merce of the House of Representatives.

5 (3) FUNDING.—There is appropriated to the
6 Secretary, out of funds in the Treasury not other-
7 wise appropriated, \$1,500,000,000 to carry out this
8 subsection, to remain available until September 30,
9 2027.

10 (e) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
11 TURED GOODS.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), none of the funds made available by or
14 pursuant to this section may be used for a covered
15 project unless all of the iron, steel, and manufac-
16 tured goods used in the project are produced in the
17 United States.

18 (2) EXCEPTIONS.—The requirement under
19 paragraph (1) shall be waived by the head of the rel-
20 evant Federal department or agency in any case or
21 category of cases in which the head of the relevant
22 Federal department or agency determines that—

23 (A) adhering to that requirement would be
24 inconsistent with the public interest;

1 (B) the iron, steel, and manufactured
2 goods needed for the project are not produced
3 in the United States—

4 (i) in sufficient and reasonably avail-
5 able quantities; and

6 (ii) in a satisfactory quality; or

7 (C) the inclusion of iron, steel, and rel-
8 evant manufactured goods produced in the
9 United States would increase the overall cost of
10 the project by more than 25 percent.

11 (3) WAIVER PUBLICATION.—If the head of a
12 Federal department or agency makes a determina-
13 tion under paragraph (2) to waive the requirement
14 under paragraph (1), the head of the Federal de-
15 partment or agency shall publish in the Federal
16 Register a detailed justification for the waiver.

17 (4) INTERNATIONAL AGREEMENTS.—This sub-
18 section shall be applied in a manner consistent with
19 the obligations of the United States under all appli-
20 cable international agreements.

21 (f) WAGE RATE REQUIREMENTS.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, all laborers and mechanics em-
24 ployed by contractors and subcontractors on projects
25 funded directly or assisted in whole or in part by the

1 Federal Government pursuant to this section shall
2 be paid wages at rates not less than those prevailing
3 on projects of a similar character in the locality, as
4 determined by the Secretary of Labor in accordance
5 with subchapter IV of chapter 31 of title 40, United
6 States Code (commonly known as the “Davis-Bacon
7 Act”).

8 (2) **AUTHORITY.**—With respect to the labor
9 standards specified in paragraph (1), the Secretary
10 of Labor shall have the authority and functions set
11 forth in Reorganization Plan Numbered 14 of 1950
12 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
13 title 40, United States Code.

14 **SEC. 40503. PERSONNEL.**

15 (a) **IN GENERAL.**—To carry out section 40502, the
16 Secretary shall hire within the Department of Energy—

17 (1) not less than 300 full-time employees in the
18 Office of Energy Efficiency and Renewable Energy;

19 (2) not less than 100 full-time employees, to be
20 distributed among—

21 (A) the Office of General Counsel;

22 (B) the Office of Procurement Policy;

23 (C) the Golden Field Office;

24 (D) the National Energy Technology Lab-
25 oratory; and

1 (E) the Office of the Inspector General;
2 and

3 (3) not less than 20 full-time employees in the
4 Office of Indian Energy.

5 (b) TIMELINE.—Not later than 60 days after the
6 date of enactment of this Act, the Secretary shall—

7 (1) hire all personnel under subsection (a); or

8 (2) certify that the Secretary is unable to hire
9 all personnel by the date required under this sub-
10 section.

11 (c) CONTRACT HIRES.—

12 (1) IN GENERAL.—If the Secretary makes a
13 certification under subsection (b)(2), the Secretary
14 may hire on a contract basis not more than 50 per-
15 cent of the personnel required to be hired under sub-
16 section (a).

17 (2) DURATION.—An individual hired on a con-
18 tract basis under paragraph (1) shall have an em-
19 ployment term of not more than 1 year.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary to carry
22 out this section \$84,000,000 for each of fiscal years 2022
23 through 2031.

24 (e) REPORT.—Not later than 60 days after the date
25 of enactment of this Act, and annually thereafter for 2

1 years, the Secretary shall submit a report on progress
2 made in carrying out subsection (a) to—

3 (1) the Subcommittee on Energy and Water
4 Development of the Committee on Appropriations of
5 the Senate;

6 (2) the Subcommittee on Energy and Water
7 Development and Related Agencies of the Committee
8 on Appropriations of the House of Representatives;

9 (3) the Committee on Energy and Natural Re-
10 sources of the Senate; and

11 (4) the Committee on Energy and Commerce of
12 the House of Representatives.

13 **Subtitle F—Supporting the Teach-**
14 **ing of Climate Change in**
15 **Schools**

16 **SEC. 40601. FINDINGS.**

17 Congress finds the following:

18 (1) More than 80 percent of parents in the
19 United States support the teaching of climate
20 change.

21 (2) 86 percent of teachers in the United States
22 feel that climate change should be taught in schools.

23 (3) 17 percent of teachers say they either do
24 not have materials to teach climate change or they
25 do not know enough about the subject to teach it.

1 (4) Climate change is not a partisan or political
2 issue.

3 (5) There is a broad consensus among climate
4 scientists that the human activities contributing to
5 increases in greenhouse gas emissions are the domi-
6 nant cause of climate change.

7 (6) To meaningfully act upon our changing cli-
8 mate and changed world, young people need edu-
9 cation about its causes, consequences, anticipated
10 future impacts, and possible solutions.

11 (7) Climate change is a social justice, racial jus-
12 tice, and human rights issue.

13 (8) According to the National Center for
14 Science Education, 37 States and the District of Co-
15 lumbia recognize human-caused climate change in
16 their science education standards.

17 (9) The National Science Teaching Association,
18 the National Association of Geoscience Teachers, the
19 National Association of Biology Teachers, and other
20 professional organizations have called for greater
21 support for science educators in teaching climate
22 science and climate change.

23 (10) In 2015, the California State PTA de-
24 clared climate change a children's issue.

1 (11) In 2019, the California Association of
2 School Psychologists declared climate change a po-
3 tential threat to the psychological and social develop-
4 ment of children.

5 (12) Climate change is threatening students'
6 communities with intensifying natural disasters, in-
7 creasing temperatures, rising sea levels, and other
8 extreme weather threats.

9 (13) Climate change disproportionately affects
10 students of color and students in poverty, thereby
11 exacerbating existing inequalities and limiting equal-
12 ity of opportunity.

13 (14) Children represent a particularly vulner-
14 able group because greenhouse gases emitted into
15 the atmosphere will continue to accumulate over the
16 coming decades and cause negative health outcomes.

17 (15) Children are more vulnerable to the effects
18 of criteria air pollutants emitted during the burning
19 of fossil fuels.

20 (16) Americans must unify behind addressing
21 climate change for the good of this generation and
22 all subsequent generations.

23 (17) School districts should explore district-
24 wide sustainability initiatives to educate students
25 and reduce their carbon footprint.

1 (18) Teaching climate change in schools will
2 help students understand the human impact of cli-
3 mate change.

4 (19) Teaching climate change in schools will
5 help students understand that life on Earth depends
6 on, is shaped by, and affects our climate.

7 (20) Teaching climate change will help students
8 develop energy literacy and may stimulate interest in
9 STEM careers.

10 (21) Teaching climate change will have con-
11 sequences for Earth, human lives, and ecosystems
12 around the world.

13 (22) When students engage in a climate change
14 curriculum, they can develop a greater sense of effi-
15 cacy with respect to their capacity to address critical
16 social and environmental issues.

17 (23) The global impact of climate change and
18 the urgency and magnitude of the challenge of ad-
19 dressing climate change will eventually fall on cur-
20 rent students.

21 **SEC. 40602. SENSE OF CONGRESS.**

22 The Congress—

23 (1) supports teaching climate change in public
24 and private schools at all grade levels;

1 (2) encourages the Federal Government, States,
 2 localities, nonprofit organizations, schools, and com-
 3 munity organizations to teach climate change in ap-
 4 propriate programs and activities, with the goal of
 5 increasing public knowledge on the impacts that hu-
 6 mans have on the climate; and

7 (3) encourages school districts to provide robust
 8 resources to teachers and students so they can learn
 9 about climate change in a safe and open learning en-
 10 vironment.

11 **Subtitle G—Women and Climate** 12 **Change**

13 **SEC. 40701. SHORT TITLE; TABLE OF CONTENTS.**

14 (a) SHORT TITLE.—This subtitle may be cited as the
 15 “Women and Climate Change Act of 2020”.

16 (b) TABLE OF CONTENTS.—The table of contents for
 17 this subtitle is as follows:

Sec. 40701. Short title; table of contents.

Sec. 40702. Findings.

Sec. 40703. Definitions.

Sec. 40704. Statement of policy.

PART 1—STRATEGIES, POLICIES, AND PROGRAMS

Sec. 40711. Federal Interagency Working Group on Women and Climate Change.

Sec. 40712. Development and implementation of strategy and policies to prevent and respond to the effects of climate change on women globally.

PART 2—OVERSIGHT AND ACCOUNTABILITY

Sec. 40721. Senior Coordinator for Women and Climate Change.

Sec. 40722. Briefing and report.

1 **SEC. 40702. FINDINGS.**

2 Congress makes the following findings:

3 (1) Women in the United States and around
4 the world are the linchpin of families and commu-
5 nities and are often the first to feel the immediate
6 and adverse effects of social, environmental, and eco-
7 nomic stresses on their families and communities.

8 (2) The United Nations has recognized, as one
9 of the central organizing principles for its work, that
10 “no enduring solution to society’s most threatening
11 social, economic and political problems can be found
12 without the full participation, and the full empower-
13 ment, of the world’s women”.

14 (3) The United Nations Development Pro-
15 gramme 2013 Human Development Report has
16 found that the number of people living in extreme
17 poverty could increase by up to 3,000,000,000 by
18 2050 unless environmental disasters are averted by
19 coordinated global action.

20 (4) Climate change is already forcing the most
21 vulnerable communities and populations in devel-
22 oping countries to face unprecedented climate stress,
23 including water scarcity and drought, as well as se-
24 vere weather events and floods, which can lead to re-
25 duced agricultural productivity, food insecurity, and
26 increased disease.

1 (5) Climate change exacerbates issues of scar-
2 city and lack of accessibility to primary natural re-
3 sources, forest resources, and arable land for food
4 production, thereby contributing to increased conflict
5 and instability, as well as the workload and stresses
6 on women farmers, who are estimated to produce 60
7 to 80 percent of the food in most developing coun-
8 tries.

9 (6) Women will disproportionately face harmful
10 impacts from climate change, particularly in poor
11 and developing nations where women regularly as-
12 sume increased responsibility for growing the fam-
13 ily's food and collecting water, fuel, and other re-
14 sources.

15 (7) Epidemics, such as malaria and zika, are
16 expected to worsen and spread due to variations in
17 climate, putting women (especially pregnant mothers
18 and women who hope to become pregnant) and chil-
19 dren without access to prevention and medical serv-
20 ices at risk.

21 (8) The direct and indirect effects of climate
22 change have a disproportionate impact on
23 marginalized women, such as environmental refugees
24 and displaced persons, migrants, religious, racial, or
25 ethnic minorities, adolescent girls, lesbian and trans

1 women, women living in poverty, and women and
2 girls with disabilities and those who are living with
3 HIV.

4 (9) Conflict has a disproportionate impact on
5 the most vulnerable communities and populations,
6 including women, and is fueled in the poorest re-
7 gions of the world by harsher climates, leading to
8 migration, refugee crises, and conflicts over scarce
9 natural resources, including land and water.

10 (10) Displaced, refugee, and stateless women
11 and girls face extreme violence and threats, includ-
12 ing—

13 (A) being forced to exchange sex for food
14 and humanitarian supplies;

15 (B) being at increased risk of rape, sexual
16 exploitation, and abuse; and

17 (C) being at increased risk for HIV, sexu-
18 ally transmitted infections (STIs), unplanned
19 pregnancy, and poor reproductive health.

20 (11) It is predicted that climate change will
21 lead to increasing frequency and intensity of extreme
22 weather conditions, precipitating the occurrence of
23 natural disasters around the globe.

24 (12) The relocation and death of women, and
25 especially mothers, as a result of climate-related dis-

1 asters often has devastating impacts on social sup-
2 port networks, family ties, and the coping capacity
3 of families and communities.

4 (13) The ability of women to adapt to climate
5 change is constrained by a lack of economic free-
6 doms, property and inheritance rights, and access to
7 financial resources, education, family planning and
8 reproductive health, and new tools, equipment, and
9 technology.

10 (14) Despite having a unique capacity and
11 knowledge to promote and provide for adaptation to
12 climate change, women often have insufficient re-
13 sources to undertake such adaptation.

14 (15) Women are shown to have a multiplier ef-
15 fect because women use their income and resources,
16 when given the necessary tools, to increase the well-
17 being of their children and families, and thus play
18 a critical role in reducing food insecurity, poverty,
19 and socioeconomic effects of climate change.

20 (16) Women are often underrepresented in the
21 development and formulation of policy regarding
22 mitigation and adaptation to climate change, even
23 though women are often in the best position to pro-
24 vide and consult on adaptive strategies.

1 **SEC. 40703. DEFINITIONS.**

2 In this subtitle:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations
7 and the Committee on Appropriations of the
8 Senate; and

9 (B) the Committee on Foreign Affairs and
10 the Committee on Appropriations of the House
11 of Representatives.

12 (2) CLIMATE CHANGE.—The term “climate
13 change” means a change of climate that is attrib-
14 uted directly or indirectly to—

15 (A) human activity; and

16 (B) altering the composition of the global
17 atmosphere.

18 (3) DEVELOPING COUNTRY.—The term “devel-
19 oping country” means a country classified by the
20 World Bank as having a low-income or lower-middle-
21 income economy.

22 (4) DISPARATE IMPACT.—The term “disparate
23 impact” refers to the historical and ongoing impacts
24 of the pattern and practice of discrimination in em-
25 ployment, education, housing, banking, health, and
26 nearly every other aspect of life in the economy, so-

1 ciety, or culture that have an adverse impact on mi-
2 norities, women, or other protected groups, regard-
3 less of whether such practices were motivated by dis-
4 criminatory intent.

5 (5) ENVIRONMENTAL DISASTERS.—The term
6 “environmental disasters” means specific events
7 caused by human activity that result in seriously
8 negative effects on the environment.

9 (6) ENVIRONMENTAL REFUGEES.—The term
10 “environmental refugees” means people displaced be-
11 cause of environmental causes, notably land loss and
12 degradation, and natural disasters, who have left
13 their community or country of origin.

14 (7) EXTREME POVERTY.—The term “extreme
15 poverty” means having an income level or living
16 standard at a level of extreme deprivation based on
17 living with income below 50 percent of the poverty
18 line as established by the individual country at issue,
19 or below \$1.90 per day as determined by the World
20 Bank.

21 (8) EXTREME WEATHER.—The term “extreme
22 weather” means unexpected, unusual, unpredictable,
23 severe, or unseasonal weather that is at the extremes
24 of the historical distribution range that has been
25 seen in the past.

1 (9) FEDERAL AGENCY.—The term “Federal
2 agency” means any executive department, Govern-
3 ment corporation, Government-controlled corpora-
4 tion, or other establishment in the executive branch
5 of the Government (including the Executive Office of
6 the President), or any independent regulatory agen-
7 cy.

8 (10) FOOD INSECURITY.—The term “food inse-
9 curity” means a lack of consistent access to food.

10 (11) MOST VULNERABLE COMMUNITIES AND
11 POPULATIONS.—The term “most vulnerable commu-
12 nities and populations” means communities and pop-
13 ulations, including women, impoverished commu-
14 nities, adolescent girls, people with disabilities, indig-
15 enous peoples, refugees, displaced persons, migrants,
16 religious, racial, or ethnic minorities, lesbian and
17 trans women, women living in poverty, women and
18 girls with disabilities, and those who are living with
19 HIV, who are at risk of substantial adverse impacts
20 of climate change and have limited capacity to re-
21 spond to such impacts.

22 (12) POVERTY.—The term “poverty” means an
23 income level and living standard insufficient to meet
24 basic needs.

1 **SEC. 40704. STATEMENT OF POLICY.**

2 It is the policy of the United States, in partnership
3 with affected countries, donor country governments, inter-
4 national financial institutions, international nongovern-
5 mental organizations, multilateral organizations, and civil
6 society groups, especially those led by women, to combat
7 the leading causes of climate change, mitigate the effects
8 of climate change on women and girls, and elevate the par-
9 ticipation of women in policy, program, and community
10 decision-making processes with respect to climate change,
11 by—

12 (1) establishing the Federal Interagency Work-
13 ing Group on Women and Climate Change, the mis-
14 sion of which is to prevent and respond to the ef-
15 fects of climate change on women globally; and

16 (2) implementing a coordinated, integrated, evi-
17 dence-based, and comprehensive strategy on women
18 and climate change throughout United States poli-
19 cies in the future.

20 **PART 1—STRATEGIES, POLICIES, AND PROGRAMS**

21 **SEC. 40711. FEDERAL INTERAGENCY WORKING GROUP ON**
22 **WOMEN AND CLIMATE CHANGE.**

23 (a) **ESTABLISHMENT.**—There is established in the
24 Department of State a Federal Interagency Working
25 Group on Women and Climate Change (in this subtitle
26 referred to as the “Working Group”).

1 (b) CHAIRPERSON.—The Senior Coordinator for
2 Women and Climate Change designated pursuant to sec-
3 tion 40721 shall serve as the chairperson of the Working
4 Group.

5 (c) MEMBERSHIP.—

6 (1) IN GENERAL.—The Working Group shall be
7 composed of one senior-level representative from
8 each of the Federal agencies described in paragraph
9 (2), as selected by the head of the respective agency
10 from the senior ranks of that agency.

11 (2) AGENCIES.—The agencies described in this
12 paragraph are the following:

13 (A) The Department of State, including—

14 (i) the Office of Global Women’s
15 Issues;

16 (ii) the Office of Civil Rights;

17 (iii) the Bureau of Oceans and Inter-
18 national Environmental and Scientific Af-
19 fairs;

20 (iv) the Bureau of Population, Refu-
21 gees, and Migration;

22 (v) the Bureau of Democracy, Human
23 Rights, and Labor; and

24 (vi) the Bureau of International Orga-
25 nization Affairs.

1 (B) The United States Agency for Inter-
2 national Development.

3 (C) The Centers for Disease Control and
4 Prevention.

5 (D) The Environmental Protection Agency.

6 (E) The National Oceanic and Atmos-
7 pheric Administration.

8 (F) The National Institutes of Health.

9 (G) The National Science Foundation.

10 (H) The Council on Environmental Qual-
11 ity.

12 (I) Such other agencies as may be des-
13 ignated by the Senior Coordinator for Women
14 and Climate Change.

15 (d) FUNCTIONS.—The Working Group shall—

16 (1) coordinate and integrate the development of
17 all policies and activities of the Federal Government
18 across all agencies relating to—

19 (A) combating the effects of climate
20 change on women in the national and inter-
21 national sphere; and

22 (B) improving the response and strategy of
23 the Federal Government to fight climate change
24 for the security of the United States and the
25 international community;

1 (2) allow each member of the Working Group
2 to act as a representative for the Working Group
3 within the Federal department or agency of such
4 member to facilitate implementation of the Working
5 Group policies within such department or agency;

6 (3) ensure that all relevant Federal depart-
7 ments or agencies comply with appropriate guide-
8 lines, policies, and directives from the Working
9 Group, the Department of State, and other Federal
10 departments or agencies with responsibilities relating
11 to climate change;

12 (4) ensure that Federal departments or agen-
13 cies, State governments, and relevant congressional
14 committees, in consultation with nongovernmental
15 organizations and policy experts in the field and
16 State and local government officials who administer
17 or direct policy for programs relating to climate
18 change and women—

19 (A) have access to, receive, and appro-
20 priately disseminate best practices in the ad-
21 ministration of such programs;

22 (B) have adequate resources to maximize
23 the public awareness of such programs;

24 (C) increase the reach of such programs;

25 (D) share relevant data; and

1 (E) issue relevant guidance; and

2 (5) identify and disseminate best practices for
3 improved collection on the part of each Federal de-
4 partment or agency of data relevant to the disparate
5 impact of climate change on women, including in—

6 (A) unpaid care work;

7 (B) community advocacy, activism, and
8 representation;

9 (C) women’s and girls’ access to education;

10 (D) access to comprehensive health care,
11 including reproductive health and rights;

12 (E) desertification and food insecurity;

13 (F) community infrastructure, multilevel
14 Government adaptability, and climate resilience;

15 (G) climate and weather-related crisis re-
16 sponse, including safety from gender-based vio-
17 lence; and

18 (H) women’s involvement and leadership in
19 the development of frameworks and policies for
20 climate resilience.

21 (e) CONSULTATION.—The Working Group may con-
22 sult and obtain recommendations from such independent
23 nongovernmental policy experts, State and local govern-
24 ment officials, independent groups and organizations, or
25 other groups or organizations as the Senior Coordinator

1 for Women and Climate Change determines will assist in
2 carrying out the mission of the Working Group.

3 (f) FREQUENCY OF MEETINGS.—The Working Group
4 shall—

5 (1) meet not less frequently than once each
6 quarter to discuss and develop policies, projects, and
7 programs; and

8 (2) meet with the Senior Coordinator for
9 Women and Climate Change not less frequently than
10 once each month to report on and discuss implemen-
11 tation of such policies, projects, and programs.

12 **SEC. 40712. DEVELOPMENT AND IMPLEMENTATION OF**
13 **STRATEGY AND POLICIES TO PREVENT AND**
14 **RESPOND TO THE EFFECTS OF CLIMATE**
15 **CHANGE ON WOMEN GLOBALLY.**

16 (a) INITIAL STRATEGY REQUIRED.—Not later than
17 180 days after the date of the enactment of this Act, the
18 Senior Coordinator for Women and Climate Change and
19 the Ambassador-at-Large for the Office of Global Wom-
20 en's Issues of the Department of State, in consultation
21 with the Working Group, shall develop and submit to the
22 appropriate congressional committees a United States Na-
23 tional and International Strategy to prevent and respond
24 to the effects of climate change on women.

1 (b) CONTENTS.—The strategy submitted under sub-
2 section (a) shall include—

3 (1) recognizing the disparate impacts of climate
4 change on women and the efforts of women globally
5 to address climate change;

6 (2) taking effective action—

7 (A) to prevent and respond to climate
8 change and mitigate the effects of climate
9 change on women around the world; and

10 (B) to promote gender equality, economic
11 growth, public health, racial justice, and human
12 rights;

13 (3) implementing the United Nations Sustain-
14 able Development Goals listed in subsection (f),
15 through and beyond 2030, as part of the strategy to
16 prevent and respond to the effects of climate change
17 on women globally;

18 (4) implementing balanced gender participation
19 to avoid reinforcing binary roles, especially among
20 individuals from the communities most impacted, in
21 climate change adaptation and mitigation efforts, in-
22 cluding in governance and diplomatic positions with-
23 in the United States Government;

24 (5) working at the local, national, and inter-
25 national levels, including with individuals, families,

1 and communities, to prevent and respond to the ef-
2 fects of climate change on women;

3 (6) systematically integrating and coordinating
4 efforts to prevent and respond to the effects of cli-
5 mate change on women internationally into United
6 States foreign policy and foreign assistance pro-
7 grams;

8 (7) investing in research on climate change
9 through appropriate Federal departments or agen-
10 cies and funding of university and independent re-
11 search groups on the various causes and effects of
12 climate change;

13 (8) developing and implementing gender-sen-
14 sitive frameworks in policies to address climate
15 change that account for the specific impacts of cli-
16 mate change on women;

17 (9) developing policies to support women who
18 are particularly vulnerable to the impacts of climate
19 change to prepare for, build their resilience to, and
20 adapt to such impacts, including a commitment to
21 increase education and training opportunities for
22 women to develop local resilience plans to address
23 the effects of climate change;

24 (10) developing and investing in programs for
25 the education and empowerment of women and girls

1 in the United States and across the global commu-
2 nity, including to gather information on how climate
3 change is affecting their lives and for guidance on
4 the needs of their families and communities in the
5 face of climate change, in coordination with the dip-
6 lomatic missions of other countries;

7 (11) consulting with representatives of civil so-
8 ciety, including nongovernmental organizations, com-
9 munity and faith-based organizations, multilateral
10 organizations, local and international civil society
11 groups, and local climate change organizations and
12 their beneficiaries, that have demonstrated experi-
13 ence in preventing and responding to the effects of
14 climate change on women;

15 (12) supporting and building local capacity in
16 developing countries, including with respect to gov-
17 ernments at all levels and nongovernmental organi-
18 zations (especially women-led), to prevent and re-
19 spond to the effects of climate change on women;

20 (13) developing programs to empower women in
21 communities to have a voice in the planning, design,
22 implementation, and evaluation of strategies to ad-
23 dress climate change so that their roles and re-
24 sources are taken into account;

1 (14) including women in economic development
2 planning, policies, and practices that directly im-
3 prove conditions that result from climate change;

4 (15) integrating a gender approach in all poli-
5 cies and programs in the United States that are
6 globally related to climate change; and

7 (16) ensuring that such policies and programs
8 support women globally to prepare for, build resil-
9 ience for, and adapt to, climate change.

10 (c) UPDATES.—The Senior Coordinator for Women
11 and Climate Change shall—

12 (1) consult with the Working Group to collect
13 information and feedback; and

14 (2) update the strategy and programs to pre-
15 vent and respond to the effects of climate change on
16 women globally, as the Senior Coordinator for
17 Women and Climate Change considers appropriate.

18 (d) IMPLEMENTATION PLAN AND BUDGET RE-
19 QUIRED.—Not later than 60 days after the date of the
20 submittal of the strategy under subsection (a), the Senior
21 Coordinator for Women and Climate Change shall submit
22 to the appropriate congressional committees an implemen-
23 tation plan and budget for the strategy.

24 (e) ASSISTANCE AND CONSULTATION.—The Senior
25 Coordinator for Women and Climate Change shall assist

1 and provide consultation to the Secretary of State in pre-
2 venting and responding to the effects of climate change
3 on women globally.

4 (f) UNITED NATIONS SUSTAINABLE DEVELOPMENT
5 GOALS THROUGH AND BEYOND 2030.—The United Na-
6 tions Sustainable Development Goals listed in this sub-
7 section are the following:

8 (1) Ending poverty in all its forms everywhere.

9 (2) Ending hunger, achieving food security and
10 improved nutrition, and promoting sustainable agri-
11 culture.

12 (3) Ensuring healthy lives and promoting well-
13 being for all and at all ages.

14 (4) Ensuring inclusive, equitable, and quality
15 education and promoting lifelong learning opportuni-
16 ties for all.

17 (5) Achieving gender equality and empowering
18 all women and girls.

19 (6) Ensuring the availability and sustainable
20 management of water and sanitation for all.

21 (7) Ensuring access to affordable, reliable, sus-
22 tainable, and modern energy for all.

23 (8) Promoting sustained, inclusive, and sustain-
24 able economic growth, full and productive employ-
25 ment, and decent work for all.

1 (9) Building resilient infrastructure, promoting
2 inclusive and sustainable industrialization, and fos-
3 tering innovation.

4 (10) Reducing inequality within and among
5 countries.

6 (11) Making cities and human settlements in-
7 clusive, safe, resilient, and sustainable.

8 (12) Ensuring sustainable consumption and
9 production patterns.

10 (13) Taking urgent action to combat climate
11 change and its impacts.

12 (14) Conserving and sustainably using the
13 oceans, seas, and marine resources for sustainable
14 development.

15 (15) Protecting, restoring, and promoting sus-
16 tainable use of terrestrial ecosystems, sustainably
17 managing forests, combating desertification, and
18 halting and reversing land degradation and biodiver-
19 sity loss.

20 (16) Promoting peaceful and inclusive societies
21 for sustainable development, providing access to jus-
22 tice for all, and building effective, accountable and
23 inclusive institutions at all levels.

1 (17) Strengthening the means of policy imple-
2 mentation and revitalizing the global partnership for
3 sustainable development.

4 **PART 2—OVERSIGHT AND ACCOUNTABILITY**

5 **SEC. 40721. SENIOR COORDINATOR FOR WOMEN AND CLI-**
6 **MATE CHANGE.**

7 (a) ESTABLISHMENT.—The Ambassador-at-Large of
8 the Office of Global Women’s Issues of the Department
9 of State shall designate an individual to serve as a Senior
10 Advisor, or equivalent role, who shall serve concurrently
11 as the Senior Coordinator for Women and Climate
12 Change.

13 (b) DUTIES.—The Senior Coordinator for Women
14 and Climate Change shall—

15 (1) direct the activities, policies, programs, and
16 funding of the Department of State relating to the
17 effects of climate change on women, including with
18 respect to efforts to prevent and respond to those ef-
19 fects;

20 (2) advise the Secretary of State, the relevant
21 heads of other Federal departments and independent
22 agencies, and other entities within the Executive Of-
23 fice of the President, regarding the establishment
24 of—

1 (A) policies, goals, objectives, and priorities
2 for addressing and combating the effects of cli-
3 mate change on women; and

4 (B) mechanisms to improve the effective-
5 ness, coordination, impact, and outcomes of
6 programs relating to addressing and combating
7 the effects of climate change on women, in co-
8 ordination with experts in the field, nongovern-
9 mental organizations, and foreign governments;
10 and

11 (3) identify and assist in the resolution of any
12 disputes that arise between Federal agencies relating
13 to policies and programs to address and combat the
14 effects of climate change on women or other matters
15 within the responsibility of the Office of Global
16 Women's Issues.

17 (c) REPORTING.—The Senior Coordinator for Women
18 and Climate Change shall report to the Ambassador-at-
19 Large for the Office of Global Women's Issues and the
20 Secretary of State.

21 **SEC. 40722. BRIEFING AND REPORT.**

22 Not later than 180 days after the date of the enact-
23 ment of this Act, and annually thereafter, the Amba-
24 sador-at-Large and the Senior Coordinator for Women
25 and Climate Change shall jointly—

1 (1) brief the appropriate congressional commit-
2 tees on—

3 (A) the effects of climate change on
4 women; and

5 (B) the prevention and response strategies,
6 programming, and associated outcomes with re-
7 spect to climate change; and

8 (2) submit to the appropriate congressional
9 committees an assessment of the human and finan-
10 cial resources necessary to fulfill the purposes of and
11 carry out this subtitle.

12 **Subtitle H—Clean School Bus**

13 **SEC. 40801. SHORT TITLE.**

14 This subtitle may be cited as the “Clean School Bus
15 Act of 2020”.

16 **SEC. 40802. CLEAN SCHOOL BUS GRANT PROGRAM.**

17 (a) DEFINITIONS.—In this section:

18 (1) ELECTRIC SCHOOL BUS.—The term “elec-
19 tric school bus” means a school bus that is pro-
20 pelled—

21 (A) to a significant extent by an electric
22 motor that—

23 (i) draws electricity from a battery;
24 and

1 (ii) is capable of being recharged from
2 an external source of electricity; or

3 (B) by 1 or more hydrogen fuel cells.

4 (2) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

6 (A) 1 or more local, regional, or State gov-
7 ernmental entities responsible for—

8 (i) providing school bus service to 1 or
9 more public school systems; or

10 (ii) purchasing school buses for use by
11 1 or more public school systems;

12 (B) a nonprofit school transportation asso-
13 ciation; or

14 (C) a tribally controlled school (as defined
15 in section 5212 of the Tribally Controlled
16 Schools Act of 1988 (25 U.S.C. 2511)).

17 (3) FUEL CELL.—The term “fuel cell” has the
18 meaning given the term in section 803 of the Energy
19 Policy Act of 2005 (42 U.S.C. 16152).

20 (4) PROGRAM.—The term “program” means
21 the Clean School Bus Grant Program established
22 under subsection (b)(1).

23 (5) SCHOOL BUS.—The term “school bus” has
24 the meaning given the term “schoolbus” in section
25 30125(a) of title 49, United States Code.

1 (6) SCRAP.—

2 (A) IN GENERAL.—The term “scrap”
3 means, with respect to a school bus engine re-
4 placed using funds awarded under the program,
5 to recycle, crush, or shred the engine within
6 such period and in such manner as determined
7 by the Secretary.

8 (B) EXCLUSION.—The term “scrap” does
9 not include selling, leasing, exchanging, or oth-
10 erwise disposing of an engine described in sub-
11 paragraph (A) for use in another motor vehicle
12 in any location.

13 (7) SECRETARY.—The term “Secretary” means
14 the Secretary of Energy.

15 (b) CLEAN SCHOOL BUS GRANT PROGRAM.—

16 (1) ESTABLISHMENT.—The Secretary shall es-
17 tablish in the Office of Energy Efficiency and Re-
18 newable Energy of the Department of Energy a pro-
19 gram, to be known as the “Clean School Bus Grant
20 Program”, for awarding grants on a competitive
21 basis to eligible entities for the replacement of cer-
22 tain existing school buses.

23 (2) APPLICATIONS.—To be eligible to receive a
24 grant under the program, an eligible entity shall
25 submit to the Secretary an application at such time,

1 in such manner, and containing such information as
2 the Secretary shall require, including—

3 (A) a certification that no public work or
4 service normally performed by a public em-
5 ployee will be privatized or subcontracted in
6 carrying out a project under the grant; and

7 (B) to ensure a fair assessment of total
8 workforce impact, a detailed accounting of the
9 workforce of the eligible entity at the time of
10 application, including—

11 (i) the number of employees, orga-
12 nized by salary;

13 (ii) the bargaining unit status of each
14 employee;

15 (iii) the full- or part-time status of
16 each employee; and

17 (iv) the job title of each employee.

18 (3) PRIORITY OF GRANT APPLICATIONS.—

19 (A) IN GENERAL.—The Secretary shall
20 give highest priority under the program to pro-
21 posed projects of eligible entities that—

22 (i) serve the neediest students, as de-
23 scribed in subparagraph (B); and

24 (ii) will most reduce emissions, as de-
25 scribed in subparagraph (C).

1 (B) NEEDIEST STUDENTS DESCRIBED.—

2 The neediest students referred to in subpara-
3 graph (A)(i) are students who are eligible for
4 free or reduced price lunches under the Richard
5 B. Russell National School Lunch Act (42
6 U.S.C. 1751 et seq.).

7 (C) MOST EMISSIONS-REDUCING PROJECTS
8 DESCRIBED.—The projects that will most re-
9 duce emissions referred to in subparagraph
10 (A)(ii) are projects that—

11 (i) will replace the most polluting die-
12 sel school buses with the cleanest running
13 electric school buses, as indicated by—

14 (I) the age of the school buses to
15 be replaced;

16 (II) the emissions control tech-
17 nologies on the school buses to be re-
18 placed;

19 (III) the annual vehicle miles
20 traveled by the school buses to be re-
21 placed;

22 (IV) the source of electricity or
23 hydrogen used to power the electric
24 school buses; and

1 (V) any other factors the Sec-
2 retary determines to be relevant; or

3 (ii) will complement the use of grant
4 funds through other activities that—

5 (I) will enable broader deploy-
6 ment of electric vehicles, such as se-
7 curing additional sources of funding
8 through public-private partnerships
9 with utilities, grants from other enti-
10 ties, or issuance of school bonds; or

11 (II) will achieve further reduc-
12 tions in emissions, such as installing
13 solar panels to charge electric school
14 buses purchased with grant funds.

15 (D) ADDITIONAL CONSIDERATIONS.—In
16 giving additional consideration to eligible enti-
17 ties seeking grants to purchase electric school
18 buses under the program that meet the prior-
19 ities described in subparagraph (A), the Sec-
20 retary may consider—

21 (i) whether the grant will benefit stu-
22 dents in a region that is in nonattainment
23 of a national ambient air quality standard
24 under section 109 of the Clean Air Act (42
25 U.S.C. 7409); or

1 (ii) whether the eligible entity, or
2 whether the school system or school that
3 would be served by the eligible entity, has
4 taken other action to reduce emissions dur-
5 ing the transportation of students, such as
6 instituting a no-idling policy.

7 (4) USE OF SCHOOL BUS FLEET.—Each electric
8 school bus acquired with funds provided under the
9 program—

10 (A) shall be operated as part of the school
11 bus fleet for which the grant was made for not
12 less than 5 years;

13 (B) shall be maintained, operated, and
14 charged according to manufacturer rec-
15 ommendations or State requirements; and

16 (C) may not be manufactured or retro-
17 fitted with, or otherwise have installed, a power
18 unit or other technology that creates air pollu-
19 tion within the school bus, such as an unvented
20 diesel passenger heater.

21 (5) GRANT AWARDS.—

22 (A) IN GENERAL.—The Secretary may use
23 funds made available to carry out the pro-
24 gram—

25 (i) to award grants for—

1 (I) the replacement of existing
2 diesel school bus fleets with electric
3 school buses;

4 (II) the implementation of re-
5 charging infrastructure or other infra-
6 structure needed to charge or main-
7 tain electric school buses;

8 (III) workforce development and
9 training, to support the maintenance,
10 charging, and operations of electric
11 school buses; and

12 (IV) planning and technical ac-
13 tivities to support the adoption and
14 implementation of electric school
15 buses; and

16 (ii) to develop resources to inform, en-
17 courage, and support eligible entities in ap-
18 plying for and fulfilling the requirements
19 of grants awarded under the program, in-
20 cluding materials to support the workforce
21 development and training described in
22 clause (i)(III) and the planning and tech-
23 nical activities described in clause (i)(IV).

1 (B) REQUIREMENTS.—In order to receive
2 a grant under the program, the Secretary
3 shall—

4 (i) require that grant recipients—

5 (I) replace diesel school buses
6 with electric school buses;

7 (II)(aa) not later than 1 year
8 after receiving the electric school bus
9 purchased using a grant under the
10 program, scrap the diesel engine of
11 the school bus being replaced; or

12 (bb) receive a waiver under para-
13 graph (6);

14 (III) do not, as a result of receiv-
15 ing the grant—

16 (aa) lay off, transfer, or de-
17 mote any current employee; or

18 (bb) reduce the salary or
19 benefits of any current employee
20 or worsen the conditions of work
21 of any current employee; and

22 (IV) provide current employees
23 with training to effectively operate,
24 maintain, or otherwise adapt to new

1 technologies relating to electric school
2 buses; and

3 (ii) permit grant recipients to receive
4 and retain any funds or benefits received
5 from—

6 (I) scrapping a diesel engine;

7 (II) transferring or repurposing a
8 diesel school bus as authorized under
9 a waiver under paragraph (6); and

10 (III) the resale or reuse of other
11 parts of a school bus replaced using
12 grant funds.

13 (C) GRANT AMOUNTS.—

14 (i) MAXIMUM AMOUNT.—The max-
15 imum amount of a grant under the pro-
16 gram is \$2,000,000 per eligible entity.

17 (ii) AMOUNTS FOR PURCHASE OF
18 ELECTRIC SCHOOL BUSES.—

19 (I) IN GENERAL.—For any grant
20 under the program, the amount of
21 funds awarded for the purchase of an
22 electric school bus shall not exceed
23 110 percent of the amount equal to
24 the difference between—

1 (aa) the cost of an electric
2 school bus; and

3 (bb) the cost of a diesel
4 school bus.

5 (II) DETERMINATION OF COST
6 OF SCHOOL BUSES.—In determining
7 the amount of funds under subclause
8 (I), the Secretary may determine the
9 cost of a school bus for the purpose of
10 calculating the marginal cost under
11 that subclause through—

12 (aa) a competitive sollicita-
13 tion process for the manufacture
14 of the school bus;

15 (bb) a cooperative purchase
16 agreement permitted by the laws
17 of the State in which the grant
18 recipient is located; or

19 (cc) another method that the
20 Secretary determines to be ap-
21 propriate.

22 (iii) AMOUNTS FOR SUPPORTING AC-
23 TIVITIES.—For any grant under the pro-
24 gram, the amount of funds awarded for
25 the purposes described in subclauses (II)

1 through (IV) of subparagraph (A)(i), or
2 other purposes related to those subclauses,
3 as determined by the Secretary, shall not
4 exceed \$600,000.

5 (D) BUY AMERICA.—

6 (i) IN GENERAL.—Except as provided
7 in clause (ii), any electric school bus pur-
8 chased using funds awarded under the pro-
9 gram shall comply with the requirements
10 described in section 5323(j) of title 49,
11 United States Code.

12 (ii) EXCEPTIONS.—

13 (I) WAIVER.—The Secretary may
14 provide any waiver to the require-
15 ments described in clause (i) in the
16 same manner and to the same extent
17 as the Secretary of Transportation
18 may provide a waiver under section
19 5323(j)(2) of title 49, United States
20 Code.

21 (II) PERCENTAGE OF COMPO-
22 NENTS AND SUBCOMPONENTS.—The
23 Secretary may grant a waiver in ac-
24 cordance with section 5323(j)(2)(C) of
25 title 49, United States Code, when a

1 grant recipient procures an electric
2 school bus using funds awarded under
3 the program for which the cost of
4 components and subcomponents pro-
5 duced in the United States—

6 (aa) for each of fiscal years
7 2022 through 2026, is more than
8 60 percent of the cost of all com-
9 ponents of the school bus; and

10 (bb) for fiscal year 2027 and
11 each fiscal year thereafter, is
12 more than 70 percent of the cost
13 of all components of the school
14 bus.

15 (6) WAIVER.—On request of a grant recipient,
16 the Secretary may grant a waiver under paragraph
17 (5)(B)(i)(II)(bb) to authorize a grant recipient—

18 (A) to transfer a diesel school bus replaced
19 using grant funds under the program under an
20 agreement—

21 (i) between—

22 (I) the grant recipient; and

23 (II) an entity described in sub-
24 section (a)(2) that serves an area that
25 is in attainment of national ambient

1 air quality standards under the Clean
2 Air Act (42 U.S.C. 7401 et seq.);

3 (ii) that provides that—

4 (I) not later than 1 year after the
5 transfer subject to the agreement, the
6 entity receiving a school bus from the
7 grant recipient will scrap a number of
8 diesel engines of school buses that is
9 equal to the number of school buses
10 being received; and

11 (II) any diesel engines described
12 in subclause (I) are older and more
13 polluting than the diesel engines in
14 the school buses being received; and

15 (iii) provided to the Secretary; or

16 (B) to delay the requirement under para-
17 graph (5)(B)(i)(II)(aa) for not more than 3
18 years after receiving the school bus purchased
19 using a grant under the program for the pur-
20 pose of using the school bus being replaced for
21 a use determined by the Secretary to be appro-
22 priate.

23 (7) DEPLOYMENT AND DISTRIBUTION.—In car-
24 rying out the program, the Secretary shall, to the
25 maximum extent practicable—

1 (A) achieve nationwide deployment of elec-
2 tric school buses through the program; and

3 (B) ensure a broad geographic distribution
4 of grant awards, with no State receiving more
5 than 15 percent of the grant funding made
6 available to carry out the program for each fis-
7 cal year.

8 (8) ANNUAL REPORTING.—

9 (A) DATA RELEASE.—The Secretary shall
10 make available to the public on the website of
11 the Department of Energy a downloadable elec-
12 tronic database of information with respect to
13 each grant made under the program, includ-
14 ing—

15 (i) the name and location of the grant
16 recipient;

17 (ii) the school district served by the
18 grant recipient, if the grant recipient is not
19 a school district;

20 (iii) the criteria that the grant recipi-
21 ent met under subparagraphs (B), (C),
22 and (D) of paragraph (3), if any;

23 (iv) the grant amount, including a de-
24 scription of the amounts of the grant used
25 for—

1 (I) the purchase of electric school
2 buses;

3 (II) the purchase of infrastruc-
4 ture;

5 (III) workforce development;

6 (IV) the purchase of hydrogen or
7 electricity; and

8 (V) any other purpose;

9 (v) with respect to an electric school
10 bus purchased using a grant under the
11 program, the number, make and model,
12 year of make, cost, estimated annual vehi-
13 cle miles to be traveled, and estimated
14 number of students to be transported per
15 day;

16 (vi) with respect to a school bus re-
17 placed using a grant under the program,
18 the number, make and model, year of
19 make, fuel type, annual vehicle miles trav-
20 eled, and the number of students trans-
21 ported per day;

22 (vii) whether the grant recipient re-
23 ceived a waiver under paragraph (6) and,
24 if the grant recipient received such a waiv-
25 er, with respect to a school bus scrapped

1 by the receiving entity described in para-
2 graph (6)(A), the number, make and
3 model, year of make, fuel type, type of
4 school bus, annual vehicle miles traveled,
5 and the number of students transported
6 per day;

7 (viii) an estimate of the local air pol-
8 lution emissions and global greenhouse gas
9 emissions avoided as a result of the grant;
10 and

11 (ix) any other data determined by the
12 Secretary to enable an analysis of the use
13 and impact of grants under the program.

14 (B) REPORT TO CONGRESS.—Not later
15 than January 31 of each year, the Secretary
16 shall submit to Congress and make available on
17 the website of the Department of Energy a re-
18 port that describes—

19 (i) the grant applications received
20 under the program, including a summary
21 of the grant applications meeting the cri-
22 teria described in subparagraphs (B), (C),
23 and (D) of paragraph (3), if any;

1 (ii) the grants awarded under the pro-
2 gram, including a summary of the data de-
3 scribed in subparagraph (A);

4 (iii) the effect of the receipt of the
5 grant on students, schools, local commu-
6 nities, industry, and the workforce;

7 (iv) the estimated impact of the
8 awarded grants on local air pollution and
9 greenhouse gas emissions; and

10 (v) any other information determined
11 by the Secretary to enable Congress to un-
12 derstand the implementation, outcomes,
13 and effectiveness of the program.

14 (C) REPORT ON BUY AMERICA WAIVERS.—

15 Not later than 1 year after the date of enact-
16 ment of this Act, and annually thereafter, the
17 Secretary shall submit a report describing any
18 waiver granted under paragraph (5)(D)(ii)(I)
19 during the preceding year to—

20 (i) the Committee on Environment
21 and Public Works of the Senate;

22 (ii) the Committee on Energy and
23 Natural Resources of the Senate; and

1 (iii) the Committee on Transportation
2 and Infrastructure of the House of Rep-
3 resentatives; and

4 (iv) the Committee on Energy and
5 Commerce of the House of Representa-
6 tives.

7 (c) EDUCATION.—

8 (1) IN GENERAL.—Not later than 90 days after
9 funds are appropriated to carry out the Program,
10 the Secretary shall develop an education outreach
11 program to promote and explain the program.

12 (2) COORDINATION WITH STAKEHOLDERS.—
13 The outreach program under this subsection shall be
14 designed and conducted in conjunction with national
15 school bus transportation associations, educators,
16 school bus drivers, and other stakeholders.

17 (3) COMPONENTS.—The outreach program
18 under this subsection shall—

19 (A) inform eligible entities of the process
20 of applying for grants;

21 (B) describe the available technologies and
22 the benefits of the technologies;

23 (C) explain the benefits of participating in
24 the program;

1 (D) facilitate the sharing of best practices
2 and lessons learned among grant recipients and
3 between grant recipients and eligible entities;
4 and

5 (E) include, as appropriate, information
6 from the annual reports required under sub-
7 section (b)(8).

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Secretary to carry
10 out the program \$200,000,000 for each of fiscal years
11 2022 through 2026, to remain available until expended.

12 **Subtitle I—Climate Steward Ship**
13 **Act of 2020**

14 **SEC. 40901. SHORT TITLE.**

15 This subtitle may be cited as the “Climate Steward-
16 ship Act of 2020”.

17 **PART 1—AGRICULTURE**

18 **SEC. 40911. CONSERVATION RESERVE PROGRAM.**

19 (a) CONSERVATION RESERVE.—Section 1231 of the
20 Food Security Act of 1985 (16 U.S.C. 3831) is amend-
21 ed—

22 (1) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (B), by striking
25 “24,500,000” and inserting “26,000,000”;

1 (ii) in subparagraph (C), by striking
2 “25,000,000” and inserting “28,000,000”;

3 (iii) in subparagraph (D), by striking
4 “25,500,000 acres; and” and inserting
5 “30,500,000 acres;”;

6 (iv) in subparagraph (E), by striking
7 “27,000,000 acres.” and inserting
8 “33,000,000 acres;”; and

9 (v) by adding at the end the following:
10 “(F) fiscal year 2026, not more than
11 34,000,000 acres;

12 “(G) fiscal year 2027, not more than
13 35,000,000 acres;

14 “(H) fiscal year 2028, not more than
15 36,000,000 acres;

16 “(I) fiscal year 2029, not more than
17 37,000,000 acres;

18 “(J) fiscal year 2030, not more than
19 38,000,000 acres;

20 “(K) fiscal year 2031, not more than
21 39,000,000 acres; and

22 “(L) fiscal year 2032 and each fiscal year
23 thereafter, not less than 40,000,000 acres.”;

24 (B) in paragraph (2)(A)—

25 (i) in clause (i)—

1 (I) by striking “2,000,000” and
2 inserting “4,600,000”; and

3 (II) by striking “2023” and in-
4 serting “2032”; and

5 (ii) in clause (ii)—

6 (I) in subclause (II), by striking
7 “and” at the end;

8 (II) in subclause (III), by strik-
9 ing “through 2023, 2,000,000 acres.”
10 and inserting “and 2024, 2,000,000
11 acres;”; and

12 (III) by adding at the end the
13 following:

14 “(IV) fiscal year 2025, 2,500,000
15 acres;

16 “(V) fiscal year 2026, 2,800,000
17 acres;

18 “(VI) fiscal year 2027, 3,100,000
19 acres;

20 “(VII) fiscal year 2028,
21 3,400,000 acres;

22 “(VIII) fiscal year 2029,
23 3,700,000 acres;

24 “(IX) fiscal year 2030,
25 4,000,000 acres;

1 “(X) fiscal year 2031, 4,300,000
2 acres; and

3 “(XI) fiscal year 2032 and each
4 fiscal year thereafter, not less than
5 4,600,000 acres.”; and

6 (C) in paragraph (6)(B)—

7 (i) in clause (i)—

8 (I) by striking “8,600,000” and
9 inserting “17,700,000”; and

10 (II) by striking “2023” and in-
11 serting “2032”; and

12 (ii) in clause (ii)—

13 (I) in subclause (II), by striking
14 “8,250,000” and inserting
15 “9,000,000”;

16 (II) in subclause (III), by strik-
17 ing “8,500,000 acres; and” and in-
18 serting “10,000,000 acres;”; and

19 (III) by striking subclause (IV)
20 and inserting the following:

21 “(IV) fiscal year 2024,
22 12,000,000 acres;

23 “(V) fiscal year 2025,
24 13,500,000 acres;

3780

1 “(VI) fiscal year 2026,
2 14,100,000 acres;
3 “(VII) fiscal year 2027,
4 14,700,000 acres;
5 “(VIII) fiscal year 2028,
6 15,300,000 acres;
7 “(IX) fiscal year 2029,
8 15,900,000 acres;
9 “(X) fiscal year 2030,
10 16,500,000 acres;
11 “(XI) fiscal year 2031,
12 17,100,000 acres; and
13 “(XII) fiscal year 2032 and each
14 fiscal year thereafter, not less than
15 17,700,000 acres.”;

16 (2) in subsection (e)(1), by striking “, nor more
17 than 15,”; and

18 (3) in subsection (h)—

19 (A) by striking paragraph (2); and

20 (B) by striking “CONSIDERATION.—” in
21 the subsection heading and all that follows
22 through “On the” in paragraph (1) and insert-
23 ing “CONSIDERATION.—On the”.

24 (b) CONSERVATION RESERVE ENHANCEMENT PRO-
25 GRAM.—Section 1231A(b)(2)(A)(i) of the Food Security

1 Act of 1985 (16 U.S.C. 3831a(b)(2)(A)(i)) is amended by
2 inserting “, including reducing agricultural greenhouse
3 gas emissions or increasing carbon sequestration,” after
4 “concerns”.

5 **SEC. 40912. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
6 **GRAM.**

7 (a) PURPOSES.—Section 1240(3) of the Food Secu-
8 rity Act of 1985 (16 U.S.C. 3839aa(3)) is amended—

9 (1) in subparagraph (B), by striking “and” at
10 the end;

11 (2) in subparagraph (C), by striking “and” at
12 the end; and

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

14 “(D) reducing agricultural greenhouse gas
15 emissions;

16 “(E) increasing carbon sequestration; and

17 “(F) adapting to, or mitigating against, in-
18 creasing weather volatility; and”.

19 (b) DEFINITIONS.—Section 1240A of the Food Secu-
20 rity Act of 1985 (16 U.S.C. 3839aa–1) is amended—

21 (1) by redesignating paragraphs (1) through
22 (10) as paragraphs (2) through (11), respectively;
23 and

24 (2) by inserting before paragraph (2) (as so re-
25 designated) the following:

1 “(1) CLIMATE STEWARDSHIP PRACTICE.—The
2 term ‘climate stewardship practice’ means any of the
3 following practices:

4 “(A) Alley cropping.

5 “(B) Biochar incorporation.

6 “(C) Conservation cover.

7 “(D) Conservation crop rotation.

8 “(E) Contour buffer strips.

9 “(F) Contour farming.

10 “(G) Cover crops.

11 “(H) Critical area planting.

12 “(I) Cross wind trap strips.

13 “(J) Field borders.

14 “(K) Filter strips.

15 “(L) Forage and biomass planting, includ-
16 ing the use of native prairie and seed mixtures.

17 “(M) Forest stand improvements.

18 “(N) Grassed waterways.

19 “(O) Hedgerow planting.

20 “(P) Herbaceous wind barriers.

21 “(Q) Multistory cropping.

22 “(R) Nutrient management.

23 “(S) Prescribed grazing.

24 “(T) Range planting.

1 “(U) Residue and tillage management with
2 no till.

3 “(V) Residue and tillage management with
4 reduced till.

5 “(W) Riparian forest buffers.

6 “(X) Riparian herbaceous buffers.

7 “(Y) Silvopasture establishment.

8 “(Z) Stripcropping.

9 “(AA) Tree and shrub establishment.

10 “(BB) Upland wildlife habitat.

11 “(CC) Vegetative barriers.

12 “(DD) Wetland restoration.

13 “(EE) Windbreak renovation.

14 “(FF) Windbreaks and shelterbelts.

15 “(GG) Woody residue treatment.

16 “(HH) Any other highly effective vegeta-
17 tive or management practice that significantly
18 reduces agricultural greenhouse gas emissions,
19 increases carbon sequestration, or assists pro-
20 ducers in adapting to, or mitigating against, in-
21 creasing weather volatility, as determined by
22 the Secretary.”.

23 (c) ESTABLISHMENT AND ADMINISTRATION.—Sec-
24 tion 1240B of the Food Security Act of 1985 (16 U.S.C.
25 3839aa-2) is amended—

1 (1) in subsection (d)(3)—

2 (A) in subparagraph (F), by striking “or”
3 at the end;

4 (B) in subparagraph (G), by striking the
5 period at the end and inserting a semicolon;
6 and

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

8 “(H) reductions in agricultural greenhouse
9 gas emissions; or

10 “(I) long-term carbon sequestration.”; and

11 (2) in subsection (j)—

12 (A) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) in clause (i)—

15 (aa) by striking “maintenance of incentive practices” and
16 inserting the following: “maintenance of—
17
18

19 “(I) incentive practices”; and

20 (bb) in subclause (I) (as so
21 designated), by striking the pe-
22 riod at the end and inserting the
23 following: “; or

24 “(II) one or more climate stew-
25 ardship practices.”; and

1 (II) in clause (ii)—

2 (aa) in subclause (I), by in-
3 serting “, or climate stewardship
4 practices to attain increased lev-
5 els of carbon sequestration and
6 reduced agricultural greenhouse
7 gas emissions,” after “conserva-
8 tion”; and

9 (bb) in subclause (II), by in-
10 serting “or a climate stewardship
11 practice” after “incentive prac-
12 tice”; and

13 (ii) in subparagraph (C)—

14 (I) by redesignating clauses (i)
15 and (ii) as subclauses (I) and (II), re-
16 spectively, and indenting appro-
17 priately;

18 (II) in the matter preceding sub-
19 clause (I) (as so redesignated), by
20 striking “Notwithstanding section
21 1240C” and inserting the following:

22 “(i) INCENTIVE PRACTICES.—Not-
23 withstanding section 1240C, in the case of
24 applications for contracts under subpara-
25 graph (A)(i)(I)”; and

1 (III) by adding at the end the
2 following:

3 “(ii) CLIMATE STEWARDSHIP PRAC-
4 TICES.—Notwithstanding section 1240C,
5 in the case of applications for contracts
6 under subparagraph (A)(i)(II), the Sec-
7 retary shall give priority to applications
8 that contain the greatest number of cli-
9 mate stewardship practices.”; and

10 (B) in paragraph (3)—

11 (i) in the paragraph heading, by in-
12 serting “AND CLIMATE STEWARDSHIP
13 PRACTICE” after “INCENTIVE PRACTICE”;

14 (ii) in subparagraph (A), by inserting
15 “or climate stewardship practices” after
16 “incentive practices” each place it appears;

17 (iii) in subparagraph (B), by inserting
18 “or climate stewardship practice” after
19 “incentive practice” each place it appears;
20 and

21 (iv) in subparagraph (C)(ii), by insert-
22 ing “or a climate stewardship practice”
23 after “incentive practice”.

1 (d) LIMITATION ON PAYMENTS.—Section 1240G of
2 the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is
3 amended—

4 (1) by striking “2018, or” and inserting
5 “2018,”; and

6 (2) by inserting “the period of fiscal years 2026
7 through 2030, or the period of fiscal years 2031
8 through 2035,” before “regardless”.

9 (e) CONSERVATION INNOVATION GRANTS AND PAY-
10 MENTS.—Section 1240H(c) of the Food Security Act of
11 1985 (16 U.S.C. 3839aa–8(c)) is amended—

12 (1) in paragraph (1)(B)(i)—

13 (A) in subclause (VI), by striking “and” at
14 the end; and

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

16 “(VIII) practices that signifi-
17 cantly increase carbon sequestration,
18 reduce agricultural greenhouse gas
19 emissions, or assist producers to
20 adapt to, or mitigate against, increas-
21 ing weather volatility; and”;

22 (2) in paragraph (2), in the matter preceding
23 subparagraph (A), by striking “each of fiscal years
24 2019 through 2023” and inserting “fiscal year
25 2021, and \$200,000,000 of the funds of the Com-

1 modity Credit Corporation for each of fiscal years
2 2022 through 2032”; and

3 (3) in paragraph (7), in the matter preceding
4 subparagraph (A)—

5 (A) by inserting “not less than
6 \$100,000,000 for each of fiscal years 2022
7 through 2032 of the” after “Using”; and

8 (B) by striking “a soil” and inserting “an
9 ongoing soil”.

10 **SEC. 40913. CONSERVATION STEWARDSHIP PROGRAM.**

11 (a) SUPPLEMENTAL PAYMENTS FOR CLIMATE STEW-
12 ARDSHIP PRACTICES.—Section 1240L(d) of the Food Se-
13 curity Act of 1985 (16 U.S.C. 3839aa–24(d)) is amend-
14 ed—

15 (1) in the subsection heading, by striking “RO-
16 TATIONS AND ADVANCED GRAZING MANAGEMENT”
17 and inserting “ROTATIONS, ADVANCED GRAZING
18 MANAGEMENT, AND CLIMATE STEWARDSHIP PRAC-
19 TICES”;

20 (2) in paragraph (1)—

21 (A) by redesignating subparagraphs (B)
22 and (C) as subparagraphs (C) and (D), respec-
23 tively; and

24 (B) by inserting after subparagraph (A)
25 the following:

1 “(B) CLIMATE STEWARDSHIP PRACTICE.—

2 The term ‘climate stewardship practice’ means
3 any of the following practices:

4 “(i) Alley cropping.

5 “(ii) Biochar incorporation.

6 “(iii) Conservation cover.

7 “(iv) Conservation crop rotation.

8 “(v) Contour buffer strips.

9 “(vi) Contour farming.

10 “(vii) Cover crops.

11 “(viii) Critical area planting.

12 “(ix) Cross wind trap strips.

13 “(x) Field borders.

14 “(xi) Filter strips.

15 “(xii) Forage and biomass planting,
16 including the use of native prairie seed
17 mixtures.

18 “(xiii) Forest stand improvements.

19 “(xiv) Grassed waterways.

20 “(xv) Hedgerow planting.

21 “(xvi) Herbaceous wind barriers.

22 “(xvii) Multistory cropping.

23 “(xviii) Nutrient management, includ-
24 ing nitrogen stewardship activities.

25 “(xix) Prescribed grazing.

1 “(xx) Range planting.

2 “(xxi) Residue and tillage manage-
3 ment with no till.

4 “(xxii) Residue and tillage manage-
5 ment with reduced till.

6 “(xxiii) Riparian forest buffers.

7 “(xxiv) Riparian herbaceous buffers.

8 “(xxv) Silvopasture establishment.

9 “(xxvi) Stripcropping.

10 “(xxvii) Tree and shrub establish-
11 ment, including planting for a high rate of
12 carbon sequestration.

13 “(xxviii) Upland wildlife habitat.

14 “(xxix) Vegetative barriers.

15 “(xxx) Wetland restoration.

16 “(xxxi) Windbreak renovation.

17 “(xxxii) Windbreaks and shelterbelts.

18 “(xxxiii) Woody residue treatment.

19 “(xxxiv) Any other vegetative or man-
20 agement conservation activity that signifi-
21 cantly—

22 “(I) reduces greenhouse gas
23 emissions;

24 “(II) increases carbon sequestra-
25 tion; or

1 “(III) enhances resilience to in-
2 creased weather volatility.”;

3 (3) in paragraph (2)—

4 (A) in subparagraph (A), by striking “or”
5 at the end;

6 (B) in subparagraph (B), by striking the
7 period at the end and inserting “; or”; and

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

9 “(C) conservation activities relating to cli-
10 mate stewardship practices.”; and

11 (4) in paragraph (3), by striking “rotations or
12 advanced grazing management” and inserting “rota-
13 tions, advanced grazing management, or conserva-
14 tion activities relating to climate stewardship prac-
15 tices”.

16 (b) PAYMENT LIMITATIONS.—Section 1240L(f) of
17 the Food Security Act of 1985 (16 U.S.C. 3839aa–24(f))
18 is amended by striking “fiscal years 2019 through 2023”
19 and inserting “the period of fiscal years 2022 through
20 2025, the period of fiscal years 2024 through 2028, or
21 the period of fiscal years 2031 through 2035”.

22 **SEC. 40914. FUNDING.**

23 (a) ANNUAL FUNDING.—Section 1241(a) of the Food
24 Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “2023” and inserting “2032”;

3 (2) in paragraph (2)—

4 (A) in subparagraph (E), by striking
5 “and” at the end;

6 (B) in subparagraph (F), by striking
7 “through 2023.” and inserting “and 2022;
8 and”; and

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

10 “(G) \$900,000,000 for each of fiscal years
11 2022 through 2032.”; and

12 (3) in paragraph (3)—

13 (A) in subparagraph (A)—

14 (i) in clause (ii), by striking
15 “\$1,750,000,000” and inserting
16 “\$2,750,000,000”;

17 (ii) in clause (iii), by striking
18 “\$1,800,000,000” and inserting
19 “\$3,800,000,000”;

20 (iii) in clause (iv)—

21 (I) by striking “\$1,850,000,000”
22 and inserting “\$4,850,000,000”; and

23 (II) by striking “and” at the end;

1 (iv) in clause (v), by striking
2 “\$2,025,000,000” and inserting
3 “\$6,025,000,000”; and

4 (v) by adding at the end the following:
5 “(vi) \$7,000,000,000 for each of fiscal
6 years 2026 through 2032; and”; and

7 (B) in subparagraph (B)—

8 (i) in clause (ii), by striking
9 “\$725,000,000” and inserting
10 “\$1,725,000,000”;

11 (ii) in clause (iii), by striking
12 “\$750,000,000” and inserting
13 “\$2,750,000,000”;

14 (iii) in clause (iv)—

15 (I) by striking “\$800,000,000”
16 and inserting “\$3,800,000,000”; and

17 (II) by striking “and” at the end;

18 (iv) in clause (v)—

19 (I) by striking “\$1,000,000,000”
20 and inserting “\$5,000,000,000”; and

21 (II) by striking the period at the
22 end and inserting a semicolon; and

23 (v) by adding at the end the following:

24 “(vi) \$6,000,000,000 for fiscal year
25 2026; and

1 “(vii) \$7,000,000,000 for each of fis-
2 cal years 2027 through 2032.”.

3 (b) AVAILABILITY OF FUNDS.—Section 1241(b) of
4 the Food Security Act of 1985 (16 U.S.C. 3841(b)) is
5 amended by striking “2023” and inserting “2032”.

6 (c) FUNDING FOR CLIMATE STEWARDSHIP PRAC-
7 TICES.—Section 1241 of the Food Security Act of 1985
8 (16 U.S.C. 3841) is amended by adding at the end the
9 following:

10 “(k) FUNDING FOR CLIMATE STEWARDSHIP PRAC-
11 TICES.—

12 “(1) ENVIRONMENTAL QUALITY INCENTIVES
13 PROGRAM.—

14 “(A) IN GENERAL.—Of the funds made
15 available under subsection (a)(3)(A), the Sec-
16 retary shall set aside the following amounts to
17 be used exclusively for climate stewardship
18 practices (as defined in section 1240A) under
19 contracts under section 1240B(j)(2)(A)(i)(II):

20 “(i) \$1,000,000,000 for fiscal year
21 2022.

22 “(ii) \$2,000,000,000 for fiscal year
23 2023.

24 “(iii) \$3,000,000,000 for fiscal year
25 2024.

1 “(iv) \$4,000,000,000 for fiscal year
2 2025.

3 “(v) \$5,000,000,000 for each of fiscal
4 years 2026 through 2032.

5 “(B) NONAPPLICABILITY OF ALLOCATION
6 OF FUNDING.—Section 1240B(f) shall not
7 apply to amounts set aside under subparagraph
8 (A).

9 “(2) CONSERVATION STEWARDSHIP PRO-
10 GRAM.—Of the funds made available under sub-
11 section (a)(3)(B), the Secretary shall set aside the
12 following amounts to be used exclusively to enroll in
13 the conservation stewardship program contracts
14 comprised predominantly of conservation activities
15 relating to climate stewardship practices (as defined
16 in section 1240L(d)(1)) or bundles of practices com-
17 prised predominantly of conservation activities relat-
18 ing to climate stewardship practices (as so defined):

19 “(A) \$1,000,000,000 for fiscal year 2022.

20 “(B) \$2,000,000,000 for fiscal year 2023.

21 “(C) \$3,000,000,000 for fiscal year 2024.

22 “(D) \$4,000,000,000 for fiscal year 2025.

23 “(E) \$5,000,000,000 for each of fiscal
24 years 2026 through 2032.”.

1 **SEC. 40915. REGIONAL CONSERVATION PARTNERSHIP PRO-**
2 **GRAM.**

3 Section 1271D of the Food Security Act of 1985 (16
4 U.S.C. 3871d) is amended by striking subsection (a) and
5 inserting the following:

6 “(a) AVAILABILITY OF FUNDS.—Of the funds of the
7 Commodity Credit Corporation, the Secretary shall use to
8 carry out the program—

9 “(1) \$300,000 for each of fiscal years 2021
10 through 2025;

11 “(2) \$500,000 for each of fiscal years 2026
12 through 2027;

13 “(3) \$750,000 for each of fiscal years 2028
14 through 2029; and

15 “(4) \$1,000,000 for each of fiscal years 2030
16 through 2032.”.

17 **SEC. 40916. FUNDING FOR CLIMATE STEWARDSHIP AGRI-**
18 **CULTURE RESEARCH.**

19 (a) AGRICULTURE AND FOOD RESEARCH INITIA-
20 TIVE.—Subsection (b) of the Competitive, Special, and
21 Facilities Research Grant Act (7 U.S.C. 3157(b)) is
22 amended—

23 (1) in paragraph (2), by adding at the end the
24 following:

25 “(G) CLIMATE STEWARDSHIP.—Climate
26 change mitigation through—

1 “(i) reducing greenhouse gas emis-
2 sions and increasing resilience in the agri-
3 cultural sector;

4 “(ii) increasing carbon sequestration;

5 “(iii) improving soil health; and

6 “(iv) increasing soil carbon levels.”;

7 and

8 (2) in paragraph (11)—

9 (A) by striking the paragraph heading and
10 inserting “FUNDING.—”;

11 (B) in subparagraph (A)—

12 (i) in the matter preceding clause (i),
13 by striking “There is” and all that follows
14 through “2023” and inserting “On the
15 first October 1 after the date of enactment
16 of the Climate Stewardship Act of 2020,
17 and on each October 1 thereafter, out of
18 any funds in the Treasury not otherwise
19 appropriated, the Secretary of the Treas-
20 ury shall transfer to the Secretary to carry
21 out this subsection \$830,000,000, to re-
22 main available until expended”;

23 (ii) in clause (i), by striking “and” at
24 the end;

1 (iii) in clause (ii), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (iv) by adding at the end the fol-
4 lowing:

5 “(iii) not less than 50 percent for
6 each fiscal year shall be used to address
7 the priority area described in paragraph
8 (2)(G).”; and

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

10 “(C) RECEIPT AND ACCEPTANCE.—The
11 Secretary shall be entitled to receive, shall ac-
12 cept, and shall use to carry out this subsection
13 the funds transferred under subparagraph (A),
14 without further appropriation.”.

15 (b) FOUNDATION FOR FOOD AND AGRICULTURE RE-
16 SEARCH.—Section 7601 of the Agricultural Act of 2014
17 (7 U.S.C. 5939) is amended—

18 (1) in subsection (c)(1)(D), by inserting after
19 “environment” the following: “, including—

20 “(i) reducing greenhouse gas emis-
21 sions and increasing resilience in the agri-
22 cultural sector;

23 “(ii) increasing carbon sequestration;

24 “(iii) improving soil health; and

1 “(iv) increasing soil carbon levels”;

2 and

3 (2) in subsection (g)(1)(A), by adding at the
4 end the following:

5 “(iii) CLIMATE STEWARDSHIP FUND-
6 ING.—On the date of enactment of the Cli-
7 mate Stewardship Act of 2020, and each
8 year thereafter, of the funds of the Com-
9 modity Credit Corporation, the Secretary
10 shall transfer to the Foundation
11 \$40,000,000 to advance the research mis-
12 sion of the Department with respect to the
13 issues described in clauses (i) through (iv)
14 of subsection (c)(1)(D), to remain available
15 until expended.”.

16 (c) SUSTAINABLE AGRICULTURE RESEARCH AND EX-
17 TENSION PROJECTS.—Section 1621 of the Food, Agri-
18 culture, Conservation, and Trade Act of 1990 (7 U.S.C.
19 5811) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)(C), by striking “and”
22 at the end;

23 (B) in paragraph (2)(E), by striking the
24 period at the end and inserting “; and”; and

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

1 “(3) facilitate—

2 “(A) reducing greenhouse gas emissions
3 and increasing resilience in the agricultural sec-
4 tor;

5 “(B) increasing carbon sequestration;

6 “(C) improving soil health; and

7 “(D) increasing soil carbon levels.”; and

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

9 “(j) FUNDS.—

10 “(1) IN GENERAL.—In addition to amounts ap-
11 propriated under section 1624, on the first October
12 1 after the date of enactment of the Climate Stew-
13 ards-ship Act of 2020, and on each October 1 there-
14 after, out of any funds in the Treasury not other-
15 wise appropriated, the Secretary of the Treasury
16 shall transfer to the Secretary to carry out this sec-
17 tion \$74,000,000, to remain available until ex-
18 pended.

19 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
20 retary shall be entitled to receive, shall accept, and
21 shall use to carry out this section the funds trans-
22 ferred under paragraph (1), without further appro-
23 priation.

24 “(3) CLIMATE STEWARDSHIP.—Of the funds
25 made available under paragraph (1), the Secretary

1 shall use not less than 50 percent to conduct
2 projects described in subsection (a)(3).”.

3 (d) ORGANIC AGRICULTURE RESEARCH AND EXTEN-
4 SION INITIATIVE.—Section 1672B of the Food, Agri-
5 culture, Conservation, and Trade Act of 1990 (7 U.S.C.
6 5925b) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (7), by striking “and” at
9 the end;

10 (B) in paragraph (8), by striking the pe-
11 riod at the end and inserting “; and”; and

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

13 “(9)(A) reducing greenhouse gas emissions and
14 increasing resilience in the agricultural sector;

15 “(B) increasing carbon sequestration;

16 “(C) improving soil health; and

17 “(D) increasing soil carbon levels.”; and

18 (2) in subsection (f)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (C), by striking
21 “and” at the end;

22 (ii) in subparagraph (D), by adding
23 “and” at the end after the semicolon;

24 (iii) by striking subparagraphs (E)
25 through (G); and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(E) on the first October 1 after the date
4 of enactment of the Climate Stewardship Act of
5 2020, and on each October 1 thereafter,
6 \$100,000,000.”; and

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

8 “(4) CLIMATE STEWARDSHIP.—Of the funds
9 made available under paragraph (1)(E), the Sec-
10 retary shall use not less than 50 percent to support
11 activities under this section for the purposes de-
12 scribed in subsection (a)(9).”.

13 (e) APPROPRIATE TECHNOLOGY TRANSFER FOR
14 RURAL AREAS PROGRAM.—Section 310B(i) of the Con-
15 solidated Farm and Rural Development Act (7 U.S.C.
16 1932(i)) is amended—

17 (1) in paragraph (2)—

18 (A) in subparagraph (C), by striking
19 “and” at the end;

20 (B) in subparagraph (D), by striking the
21 period at the end and inserting a semicolon;
22 and

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

24 “(E) reduce greenhouse gas emissions and
25 increase resilience in the agricultural sector;

1 “(F) increase carbon sequestration;
2 “(G) improve soil health; and
3 “(H) increase soil carbon levels.”; and
4 (2) by striking paragraph (4) and inserting the
5 following:

6 “(4) FUNDING.—

7 “(A) IN GENERAL.—On the first October 1
8 after the date of enactment of the Climate
9 Stewardship Act of 2020, and on each October
10 1 thereafter, out of any funds in the Treasury
11 not otherwise appropriated, the Secretary of the
12 Treasury shall transfer to the Secretary to
13 carry out this subsection \$5,600,000, to remain
14 available until expended.

15 “(B) RECEIPT AND ACCEPTANCE.—The
16 Secretary shall be entitled to receive, shall ac-
17 cept, and shall use to carry out this subsection
18 the funds transferred under subparagraph (A),
19 without further appropriation.

20 “(C) CLIMATE STEWARDSHIP.—Of the
21 funds made available under subparagraph (A),
22 the Secretary shall use not less than 50 percent
23 to provide assistance described in subpara-
24 graphs (E) through (H) of paragraph (2).”.

1 (f) RESEARCH UNDER HATCH ACT.—The Hatch Act
2 of 1887 is amended by inserting after section 3 (7 U.S.C.
3 361e) the following:

4 **“SEC. 3A. MANDATORY FUNDING.**

5 “(a) FUNDING.—

6 “(1) IN GENERAL.—In addition to any amounts
7 authorized to be appropriated under section 3, on
8 the first October 1 after the date of enactment of
9 the Climate Stewardship Act of 2020, and on each
10 October 1 thereafter, out of any funds in the Treas-
11 ury not otherwise appropriated, the Secretary of the
12 Treasury shall transfer to the Secretary to carry out
13 this Act \$518,000,000, to remain available until ex-
14 pended.

15 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
16 retary shall be entitled to receive, shall accept, and
17 shall use to carry out this Act the funds transferred
18 under paragraph (1), without further appropriation.

19 “(b) CLIMATE STEWARDSHIP.—Of the funds made
20 available under subsection (a)(1), not less than 50 percent
21 shall be used for research relating to—

22 “(1) reducing greenhouse gas emissions and in-
23 creasing resilience in the agricultural sector;

24 “(2) increasing carbon sequestration;

25 “(3) improving soil health; and

1 “(4) increasing soil carbon levels.”.

2 (g) ACTIVITIES UNDER SMITH-LEVER ACT.—The
3 Smith-Lever Act is amended by inserting after section 3
4 (7 U.S.C. 343) the following:

5 **“SEC. 3A. MANDATORY FUNDING.**

6 “(a) FUNDING.—

7 “(1) IN GENERAL.—In addition to any amounts
8 authorized to be appropriated under section 3, on
9 the first October 1 after the date of enactment of
10 the Climate Stewardship Act of 2020, and on each
11 October 1 thereafter, out of any funds in the Treas-
12 ury not otherwise appropriated, the Secretary of the
13 Treasury shall transfer to the Secretary to carry out
14 this Act \$649,400,000, to remain available until ex-
15 pended.

16 “(2) 1994 INSTITUTIONS.—Of the funds trans-
17 ferred under paragraph (1), \$19,400,000 shall be
18 for payment on behalf of the 1994 Institutions (as
19 defined in section 532 of the Equity in Educational
20 Land-Grant Status Act of 1994 (7 U.S.C. 301 note;
21 Public Law 103–382)) for the purposes described in
22 section 2, to be distributed in accordance with the
23 process described in section 3(b)(3).

24 “(3) RECEIPT AND ACCEPTANCE.—The Sec-
25 retary shall be entitled to receive, shall accept, and

1 shall use to carry out this Act the funds transferred
2 under paragraph (1), without further appropriation.

3 “(b) CLIMATE STEWARDSHIP.—Of the funds made
4 available under subsection (a)(1), and of the funds des-
5 ignated for 1994 Institutions under subsection (a)(2), not
6 less than 50 percent shall be used for activities relating
7 to—

8 “(1) reducing greenhouse gas emissions and in-
9 creasing resilience in the agricultural sector;

10 “(2) increasing carbon sequestration;

11 “(3) improving soil health; and

12 “(4) increasing soil carbon levels.”.

13 (h) EXTENSION AT 1890 LAND-GRANT COLLEGES,
14 INCLUDING TUSKEGEE UNIVERSITY AND THE UNIVER-
15 SITY OF THE DISTRICT OF COLUMBIA.—Section 1444 of
16 the Food and Agriculture Act of 1977 (7 U.S.C. 3221)
17 is amended by adding at the end the following:

18 “(g) MANDATORY FUNDING.—

19 “(1) FUNDING.—

20 “(A) IN GENERAL.—In addition to any
21 amounts authorized to be appropriated under
22 subsection (a), on the first October 1 after the
23 date of enactment of the Climate Stewardship
24 Act of 2020, and on each October 1 thereafter,
25 out of any funds in the Treasury not otherwise

1 appropriated, the Secretary of the Treasury
2 shall transfer to the Secretary to carry out this
3 section \$97,200,000, to remain available until
4 expended.

5 “(B) RECEIPT AND ACCEPTANCE.—The
6 Secretary shall be entitled to receive, shall ac-
7 cept, and shall use to carry out this section the
8 funds transferred under subparagraph (A),
9 without further appropriation.

10 “(2) CLIMATE STEWARDSHIP.—Of the funds
11 made available under paragraph (1)(A), not less
12 than 50 percent shall be used for programs and ac-
13 tivities relating to—

14 “(A) reducing greenhouse gas emissions
15 and increasing resilience in the agricultural sec-
16 tor;

17 “(B) increasing carbon sequestration;

18 “(C) improving soil health; and

19 “(D) increasing soil carbon levels.”.

20 (i) AGRICULTURAL RESEARCH AT 1890 LAND-GRANT
21 COLLEGES, INCLUDING TUSKEGEE UNIVERSITY AND THE
22 UNIVERSITY OF THE DISTRICT OF COLUMBIA.—Section
23 1445 of the Food and Agriculture Act of 1977 (7 U.S.C.
24 3222) is amended by adding at the end the following:

25 “(i) MANDATORY FUNDING.—

1 “(1) FUNDING.—

2 “(A) IN GENERAL.—In addition to any
3 amounts authorized to be appropriated under
4 subsection (a), on the first October 1 after the
5 date of enactment of the Climate Stewardship
6 Act of 2020, and on each October 1 thereafter,
7 out of any funds in the Treasury not otherwise
8 appropriated, the Secretary of the Treasury
9 shall transfer to the Secretary to carry out this
10 section \$116,000,000, to remain available until
11 expended.

12 “(B) RECEIPT AND ACCEPTANCE.—The
13 Secretary shall be entitled to receive, shall ac-
14 cept, and shall use to carry out this section the
15 funds transferred under subparagraph (A),
16 without further appropriation.

17 “(2) CLIMATE STEWARDSHIP.—Of the funds
18 made available under paragraph (1)(A), not less
19 than 50 percent shall be used for research relating
20 to—

21 “(A) reducing greenhouse gas emissions
22 and increasing resilience in the agricultural sec-
23 tor;

24 “(B) increasing carbon sequestration;

25 “(C) improving soil health; and

1 “(D) increasing soil carbon levels.”.

2 (j) NONLAND-GRANT COLLEGES OF AGRICULTURE
3 PROGRAM.—Section 1473F of the Food and Agriculture
4 Act of 1977 (7 U.S.C. 3319i) is amended—

5 (1) in subsection (a)(1)(A), by inserting after
6 “agriculture” the following: “, including—

7 “(i) reducing greenhouse gas emis-
8 sions and increasing resilience in the agri-
9 cultural sector;

10 “(ii) increasing carbon sequestration;

11 “(iii) improving soil health; and

12 “(iv) increasing soil carbon levels;”;

13 and

14 (2) by striking subsection (b) and inserting the
15 following:

16 “(b) FUNDS.—

17 “(1) IN GENERAL.—Of the funds of the Com-
18 modity Credit Corporation, the Secretary shall use
19 to carry out this section \$10,000,000 for each fiscal
20 year, to remain available until expended.

21 “(2) CLIMATE STEWARDSHIP.—Of the funds
22 made available under paragraph (1), the Secretary
23 shall use not less than 50 percent to conduct the ac-
24 tivities described in clauses (i) through (iv) of sub-
25 section (a)(1)(A).”.

1 (k) MCINTIRE-STENNIS.—

2 (1) FUNDS.—Public Law 87–788 (commonly
3 known as the “McIntire-Stennis Cooperative For-
4 estry Act”) is amended by inserting after section 3
5 (16 U.S.C. 582a–2) the following:

6 **“SEC. 3A. MANDATORY FUNDING.**

7 “(a) FUNDING.—

8 “(1) IN GENERAL.—In addition to any amounts
9 authorized to be appropriated under section 3, on
10 the first October 1 after the date of enactment of
11 the Climate Stewardship Act of 2020, and on each
12 October 1 thereafter, out of any funds in the Treas-
13 ury not otherwise appropriated, the Secretary of the
14 Treasury shall transfer to the Secretary to carry out
15 this Act \$72,000,000, to remain available until ex-
16 pended.

17 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
18 retary shall be entitled to receive, shall accept, and
19 shall use to carry out this Act the funds transferred
20 under paragraph (1), without further appropriation.

21 “(b) CLIMATE STEWARDSHIP.—Of the funds made
22 available under subsection (a)(1), not less than 50 percent
23 shall be used for activities relating to—

24 “(1) reducing greenhouse gas emissions and in-
25 creasing resilience in the agricultural sector;

1 “(2) increasing carbon sequestration;

2 “(3) improving soil health; and

3 “(4) increasing soil carbon levels.”.

4 (l) 1994 INSTITUTIONS RESEARCH.—Section 536 of
5 the Equity in Educational Land-Grant Status Act of 1994
6 (7 U.S.C. 301 note; Public Law 103–382) is amended by
7 adding at the end the following:

8 “(d) MANDATORY FUNDING.—

9 “(1) IN GENERAL.—In addition to any amounts
10 authorized to be appropriated under subsection (c),
11 on the first October 1 after the date of enactment
12 of the Climate Stewardship Act of 2020, and on
13 each October 1 thereafter, out of any funds in the
14 Treasury not otherwise appropriated, the Secretary
15 of the Treasury shall transfer to the Secretary to
16 carry out this section \$11,400,000, to remain avail-
17 able until expended.

18 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
19 retary shall be entitled to receive, shall accept, and
20 shall use to carry out this section the funds trans-
21 ferred under paragraph (1), without further appro-
22 priation.

23 “(3) CLIMATE STEWARDSHIP.—Of the funds
24 made available under paragraph (1), not less than
25 50 percent shall be used for activities relating to—

1 “(A) reducing greenhouse gas emissions
2 and increasing resilience in the agricultural sec-
3 tor;

4 “(B) increasing carbon sequestration;

5 “(C) improving soil health; and

6 “(D) increasing soil carbon levels.”.

7 **SEC. 40917. CONSERVATION TECHNICAL ASSISTANCE.**

8 Section 6 of the Soil Conservation and Domestic Al-
9 lotment Act (16 U.S.C. 590f) is amended—

10 (1) by striking the section designation and
11 heading and all that follows through “There is” in
12 subsection (a) and inserting the following:

13 **“SEC. 6. FUNDING; CONSERVATION TECHNICAL ASSIST-**
14 **ANCE FUND.**

15 “(a) FUNDING.—

16 “(1) MANDATORY FUNDING.—Of the funds of
17 the Commodity Credit Corporation, the Secretary of
18 Agriculture shall use to carry out this Act
19 \$2,100,000,000 for each fiscal year.

20 “(2) AUTHORIZATION OF APPROPRIATIONS.—
21 There are”; and

22 (2) in the undesignated matter following para-
23 graph (2) (as so designated) of subsection (a), by
24 striking “Appropriations” and inserting the fol-
25 lowing:

1 “(3) AVAILABILITY OF APPROPRIATIONS FOR
2 NURSERY STOCK.—Appropriations”.

3 **SEC. 40918. RURAL ENERGY FOR AMERICA PROGRAM.**

4 Section 9007 of the Farm Security and Rural Invest-
5 ment Act of 2002 (7 U.S.C. 8107) is amended—

6 (1) in subsection (c)(3)(A), by striking “25”
7 and inserting “40”; and

8 (2) in subsection (f)(1)—

9 (A) in subparagraph (D), by striking
10 “and” at the end;

11 (B) in subparagraph (E), by striking “for
12 fiscal” and all that follows through the period
13 at the end and inserting “for each of fiscal
14 years 2022 through 2027;” and

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

16 “(F) \$150,000,000 for fiscal year 2022;

17 “(G) \$500,000,000 for fiscal year 2023;

18 “(H) \$1,000,000,000 for fiscal year 2024;

19 “(I) \$2,000,000,000 for fiscal year 2025;

20 and

21 “(J) \$3,000,000,000 for fiscal year 2026

22 and each fiscal year thereafter.”.

1 **SEC. 40919. LOCAL AGRICULTURE MARKET PROGRAM.**

2 Section 201A(i)(1) of the Agricultural Marketing Act
3 of 1946 (7 U.S.C. 1627c(i)(1)) is amended by striking
4 “2019 and” and inserting “2021, and \$500,000,000 for”.

5 **SEC. 40920. FARM AND RANCH STRESS ASSISTANCE NET-**
6 **WORK.**

7 Section 7522 of the Food, Conservation, and Energy
8 Act of 2008 (7 U.S.C. 5936) is amended by striking sub-
9 section (d) and inserting the following:

10 “(d) MANDATORY FUNDING.—Of the funds of the
11 Commodity Credit Corporation, the Secretary shall use to
12 carry out this section \$10,000,000 for fiscal year 2021
13 and each fiscal year thereafter.”.

14 **SEC. 40921. ASSISTANCE FOR COMMUNITY FOOD**
15 **PROJECTS.**

16 Section 25 of the Food and Nutrition Act of 2008
17 (7 U.S.C. 2034) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (1), by inserting “includ-
20 ing amounts made available under subsection
21 (i) to carry out this section,” after “Act,”; and

22 (B) in paragraph (2)(D), by striking
23 “\$5,000,000” and inserting “\$25,000,000”;

24 (2) in subsection (d)—

25 (A) in paragraph (4), by striking “or” at
26 the end;

1 (B) in paragraph (5)(C), by striking the
 2 period at the end and inserting “; or”; and

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

4 “(6) address food security in urban low-income
 5 communities by making those communities more cli-
 6 mate resilient through the creation or expansion of
 7 urban farms, community gardens, and rooftop gar-
 8 dens that grow produce for personal use or for local
 9 sale through farm stands, farmers’ markets, commu-
 10 nity supported agriculture subscriptions, and other
 11 delivery methods.”; and

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

13 “(i) FUNDING.—Of the funds of the Commodity
 14 Credit Corporation, the Secretary shall use to carry out
 15 this section \$25,000,000 for fiscal year 2022 and each fis-
 16 cal year thereafter, to remain available until expended.”.

17 **PART 2—FORESTS**

18 **SEC. 40931. REFORESTATION TRUST FUND.**

19 (a) IN GENERAL.—Section 303 of Public Law 96–
 20 451 (16 U.S.C. 1606a) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (1), by striking “Subject
 23 to” and all that follows through “the Sec-
 24 retary” and inserting “The Secretary”;

25 (B) by striking paragraph (2); and

1 (C) by redesignating paragraph (3) as
2 paragraph (2);

3 (2) in subsection (d)—

4 (A) in the matter preceding paragraph
5 (1)—

6 (i) by striking the subsection designa-
7 tion and all that follows through “The Sec-
8 retary” and inserting the following:

9 “(d) REFORESTATION BY SECRETARY OF AGRI-
10 CULTURE.—The Secretary”; and

11 (ii) by striking “for”;

12 (B) in paragraph (1)—

13 (i) by inserting “for” before “reforest-
14 ation”; and

15 (ii) by striking “and” at the end;

16 (C) by redesignating paragraph (2) as
17 paragraph (6);

18 (D) by inserting after paragraph (1) the
19 following:

20 “(2) to the Chief of the Forest Service to refor-
21 est National Forest System land determined to be in
22 need of active reforestation based on field surveys
23 assessing regeneration potential, in accordance with
24 subsection (f), by planting—

1 “(A) to the maximum extent practicable,
2 75,000,000 trees in each of calendar years
3 2023 and 2025;

4 “(B) to the maximum extent practicable,
5 100,000,000 trees in each of calendar years
6 2025 and 2026;

7 “(C) to the maximum extent practicable,
8 150,000,000 trees in each of calendar years
9 2027 and 2028; and

10 “(D) to the maximum extent practicable,
11 200,000,000 trees in calendar year 2029 and
12 each calendar year thereafter;

13 “(3) to carry out the Reforest America Grant
14 Program established under section 6 of the Coopera-
15 tive Forestry Assistance Act of 1978;

16 “(4) to carry out the urban wood programs es-
17 tablished under section 21 of the Cooperative For-
18 estry Assistance Act of 1978;

19 “(5) to operate the Stewardship Corps estab-
20 lished under section 40934 of the Climate Steward-
21 ship Act of 2020; and”; and

22 (E) in paragraph (6) (as so redesignated),
23 by inserting “for” before “properly”; and
24 (3) by adding at the end the following:

1 “(e) REFORESTATION BY SECRETARY OF THE INTE-
2 RIOR.—The Secretary of the Interior shall obligate such
3 sums from the Trust Fund as are necessary to reforest,
4 in accordance with subsection (f)—

5 “(1) by planting on land determined to be in
6 need of active reforestation based on field surveys
7 assessing regeneration potential and managed by the
8 Bureau of Land Management—

9 “(A) to the maximum extent practicable,
10 25,000,000 trees in each of calendar years
11 2023 and 2024;

12 “(B) to the maximum extent practicable,
13 50,000,000 trees in each of calendar years
14 2025 and 2026;

15 “(C) to the maximum extent practicable,
16 75,000,000 trees in each of calendar years
17 2027 and 2028; and

18 “(D) to the maximum extent practicable,
19 100,000,000 trees in calendar year 2029 and
20 each calendar year thereafter; and

21 “(2) by planting on land that is in need of ac-
22 tive reforestation and is managed by the Bureau of
23 Indian Affairs—

1 “(A) to the maximum extent practicable,
2 12,500,000 trees in each of calendar years
3 2023 and 2024;

4 “(B) to the maximum extent practicable,
5 25,000,000 trees in each of calendar years
6 2025 and 2026;

7 “(C) to the maximum extent practicable,
8 37,500,000 trees in each of calendar years
9 2027 and 2028; and

10 “(D) to the maximum extent practicable,
11 50,000,000 trees in calendar year 2029 and
12 each calendar year thereafter.

13 “(f) REFORESTATION.—

14 “(1) DEFINITION OF CONNECTIVITY.—In this
15 subsection, the term ‘connectivity’ means the degree
16 to which the landscape facilitates native species
17 movement.

18 “(2) REFORESTATION.—

19 “(A) IN GENERAL.—Reforestation under
20 subsection (d)(2) and subsection (e) shall con-
21 sist of ecologically based site preparation, tree
22 planting, and subsequent management using
23 practices that—

1 “(i) are informed by climate change
2 science and the importance of spatial pat-
3 tern;

4 “(ii) enhance forest health, resilience,
5 and biodiversity; and

6 “(iii) reduce vulnerability to future
7 forest mortality and catastrophic wildfire.

8 “(B) POST-WILDFIRE REFORESTATION.—
9 In the case of reforestation under subsection
10 (d)(2) and subsection (e), sums available in the
11 Trust Fund shall not be used for post-wildfire
12 salvage logging.

13 “(3) PRIORITY.—In carrying out reforestation
14 under subsection (d)(2) and subsection (e), the Chief
15 of the Forest Service and the Secretary of the Inte-
16 rior, as applicable, shall give priority to planting—

17 “(A) on land that was subject to a mor-
18 tality event caused by a high intensity wildfire,
19 pest infestation, invasive species, or drought or
20 other extreme weather;

21 “(B) that will restore and maintain resil-
22 ient landscapes;

23 “(C) on land on which the planting pro-
24 vides increased habitat connectivity for wildlife;
25 and

1 “(D) that will provide the largest potential
2 long-term increase in carbon sequestration.

3 “(g) MANDATORY FUNDING.—To carry out para-
4 graphs (2) through (5) of subsection (d) and subsection
5 (e), the Secretary of the Treasury shall transfer from the
6 general fund of the Treasury into the Trust Fund
7 \$4,500,000,000 for fiscal year 2023 and each fiscal year
8 thereafter, to remain available until expended.”.

9 (b) REGULATIONS.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary of Agri-
11 culture and the Secretary of the Interior shall issue regu-
12 lations necessary to carry out the amendments made by
13 this section.

14 **SEC. 40932. REFOREST AMERICA GRANT PROGRAM.**

15 The Cooperative Forestry Assistance Act of 1978 is
16 amended by inserting after section 5 (16 U.S.C. 2103a)
17 the following:

18 **“SEC. 6. REFOREST AMERICA GRANT PROGRAM.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) COMMUNITY OF COLOR.—The term ‘com-
21 munity of color’ means, in a State, a census block
22 group in an urban area for which the aggregate per-
23 centage of residents who identify as Black, African-
24 American, Asian, Pacific Islander, Hispanic, Latino,
25 other non-White race, or linguistically isolated is—

1 “(A) not less than 50 percent; or

2 “(B) is significantly higher than the State
3 average.

4 “(2) ELIGIBLE COST.—The term ‘eligible cost’
5 means, with respect to a project of an eligible entity
6 under the Program—

7 “(A) the cost of implementing a reforest-
8 ation project, including by—

9 “(i) planning and designing the refor-
10 estation activity, including considering rel-
11 evant science;

12 “(ii) establishing tree nurseries;

13 “(iii) purchasing trees; and

14 “(iv) ecologically based site prepara-
15 tion, including the labor and cost associ-
16 ated with the use of machinery;

17 “(B) the cost of maintaining and moni-
18 toring planted trees for a period of up to 3
19 years to ensure successful establishment of the
20 trees;

21 “(C) with respect to reforestation in an
22 urban area under subsection (e) in a low in-
23 come community that has an existing tree can-
24 opy cover of not more than 20 percent, not

1 more than 50 percent of the cost of the mainte-
2 nance of any nearby tree canopy; and

3 “(D) any other relevant cost, as deter-
4 mined by the Secretary.

5 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ means—

7 “(A) a State agency;

8 “(B) a local governmental entity;

9 “(C) an Indian Tribe; and

10 “(D) a nonprofit organization.

11 “(4) ELIGIBLE LAND.—

12 “(A) IN GENERAL.—The term ‘eligible
13 land’ means—

14 “(i) land owned in fee simple by an el-
15 igible entity—

16 “(I)(aa) for which, at the time of
17 application to the Program under sub-
18 section (c), the forest stocking level of
19 the land is less than 25 percent of re-
20 gional norms for forest properties
21 with comparable tree species and soil
22 characteristics; and

23 “(bb) that is in need of active re-
24 forestation due to events such as—

1 “(AA) high intensity wild-
2 fire;

3 “(BB) pest infestation;

4 “(CC) invasive species; and

5 “(DD) drought and other
6 extreme weather; or

7 “(II) that was formerly forest
8 land and has been abandoned or in-
9 completely reclaimed from mining,
10 commercial development, clearing for
11 agriculture, or other nonforest use;
12 and

13 “(ii) with respect to reforestation in
14 an urban area under subsection (e), land
15 in that urban area that is owned in fee
16 simple by an eligible entity.

17 “(B) EXCLUSION.—The term ‘eligible land’
18 does not include land on which the eligible enti-
19 ty conducted a timber harvest—

20 “(i) not later than 5 years before the
21 date on which the eligible entity submits
22 an application under subsection (c); and

23 “(ii) that resulted in a forest stocking
24 level described in subparagraph
25 (A)(i)(I)(aa).

1 “(5) INDIAN TRIBE.—The term ‘Indian Tribe’
2 has the meaning given the term ‘Indian tribe’ in sec-
3 tion 4 of the Indian Self-Determination and Edu-
4 cation Assistance Act (25 U.S.C. 5304).

5 “(6) LOCAL GOVERNMENTAL ENTITY.—The
6 term ‘local governmental entity’ means any munic-
7 ipal government or county government with jurisdic-
8 tion over local land use decisions.

9 “(7) LOW INCOME COMMUNITY.—The term ‘low
10 income community’ means any census block group in
11 an urban area in which not less than 30 percent of
12 the population lives below the poverty line (as de-
13 fined in section 673 of the Community Services
14 Block Grant Act (42 U.S.C. 9902)).

15 “(8) NONPROFIT ORGANIZATION.—The term
16 ‘nonprofit organization’ means an organization
17 that—

18 “(A) is described in section 170(h)(3) of
19 the Internal Revenue Code of 1986; and

20 “(B) operates in accordance with 1 or
21 more of the purposes described in section
22 170(h)(4)(A) of that Code.

23 “(9) PROGRAM.—The term ‘Program’ means
24 the Reforest America Grant Program established
25 under subsection (b)(1).

1 “(10) SECRETARY.—The term ‘Secretary’
2 means the Secretary of Agriculture, acting through
3 the Chief of the Forest Service.

4 “(11) URBAN AREA.—The term ‘urban area’
5 means an area identified by the Bureau of the Cen-
6 sus as an ‘urban area’ in the most recent census.

7 “(b) ESTABLISHMENT.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish a program, to be known as the ‘Reforest Amer-
10 ica Grant Program’, under which the Secretary shall
11 award grants to eligible entities to conduct projects
12 to reforest eligible land in accordance with this sec-
13 tion.

14 “(2) REFORESTATION.—In carrying out the
15 Program, the Secretary shall, to the maximum ex-
16 tent practicable, award sufficient grants each year to
17 plant—

18 “(A) 50,000,000 trees in each of calendar
19 years 2023 and 2024;

20 “(B) 100,000,000 trees in each of calendar
21 years 2025 and 2026;

22 “(C) 150,000,000 trees in each of calendar
23 years 2027 and 2028; and

24 “(D) 250,000,000 trees in calendar year
25 2029 and each calendar year thereafter.

1 “(c) APPLICATIONS.—

2 “(1) IN GENERAL.—An eligible entity that
3 seeks to receive a grant under the Program shall
4 submit an application at such time, in such form,
5 and containing such information as the Secretary
6 may require, including the information described in
7 paragraph (2), to—

8 “(A) the State forester or equivalent offi-
9 cial of the State in which the eligible entity is
10 located; or

11 “(B) in the case of an eligible entity that
12 is an Indian Tribe, an official of the governing
13 body of the Indian Tribe.

14 “(2) CONTENTS.—An application submitted
15 under paragraph (1) shall include—

16 “(A) the reason that the forest stocking
17 level of the land is less than 25 percent of re-
18 gional norms for forest properties with com-
19 parable tree species and soil characteristics, if
20 applicable;

21 “(B) the natural, economic, and environ-
22 mental benefits of returning the eligible land to
23 forested condition;

24 “(C) an estimate of the annual carbon se-
25 questration that will be achieved by the re-

1 planted forests, using processes determined by
2 the Secretary;

3 “(D) a reforestation plan that includes—

4 “(i) a list of expected eligible costs;

5 “(ii) a description of the site prepara-
6 tion and the tree species to be planted;

7 “(iii) a description of the manner in
8 which the design of the project is informed
9 by climate change science and will enhance
10 forest health, resilience, and biodiversity;

11 “(iv) an explanation of the manner in
12 which the land will be maintained for 36
13 months after planting to ensure successful
14 establishment; and

15 “(v) an explanation of the manner in
16 which the land will be managed later than
17 36 months after planting, including wheth-
18 er that management shall include a timber
19 harvest;

20 “(E) in the case of an application for an
21 urban reforestation project under subsection
22 (e)—

23 “(i) a description of the manner in
24 which the tree planting shall address dis-

1 parities in local environmental quality,
2 such as lower tree canopy cover; and

3 “(ii) a description of the anticipated
4 community and stakeholder engagement in
5 the project; and

6 “(F) any other relevant information re-
7 quired by the Secretary.

8 “(3) APPLICATIONS TO SECRETARY.—Each offi-
9 cial that receives an application under paragraph (1)
10 shall submit the application to the Secretary with a
11 description of the application and any other relevant
12 information that the Secretary may require.

13 “(d) PRIORITY.—

14 “(1) DEFINITION OF CONNECTIVITY.—In this
15 subsection, the term ‘connectivity’ means the degree
16 to which the landscape facilitates native species
17 movement.

18 “(2) PRIORITY.—In awarding grants under the
19 Program, the Secretary shall give priority—

20 “(A) to projects that provide the largest
21 potential increase in carbon sequestration per
22 dollar;

23 “(B) to projects that provide increased
24 habitat connectivity for wildlife;

1 “(C) to projects under which an eligible
2 entity will enter into a contract or cooperative
3 agreement with 1 or more qualified youth or
4 conservation corps (as the term is defined in
5 section 203 of Public Law 91–378 (commonly
6 known as the ‘Youth Conservation Corps Act of
7 1970’) (16 U.S.C. 1722)); and

8 “(D) in the case of urban reforestation
9 projects under subsection (e), to projects that—

10 “(i) are located in a community of
11 color or a low-income community;

12 “(ii) are located in a neighborhood
13 with poor local environmental quality, in-
14 cluding lower tree canopy cover and higher
15 maximum daytime summer temperatures;

16 “(iii) are located in a neighborhood
17 with high amounts of senior citizens or
18 children;

19 “(iv) are located immediately adjacent
20 to large numbers of residents;

21 “(v) will collaboratively engage neigh-
22 bors and community members that will be
23 closely affected by the tree planting in as
24 many aspects of project development and
25 implementation as possible; and

1 “(vi) will employ a substantial per-
2 centage of the workforce locally, with a
3 focus on engaging unemployed and under-
4 employed persons in communities of color
5 and low-income communities.

6 “(e) URBAN REFORESTATION.—

7 “(1) IN GENERAL.—In carrying out the Pro-
8 gram, the Secretary shall award sufficient grants
9 each year to projects carried out in urban areas to
10 plant, to the maximum extent practicable—

11 “(A) 5,000,000 trees in each of calendar
12 years 2023 through 2025;

13 “(B) 10,000,000 trees in each of calendar
14 years 2026 through 2029; and

15 “(C) 15,000,000 trees in calendar year
16 2030 and each calendar year thereafter.

17 “(2) FEDERAL SHARE.—The Secretary shall
18 award a grant to an eligible entity under the Pro-
19 gram to conduct a reforestation project in an urban
20 area in an amount equal to not more than 90 per-
21 cent of the cost of reforesting the eligible land, as
22 determined by the Secretary.

23 “(3) MATCHING REQUIREMENT.—As a condi-
24 tion of receiving a grant described in paragraph (2),
25 an eligible entity shall provide, in cash or through

1 in-kind contributions from non-Federal sources,
2 matching funds in an amount equal to not less than
3 10 percent of the cost of reforesting the eligible
4 land, as determined by the Secretary.

5 “(f) PROHIBITED CONVERSION TO NONFOREST
6 USE.—

7 “(1) IN GENERAL.—Subject to paragraphs (2)
8 and (3), an eligible entity that receives a grant
9 under the Program shall not sell or convert land
10 that was reforested under the Program to nonforest
11 use.

12 “(2) REIMBURSEMENT OF FUNDS.—An eligible
13 entity that receives a grant under this Program and
14 sells or converts land that was reforested under the
15 Program to nonforest use shall pay to the Federal
16 Government an amount equal to the greater of—

17 “(A) the amount of the grant; and

18 “(B) the current appraised value of timber
19 stocks on that land.

20 “(3) LOSS OF ELIGIBILITY.—An eligible entity
21 that receives a grant under this Program and sells
22 or converts land that was reforested under the Pro-
23 gram to nonforest use shall not be eligible for addi-
24 tional grants under the Program.

25 “(g) COSTS.—

1 “(1) FEDERAL SHARE.—Unless otherwise pro-
2 vided under this section, the Secretary shall award
3 a grant to an eligible entity under the Program in
4 an amount equal to not more than 75 percent of the
5 cost of reforesting the eligible land, as determined by
6 the Secretary.

7 “(2) MATCHING REQUIREMENT.—Unless other-
8 wise provided under this section, as a condition of
9 receiving a grant under the Program, an eligible en-
10 tity shall provide, in cash or through in-kind con-
11 tributions from non-Federal sources, matching funds
12 in an amount equal to not less than 25 percent of
13 the cost of reforesting the eligible land, as deter-
14 mined by the Secretary.

15 “(h) PLANTING SURVIVAL.—An eligible entity that
16 receives a grant under the Program shall—

17 “(1) not later than 36 months after planting
18 has been completed using the grant funds, submit to
19 the responsible State or Tribal official, as applicable,
20 a monitoring report that describes project implemen-
21 tation, including the survival rate of all plantings
22 made under the grant; and

23 “(2) if the survival rate reported in the moni-
24 toring report under paragraph (1) is, after 36
25 months, less than the required minimum survival

1 rate for the geographic area in which the planting
2 is located, as determined by a State forester or
3 equivalent State or Tribal official, as applicable, re-
4 plant tree seedlings in a quantity equivalent to half
5 of the original planting, using comparable means to
6 the original planting.

7 “(i) PREVAILING WAGE REQUIREMENT.—Any con-
8 tractor or subcontractor entering into a service contract
9 in connection with a project under the Program shall—

10 “(1) be treated as a Federal contractor or sub-
11 contractor for purposes of chapter 67 of title 41,
12 United States Code (commonly known as the
13 ‘McNamara-O’Hara Service Contract Act of 1965’);
14 and

15 “(2) pay each class of employee employed by
16 the contractor or subcontractor wages and fringe
17 benefits at rates in accordance with prevailing rates
18 for the class in the locality, or, where a collective-
19 bargaining agreement covers the employee, in ac-
20 cordance with the rates provided for in the agree-
21 ment, including prospective wage increases provided
22 for in the agreement.

23 “(j) REPORT.—The Secretary shall annually submit
24 to the relevant committees of Congress a report that de-
25 scribes the activities of the Program, including the total

1 amount of carbon sequestered by replanted forests during
2 the year covered by the report.

3 “(k) FUNDING.—

4 “(1) IN GENERAL.—Of the funds of the Refor-
5 estation Trust Fund established under section 303
6 of Public Law 96–451 (16 U.S.C. 1606a), the Sec-
7 retary shall use such sums as are necessary to carry
8 out the Program.

9 “(2) ADMINISTRATIVE COSTS AND TECHNICAL
10 ASSISTANCE.—Of the funds used under paragraph
11 (1), the Secretary shall allocate not more than 10
12 percent for each fiscal year to State foresters or
13 equivalent officials, including equivalent officials of
14 Indian Tribes, for administrative costs and technical
15 assistance under the Program.”.

16 **SEC. 40933. URBAN WOOD PROGRAMS.**

17 (a) IN GENERAL.—The Cooperative Forestry Assist-
18 ance Act of 1978 (16 U.S.C. 2101 et seq.) is amended
19 by adding at the end the following:

20 **“SEC. 21. URBAN WOOD PROGRAMS.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) INNOVATIVE URBAN WOOD PRODUCT.—
23 The term ‘innovative urban wood product’ means a
24 wood product that uses wood residues and byprod-
25 ucts from urban forest management, building

1 deconstruction, and other related sources of wood
2 generated in urban areas.

3 “(2) SECRETARY.—The term ‘Secretary’ means
4 the Secretary, acting through the Research and De-
5 velopment Deputy Area and the State and Private
6 Forestry Deputy Area of the Forest Service.

7 “(3) WOOD PRODUCT.—The term ‘wood prod-
8 uct’ includes—

9 “(A) building material made of wood;

10 “(B) a durable home product made of
11 wood; and

12 “(C) a woody residue used for bioenergy.

13 “(b) URBAN WOOD RESEARCH AND DEVELOPMENT
14 PROGRAM.—

15 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
16 this subsection, the term ‘eligible entity’ means—

17 “(A) a unit of State, Tribal, or local gov-
18 ernment;

19 “(B) a land-grant college or university (as
20 defined in section 1404 of the National Agricul-
21 tural Research, Extension, and Teaching Policy
22 Act of 1977 (7 U.S.C. 3103)) or other institu-
23 tion of higher education;

24 “(C) a nonprofit organization; and

1 “(D) any other entity, as determined by
2 the Secretary.

3 “(2) ESTABLISHMENT.—The Secretary shall es-
4 tablish a program to facilitate the use of innovative
5 urban wood products in incorporated cities and
6 towns in the United States by—

7 “(A) conducting performance-driven re-
8 search and development relating to the potential
9 sources and uses of urban wood products;

10 “(B) providing education and technical as-
11 sistance to eligible entities relating to the poten-
12 tial sources and uses of urban wood products;
13 and

14 “(C) awarding grants under paragraph
15 (5).

16 “(3) COLLABORATION.—In carrying out the
17 program established under paragraph (2), the Sec-
18 retary shall obtain input and guidance from, and
19 collaborate with—

20 “(A) the wood products industry;

21 “(B) conservation organizations;

22 “(C) community organizations; and

23 “(D) institutions of higher education.

24 “(4) RESEARCH AND DEVELOPMENT, EDU-
25 CATION, AND TECHNICAL ASSISTANCE.—The Sec-

1 retary shall carry out subparagraphs (A) and (B) of
2 paragraph (2) at the Forest Products Laboratory of
3 the Department of Agriculture or through the State
4 and Private Forestry Deputy Area in a manner that
5 meets the needs of municipalities, private companies,
6 trade and technical schools, and other entities that
7 work with urban wood.

8 “(5) GRANTS.—After obtaining input and guid-
9 ance from the entities described in paragraph (3),
10 the Secretary shall award grants on a competitive
11 basis to eligible entities to conduct research and de-
12 velopment and provide education and technical as-
13 sistance that—

14 “(A) increases the use of urban wood; and

15 “(B) provides increased employment oppor-
16 tunities in the urban wood industry and related
17 fields.

18 “(6) PRIORITIES.—In carrying out the program
19 established under paragraph (2), the Secretary shall
20 give priority to projects and activities that—

21 “(A)(i) identify new products that can be
22 created from urban wood; or

23 “(ii) improve on existing processes to
24 produce innovative urban wood products with
25 greater efficiency and quality;

1 “(B) facilitate improved commercialization
2 of innovative urban wood products;

3 “(C) engage unemployed and under-
4 employed persons in disadvantaged communities
5 in worker training, full-time employment, and
6 incubation of new commercial enterprises; and

7 “(D) increase the carbon mitigation benefit
8 of the management of urban wood, as measured
9 by the lifecycle environmental footprint of a
10 wood product or production process, beginning
11 with the collection of raw urban wood materials
12 and ending with the manufacturing process.

13 “(7) TIMEFRAME.—To the maximum extent
14 practicable, the measurable performance goals for
15 the research and development, education, and tech-
16 nical assistance conducted under the program estab-
17 lished under paragraph (2) shall be achievable with-
18 in a 10-year timeframe beginning on the date of es-
19 tablishment of the program.

20 “(c) URBAN WOOD BUILDING COMPETITION.—Be-
21 ginning in fiscal year 2023, the Secretary shall carry out
22 an annual competition, in accordance with section 24 of
23 the Stevenson-Wydler Technology Innovation Act of 1980
24 (15 U.S.C. 3719), for—

1 “(1) innovative urban wood products and manu-
2 facturing processes; or

3 “(2) other innovative wood product demonstra-
4 tions.

5 “(d) FUNDING.—Of the funds of the Reforestation
6 Trust Fund established under section 303 of Public Law
7 96–451 (16 U.S.C. 1606a), the Secretary shall use
8 \$35,000,000 each fiscal year to carry out this section.”.

9 (b) URBAN WOOD INNOVATION GRANTS.—Section
10 8643 of the Agriculture Improvement Act of 2018 (7
11 U.S.C. 7655d) is amended—

12 (1) in subsection (a)—

13 (A) by redesignating paragraph (2) as
14 paragraph (3); and

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

17 “(2) INNOVATIVE URBAN WOOD PRODUCT.—

18 The term ‘innovative urban wood product’ means a
19 wood product that uses wood residues and byprod-
20 ucts from urban forest management, building
21 deconstruction, and other related sources of wood
22 generated in urban areas.”;

23 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “(Octo-
2 ber 20, 2015)), may” and inserting the fol-
3 lowing: “(October 20, 2015))—

4 “(A) may”;

5 (B) in subparagraph (A) (as so des-
6 ignated), by striking the period at the end and
7 inserting “; and”; and

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

9 “(B) shall, to the maximum extent prac-
10 ticable, award 1 or more wood innovation
11 grants each year to eligible entities for the pur-
12 pose of advancing the use of innovative urban
13 wood products.”; and

14 (3) in subsection (c), by striking “under sub-
15 section (b)(2)” and inserting “for grants under sub-
16 section (b)(1)(A)”.

17 **SEC. 40934. STEWARDSHIP CORPS.**

18 (a) IN GENERAL.—The Secretary of Agriculture (re-
19 ferred to in this section as the “Secretary”), in consulta-
20 tion with the Secretary of the Interior, shall establish a
21 civilian conservation corps, to be known as the “Steward-
22 ship Corps” (referred to in this section as the “Steward-
23 ship Corps”), to provide youth from low-income commu-
24 nities, indigenous communities, and communities of color
25 with the academic, vocational, and social skills necessary

1 to pursue long term, productive careers in the forest sector
2 and the wetland restoration sector.

3 (b) REFORESTATION AND RESTORATION ON FED-
4 ERAL LAND.—To the maximum extent practicable, mem-
5 bers of the Stewardship Corps shall perform—

6 (1)(A) in each of calendar years 2023 through
7 2027, not less than 20 percent of the reforestation
8 required under subsections (d)(2) and (e) of section
9 303 of Public Law 96–451 (16 U.S.C. 1606a); and
10 (B) in calendar years 2028 and each calendar
11 year thereafter, not less than 40 percent of the re-
12 forestation described in subparagraph (A); and

13 (2)(A) in each of calendar years 2023 through
14 2027, not less than 20 percent of the wetlands res-
15 toration required under section 40957; and

16 (B) in calendar year 2028 and each calendar
17 year thereafter, not less than 40 percent of the wet-
18 lands restoration described in subparagraph (A).

19 (c) DURATION OF PARTICIPATION.—An individual
20 shall serve in the Stewardship Corps for not more than
21 2 years.

22 (d) HOUSING AND CARE.—The Secretary shall pro-
23 vide to each member of the Stewardship Corps housing,
24 subsistence, clothing, medical attention (including hos-

1 pitalization), transportation, and a cash allowance, as de-
2 termined necessary by the Secretary.

3 (e) COMPENSATION.—Members of the Stewardship
4 Corps shall be paid at a rate in accordance with the pre-
5 vailing rate for a similar class of Federal employees in the
6 locality.

7 (f) JOB PLACEMENT.—The Secretary shall assist
8 members of the Stewardship Corps with obtaining employ-
9 ment in the forest sector and the wetlands restoration sec-
10 tor on the completion of service under the Stewardship
11 Corps.

12 **PART 3—COASTAL WETLAND**

13 **SEC. 40951. DEFINITIONS.**

14 In this part:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Under Secretary of Commerce for
17 Oceans and Atmosphere and Administrator of the
18 National Oceanic and Atmospheric Administration.

19 (2) COASTAL WETLAND.—The term “coastal
20 wetland” means estuarine vegetated coastal habitat,
21 including salt marsh, seagrass, mangrove, and other
22 vegetated marine habitats.

23 (3) INDIAN TRIBE.—The term “Indian Tribe”
24 has the meaning given the term “Indian tribe” in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).

3 (4) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given that term in section 101 of the High-
6 er Education Act of 1965 (20 U.S.C. 1001).

7 (5) NATURAL INFRASTRUCTURE.—The term
8 “natural infrastructure” means infrastructure
9 that—

10 (A) uses, restores, or emulates natural eco-
11 logical processes; and

12 (B)(i) is created through the action of nat-
13 ural physical, geological, biological, and chem-
14 ical processes over time;

15 (ii) is created by human design, engineer-
16 ing, and construction to emulate or act in con-
17 cert with natural processes; or

18 (iii) involves the use of plants, soils, and
19 other natural features, including through the
20 creation, restoration, or preservation of vege-
21 tated areas using materials appropriate to the
22 area.

23 (6) NONPROFIT ORGANIZATION.—The term
24 “nonprofit organization” means an organization that
25 is described in section 501(c) of the Internal Rev-

1 enue Code of 1986 and exempt from tax under sec-
2 tion 501(a) of such Code.

3 (7) PROGRAM.—The term “Program” means
4 the Coastal and Estuary Resilience Grant Program
5 as established by section 40922.

6 (8) RESTORATION.—The term “restoration”
7 means renewing, enhancing, or replacing degraded,
8 damaged, vulnerable, or destroyed wetlands to im-
9 prove the ecosystem function and resilience through
10 active human intervention and action, such as—

11 (A) improving hydrological conditions
12 (such as by removing tidal barriers, improving
13 connectivity, or changing water levels);

14 (B) altering sediment supply (such as
15 through the beneficial use of dredge material,
16 thin-layer spraying, or reconnecting river sedi-
17 ment);

18 (C) changing salinity characteristics;

19 (D) improving water quality (such as by
20 reducing excess nutrients, sedimentation, or
21 contaminants);

22 (E) planting of native plants, removal of
23 invasive species, and other improved manage-
24 ment practices;

1 (F) controlling erosion of wetland edges;
2 and

3 (G) enabling future inland migration as
4 sea levels rise, including through the enhance-
5 ment of adjacent fresh water wetlands.

6 (9) STATE.—The term “State” means a State,
7 the District of Columbia, or any territory or posses-
8 sion of the United States.

9 **SEC. 40952. COASTAL AND ESTUARY RESILIENCE GRANT**
10 **PROGRAM.**

11 (a) ESTABLISHMENT.—The Secretary of Commerce
12 shall establish a program, to be known as the “Coastal
13 and Estuary Resilience Grant Program”, under which the
14 Secretary awards grants to entities that are eligible under
15 subsection (b) to fund coastal wetland restoration projects
16 that are eligible under subsection (c).

17 (b) ELIGIBLE ENTITIES.—An entity is eligible to
18 apply for a grant under the Program if the entity is an
19 institution of higher education, a nonprofit organization,
20 a State or local government, or an Indian Tribe.

21 (c) ELIGIBLE PROJECTS.—A project is eligible for a
22 grant under the Program if the project is designed to re-
23 duce net greenhouse gases through one of the following:

24 (1) The sequestration of additional carbon diox-
25 ide through—

1 (A) the active restoration of degraded
2 coastal wetland; and

3 (B) the protection of threatened coastal
4 wetland.

5 (2) The halting of ongoing carbon dioxide emis-
6 sions, and the resumption of the natural rate of car-
7 bon capture, through the restoration of drained
8 coastal wetland.

9 (3) The halting of ongoing methane emissions,
10 and the resumption of the natural rate of carbon
11 storage, through the restoration of formerly tidal
12 wetland that has lost tidal connectivity and become
13 fresh wetland (commonly known as “impounded wet-
14 land”).

15 (d) GRANT EVALUATION CRITERIA.—In reviewing
16 applications for grants under the Program, the Secretary
17 shall give priority to projects that exhibit the highest po-
18 tential to—

19 (1) mitigate greenhouse gas emissions by—

20 (A) reducing greenhouse gas emissions; or

21 (B) capturing and storing greenhouse
22 gases;

23 (2) reinforce ecosystem resilience and adapta-
24 tion by—

1 (A) preparing for sea level rise in order to
2 reduce vulnerability to sea level rise and ero-
3 sion;

4 (B) supporting resilience against flooding
5 and sea level rise; or

6 (C) restoring or enhancing ecosystem func-
7 tion; or

8 (3) provide economic and social co-benefits by—

9 (A) reducing the potential impact and
10 damage of storms on the built environment;

11 (B) advancing environmental justice by re-
12 ducing the disproportionate impacts of environ-
13 mental hazards on communities of color, indige-
14 nous communities, and low-income commu-
15 nities;

16 (C) providing jobs in coastal communities;

17 (D) including elements of natural infra-
18 structure;

19 (E) incorporating collaborative partner-
20 ships; or

21 (F) involving local communities in project
22 planning and implementation.

23 (e) MATCHING FUNDS.—

24 (1) INCLUSION IN APPLICATIONS.—An eligible
25 entity under subsection (b) may include in an appli-

1 cation for a grant under the Program a commitment
2 to provide non-Federal resources (including in-kind
3 contributions and volunteer hours) to match the
4 amount of grant.

5 (2) CONSIDERATION.—In reviewing an applica-
6 tion for a grant under the Program, the Secretary
7 may consider the inclusion of a commitment under
8 paragraph (1) but may not require such a commit-
9 ment as a condition of receiving a grant.

10 (f) ELIGIBLE COSTS.—A grant awarded under the
11 Program shall be available for all phases of the develop-
12 ment, implementation, and monitoring of projects that are
13 eligible under subsection (c), including—

14 (1) preliminary community engagement, plan-
15 ning, and prioritization;

16 (2) preliminary design and site assessment, in-
17 cluding—

18 (A) assessments of feasibility;

19 (B) planning; and

20 (C) community engagement;

21 (3) final design and permitting;

22 (4) restoration and project implementation; and

23 (5) monitoring, reporting, and stewardship.

24 (g) REPORTING.—

1 (1) IN GENERAL.—An entity that receives a
2 grant under the Program for a project shall—

3 (A) collect data on the development and
4 implementation of the project and stewardship
5 following completion of the project; and

6 (B) submit that data to the Administrator
7 for inclusion in the database required by section
8 40953(a).

9 (2) REPORT AFTER PROJECT COMPLETION.—
10 Not later than 1 year after the completion of a
11 project for which a grant is provided under the Pro-
12 gram, the entity that received the grant shall submit
13 to the Administrator a report on the outputs, out-
14 comes, and impacts of the project, including with re-
15 spect to—

16 (A) the amount of area restored;

17 (B) the estimated net climate benefit;

18 (C) benefits to nearby communities; and

19 (D) involvement of partners and commu-
20 nities.

21 (h) MONITORING.—The Secretary shall establish
22 guidelines providing for monitoring a project for which a
23 grant is provided under the Program for the 10-year pe-
24 riod after the grant is awarded.

1 (i) ROLE OF NATIONAL FISH AND WILDLIFE FOUN-
2 DATION.—In carrying out the Program, the Secretary may
3 consult, partner, or otherwise coordinate with the National
4 Fish and Wildlife Foundation established by section 2(a)
5 of the National Fish and Wildlife Foundation Establish-
6 ment Act (16 U.S.C. 3701(a)).

7 **SEC. 40953. DATA COLLECTION.**

8 (a) DATABASE.—

9 (1) IN GENERAL.—The Administrator shall
10 maintain a coastal wetland restoration database to
11 collect information about projects that receive grants
12 under the Program.

13 (2) DESIGN.—The Administrator shall design
14 the database required by paragraph (1) to collect
15 performance metrics on the development and imple-
16 mentation of projects that receive grants under the
17 Program and stewardship following completion of
18 such projects to evaluate the success of those
19 projects and inform the design of future projects in
20 an adaptive manner.

21 (3) INCLUDED METRICS.—The database re-
22 quired by paragraph (1) shall include standardized
23 metrics for reporting such as—

24 (A) acres restored, protected, or created;

25 (B) habitat type;

- 1 (C) restoration technique;
- 2 (D) estimated net greenhouse gas reduc-
- 3 tion effect;
- 4 (E) jobs created;
- 5 (F) quantified ecosystem services; and
- 6 (G) other metrics selected by the Adminis-
- 7 trator.

8 (4) PUBLIC AVAILABILITY.—The Administrator
9 shall make products of the database publicly avail-
10 able and disseminate important findings to the pub-
11 lic.

12 (b) INVENTORY OF COASTAL WETLAND.—The Ad-
13 ministrator shall compile an inventory of coastal wetland.

14 **SEC. 40954. OUTREACH AND TECHNICAL ASSISTANCE.**

15 The Administrator shall establish a technical assist-
16 ance program to help entities outside of the National Oce-
17 anic and Atmospheric Administration in all phases of
18 coastal wetland restoration project work, including out-
19 reach to potential applicants for grants under section
20 40952.

21 **SEC. 40955. ANNUAL RESTORATION AND FUNDING.**

22 (a) ACREAGE REQUIREMENTS.—To the maximum ex-
23 tent practicable, the Secretary of Commerce shall award
24 grants under the Program to conduct coastal wetland res-
25 toration on 1,500,000 acres over 10 years, as follows:

1 (1) On 50,000 acres in each of fiscal years
2 2023 and 2024.

3 (2) On 100,000 acres in each of fiscal years
4 2025 and 2026.

5 (3) On 150,000 acres in each of fiscal years
6 2027 and 2028.

7 (4) On 225,000 acres in fiscal year 2029 and
8 each fiscal year thereafter.

9 (b) FUNDING.—

10 (1) IN GENERAL.—On October 1 of each fiscal
11 year, out of any funds in the Treasury not otherwise
12 appropriated, the Secretary of the Treasury shall
13 transfer to the Secretary of Commerce to provide
14 grants under the Program, to remain available until
15 expended—

16 (A) \$1,250,000,000 for each of fiscal years
17 2023 and 2024;

18 (B) \$2,500,000,000 for each of fiscal years
19 2025 and 2026;

20 (C) \$3,750,000,000 for each of fiscal years
21 2027 and 2028; and

22 (D) \$5,625,000,000 for each of fiscal years
23 2029 through 2032.

24 (2) RECEIPT AND ACCEPTANCE.—The Sec-
25 retary of Commerce shall be entitled to receive, shall

1 accept, and shall use to provide grants under the
2 Program in accordance with paragraph (1) the funds
3 transferred under that paragraph, without further
4 appropriation.

5 (c) SUPPLEMENT NOT SUPPLANT.—The amount au-
6 thorized to be appropriated by subsection (a) shall supple-
7 ment and not supplant other amounts available to the Sec-
8 retary of Commerce.

9 **SEC. 40956. PREVAILING WAGE REQUIREMENT.**

10 Any contractor or subcontractor entering into a serv-
11 ice contract in connection with a project under the Pro-
12 gram shall—

13 (1) be treated as a Federal contractor or sub-
14 contractor for purposes of chapter 67 of title 41,
15 United States Code (commonly known as the
16 “McNamara-O’Hara Service Contract Act of
17 1965”); and

18 (2) pay each class of employee employed by the
19 contractor or subcontractor wages and fringe bene-
20 fits at rates in accordance with prevailing rates for
21 the class in the locality, or, where a collective-bar-
22 gaining agreement covers the employee, in accord-
23 ance with the rates provided for in the agreement,
24 including prospective wage increases provided for in
25 the agreement.

1 **SEC. 40957. DEPARTMENT OF THE INTERIOR COASTAL WET-**
2 **LAND RESTORATION; FUNDING.**

3 (a) IN GENERAL.—The Secretary of the Interior shall
4 conduct coastal wetland restoration on land managed by
5 the Secretary of the Interior to achieve at least 1 of the
6 following:

7 (1) The sequestration of additional carbon diox-
8 ide through—

9 (A) the active restoration of degraded
10 coastal wetland; and

11 (B) the protection of threatened coastal
12 wetland.

13 (2) The halting of ongoing carbon dioxide emis-
14 sions, and the resumption of the natural rate of car-
15 bon capture, through the restoration of drained
16 coastal wetland.

17 (3) The halting of ongoing methane emissions,
18 and the resumption of the natural rate of carbon
19 storage, through the restoration of formerly tidal
20 wetland that has lost tidal connectivity and become
21 fresh wetland (commonly known as “impounded wet-
22 land”).

23 (b) ACREAGE REQUIREMENTS.—To the maximum ex-
24 tent practicable, the Secretary of the Interior shall con-
25 duct coastal wetland restoration under subsection (a)—

1 (1) on land managed by the Director of the
2 United States Fish and Wildlife Service—

3 (A) on 10,000 acres in each of fiscal years
4 2023 and 2024;

5 (B) on 20,000 acres in each of fiscal years
6 2025 and 2026; and

7 (C) on 30,000 acres in fiscal year 2027
8 and each fiscal year thereafter; and

9 (2) on land managed by the Director of the Na-
10 tional Park Service—

11 (A) on 10,000 acres in each of fiscal years
12 2023 and 2024;

13 (B) on 20,000 acres in each of fiscal years
14 2025 and 2026;

15 (C) on 40,000 acres in each of fiscal years
16 2027 and 2028;

17 (D) on 80,000 acres in each of fiscal years
18 2029 and 2030; and

19 (E) on 160,000 acres in fiscal year 2031
20 and each fiscal year thereafter.

21 (c) FUNDING.—

22 (1) IN GENERAL.—On October 1 of each fiscal
23 year, out of any funds in the Treasury not otherwise
24 appropriated, the Secretary of the Treasury shall

1 transfer to the Secretary of the Interior to carry out
2 this section, to remain available until expended—

3 (A) for coastal wetland restoration on land
4 managed by the Director of the United States
5 Fish and Wildlife Service—

6 (i) \$250,000,000 for each of fiscal
7 years 2023 and 2024;

8 (ii) \$500,000,000 for each of fiscal
9 years 2025 and 2026; and

10 (iii) \$750,000,000 for each of fiscal
11 years 2027 through 2032; and

12 (B) for coastal wetland restoration on land
13 managed by the Director of the National Park
14 Service—

15 (i) \$250,000,000 for each of fiscal
16 years 2023 and 2024;

17 (ii) \$500,000,000 for each of fiscal
18 years 2025 and 2026;

19 (iii) \$1,000,000,000 for each of fiscal
20 years 2027 and 2028;

21 (iv) \$2,000,000,000 for each of fiscal
22 years 2029 and 2030; and

23 (v) \$4,000,000,000 for each of fiscal
24 years 2031 and 2032.

9 SEC. 41001. SHORT TITLE.

12 SEC. 41002. PURPOSES.

(1) to improve the health and academic achievement of students in highly polluted environments;

(2) to demonstrate the impacts of clean air at school on student learning and well-being; and

18 (3) to support the Nation's schools to advance
19 environmental justice.

21 Congress finds the following:

(1) Substantial research demonstrates that air pollution negatively impacts health and cognition.

(2) More than 1 in 5 public schools in the United States are located within a mile of a toxic re-

1 lease site. Nearly 1 in 11 public schools, serving
2 4,400,000 students, are less than 500 feet from a
3 major road.

4 (3) According to a 2017 report, 4 percent of
5 schools serving predominantly White students are
6 next to major roads, while 15 percent of schools
7 serving largely students of color are next to major
8 roads.

9 (4) Indoor levels of air pollutants can be 2 to
10 5 times higher, and sometimes 100 times higher,
11 than outdoor levels. In 2014, nearly half of schools
12 in the United States reported having problems re-
13 lated to indoor air quality.

14 (5) Schools in poor repair may have additional
15 air quality problems, including lead, asbestos, dust,
16 and radon contamination.

17 (6) Poor indoor air quality increases the risk of
18 severe asthma attacks and allergic reactions. Asthma
19 is the leading cause of missed school days in the
20 United States.

21 (7) High-performance air filters can decrease
22 indoor particulate matter by 90 percent.

23 (8) Research demonstrates the potential for
24 school air filters to improve student learning. In
25 2016, commercial air filters were installed in every

1 classroom, office, and common area of 18 public
2 schools in Los Angeles. Controlling for student de-
3 mographics, mathematics test scores at these schools
4 improved dramatically, nearly matching the impact
5 of reducing class sizes by a third, and gains per-
6 sisted the following the year.

7 **SEC. 41004. DEFINITIONS.**

8 In this subtitle:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Environ-
11 mental Protection Agency.

12 (2) COMMERCIAL AIR FILTER.—The term
13 “commercial air filter” means an air filter unit
14 that—

15 (A) removes particulate matter (including
16 mold, smoke, dust, lead, soot, and allergens
17 from pests) and gaseous pollutants (including
18 carbon monoxide, sulfur dioxide, and volatile or-
19 ganic compounds);

20 (B) does not produce any ozone;

21 (C) meets the American Society of Heat-
22 ing, Refrigerating, and Air-Conditioning Engi-
23 neers (ASHRAE) Minimum Efficiency Report-
24 ing Value (MERV) of 13 (or the equivalent,
25 using a different rating system); and

1 (D) contains activated carbon (charcoal)
2 and a HEPA particle filter.

3 (3) ELIGIBLE SCHOOL.—The term “eligible
4 school” means a public elementary school or sec-
5 ondary school, as such terms are defined in section
6 8101 of the Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 7801).

8 (4) ENVIRONMENTAL JUSTICE.—The term “en-
9 vironmental justice” means the fair treatment and
10 meaningful involvement of all individuals, regardless
11 of race, color, national origin, educational level, or
12 income, with respect to the development, implemen-
13 tation, and enforcement of environmental laws, regu-
14 lations, and policies to ensure that—

15 (A) populations of color, communities of
16 color, indigenous communities, and low-income
17 communities have access to public information
18 and opportunities for meaningful public partici-
19 pation relating to human health and environ-
20 mental planning, regulations, and enforcement;

21 (B) no population of color or community of
22 color, indigenous community, or low-income
23 community shall be exposed to a dispropor-
24 tionate burden of the negative human health

1 and environmental impacts of pollution or other
2 environmental hazards; and

3 (C) the “17 Principles of Environmental
4 Justice”, written and adopted at the First Na-
5 tional People of Color Environmental Leader-
6 ship Summit held on October 24 through 27,
7 1991, in Washington, DC, are upheld.

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of Education.

10 **SEC. 41005. DEMONSTRATION PROGRAM AUTHORIZED.**

11 (a) IN GENERAL.—Not later than 6 months after the
12 date of enactment of this Act, the Secretary and the Ad-
13 ministrator shall enter into a memorandum of under-
14 standing to jointly administer the School Air Filters Dem-
15 onstration Program described in this section for a 3-year
16 period.

17 (b) SELECTION OF ELIGIBLE SCHOOLS.—

18 (1) SELECTION OF ELIGIBLE SCHOOLS.—Not
19 later than 12 months after the date of enactment of
20 this Act, the Secretary and the Administrator shall
21 select a minimum of 175 eligible schools to partici-
22 pate in the School Air Filters Demonstration Pro-
23 gram.

24 (2) PRIORITY.—In selecting eligible schools
25 under this subsection, the Secretary and the Admin-

1 istrator shall do so with the purpose of advancing
2 environmental justice, giving priority—

3 (A) first, to eligible schools that are lo-
4 cated in a nonattainment area for PM2.5,
5 PM10, or ozone;

6 (B) second, to eligible schools that have
7 school facilities that pose a severe health and
8 safety threat to students and staff; and

9 (C) third, to eligible schools that have a
10 high concentration of students from a low-in-
11 come family.

12 (3) CONSIDERATIONS IN SELECTION.—In se-
13 lecting eligible schools under this subsection, the
14 Secretary and the Administrator—

15 (A) shall seek to select eligible schools that
16 represent—

17 (i) a mix of elementary schools, mid-
18 dle schools, and high schools; and

19 (ii) a mix of urban, suburban, and
20 rural schools; and

21 (B) may consider any other eligibility re-
22 quirements that the Secretary and the Adminis-
23 trator determine are necessary to carry out the
24 purposes of this subtitle.

1 (c) AGREEMENT TO PARTICIPATE.—The Secretary
2 and the Administrator shall seek to enter into a written
3 agreement with each eligible school selected under sub-
4 section (b) to ensure that the eligible school desires to par-
5 ticipate in the School Air Filters Demonstration Program.
6 The Secretary and the Administrator shall carry out the
7 activities under subsection (d) only with respect to partici-
8 pating eligible schools that enter into such an agreement.

9 (d) USE OF FUNDS.—

10 (1) IN GENERAL.—The Secretary and the Ad-
11 ministrator shall—

12 (A) purchase commercial air filters for the
13 buildings of each participating eligible school;

14 (B) install a commercial air filter in every
15 classroom, office, and common area that stu-
16 dents access in each such school;

17 (C) maintain those air filters for a period
18 of 3 years, including by ensuring the replace-
19 ment of the internal carbon filters of those air
20 filters according to a frequency as indicated by
21 the manufacturer;

22 (D) provide technical support to eligible
23 schools participating in the program, including
24 training school staff on how to properly use the
25 air filters; and

1 (E) using not more than 3.5 percent of the
2 funds appropriated under subsection (f), collect,
3 analyze, and submit data that is necessary for
4 the report and evaluation described in sub-
5 section (e).

6 (2) USE OF CONTRACTOR.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), the activities described in subpara-
9 graphs (B) and (C) of paragraph (1) may be
10 carried out by an entity that—

11 (i) has a contract to do so with the
12 Administrator; and

13 (ii) has a State or local license or cer-
14 tification from a relevant professional or-
15 ganization allowing the entity to install
16 and maintain air filter units.

17 (B) COLLECTIVE BARGAINING AGREE-
18 MENT.—Notwithstanding subparagraph (A), if
19 a school or local educational agency’s collective
20 bargaining agreement stipulates that a school
21 staff member carry out the activities described
22 in subparagraphs (B) or (C) of paragraph (1),
23 the Administrator shall coordinate with the
24 local educational agency to arrange for school
25 staff to carry out those activities. Nothing in

1 this subtitle shall be construed to interfere with
2 a collective bargaining agreement.

3 (e) REPORTS AND EVALUATION.—

4 (1) ANNUAL REPORTS.—The Secretary and the
5 Administrator shall prepare and submit to Congress
6 an annual report containing—

7 (A) metrics that demonstrate the indoor
8 air quality (at a minimum, PM2.5 levels, as
9 well as any other air pollutants that the Admin-
10 istrator determines necessary to test) at 3 loca-
11 tions within each participating eligible school
12 before installation of the commercial air filters,
13 and subsequently twice per academic year, en-
14 suring that the locations of that testing are
15 kept consistent for each test);

16 (B) the pollutants that are captured by the
17 air filters at participating eligible schools, as
18 determined by annual tests conducted on the
19 used air filters;

20 (C) metrics that demonstrate the academic
21 outcomes of students at each participating eligi-
22 ble school (including standardized test scores);

23 (D) rates of suspension at each partici-
24 pating eligible school; and

1 (E) rates of school absence by students at
2 each participating eligible school, including
3 rates of school absence relating to asthma and
4 other health measures.

5 (2) EVALUATION.—At the end of the 3-year
6 School Air Filters Demonstration Program, the Sec-
7 retary and the Administrator shall prepare and sub-
8 mit a report to Congress that includes an evaluation
9 of the effectiveness of the School Air Filters Dem-
10 onstration Program, including an analysis of the im-
11 pact of the commercial air filters on student aca-
12 demic achievement and well-being, and on the pro-
13 gram’s potential to advance environmental justice.
14 The evaluation shall include recommendations based
15 on the findings from the School Air Filters Dem-
16 onstration Program.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this subtitle
19 \$20,000,000 for fiscal year 2023.

20 **Subtitle K—Environmental Justice**
21 **Act of 2020**

22 **SEC. 42001. SHORT TITLE.**

23 This subtitle may be cited as the “Environmental
24 Justice Act of 2020”.

1 **SEC. 42002. PURPOSES.**

2 The purposes of this subtitle are—

3 (1) to require Federal agencies to address and
4 eliminate the disproportionate environmental and
5 human health impacts on populations of color, com-
6 munities of color, indigenous communities, and low-
7 income communities;

8 (2) to ensure that all Federal agencies develop
9 and enforce rules, regulations, guidance, standards,
10 policies, plans, and practices that promote environ-
11 mental justice;

12 (3) to increase cooperation and require coordi-
13 nation among Federal agencies in achieving environ-
14 mental justice;

15 (4) to provide to communities of color, indige-
16 nous communities, and low-income communities
17 meaningful access to public information and oppor-
18 tunities for participation in decision making affect-
19 ing human health and the environment;

20 (5) to mitigate the inequitable distribution of
21 the burdens and benefits of Federal programs hav-
22 ing significant impacts on human health and the en-
23 vironment;

24 (6) to require consideration of cumulative im-
25 pacts in permitting decisions;

1 (7) to clarify congressional intent to afford
2 rights of action pursuant to certain statutes and
3 common law claims; and

4 (8) to allow a private right of action under title
5 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d
6 et seq.) to challenge discriminatory practices.

7 **SEC. 42003. DEFINITIONS.**

8 In this subtitle:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Environ-
11 mental Protection Agency.

12 (2) COMMUNITY OF COLOR.—The term “com-
13 munity of color” means any geographically distinct
14 area the population of color of which is higher than
15 the average population of color of the State in which
16 the community is located.

17 (3) COMMUNITY-BASED SCIENCE.—The term
18 “community-based science” means voluntary public
19 participation in the scientific process and the incor-
20 poration of data and information generated outside
21 of traditional institutional boundaries to address
22 real-world problems in ways that may include formu-
23 lating research questions, conducting scientific ex-
24 periments, collecting and analyzing data, inter-
25 preting results, making new discoveries, developing

1 technologies and applications, and solving complex
2 problems, with an emphasis on the democratization
3 of science and the engagement of diverse people and
4 communities.

5 (4) ENVIRONMENTAL JUSTICE.—The term “en-
6 vironmental justice” means the fair treatment and
7 meaningful involvement of all individuals, regardless
8 of race, color, national origin, educational level, or
9 income, with respect to the development, implemen-
10 tation, and enforcement of environmental laws, regu-
11 lations, and policies to ensure that—

12 (A) populations of color, communities of
13 color, indigenous communities, and low-income
14 communities have access to public information
15 and opportunities for meaningful public partici-
16 pation relating to human health and environ-
17 mental planning, regulations, and enforcement;

18 (B) no population of color or community of
19 color, indigenous community, or low-income
20 community shall be exposed to a dispropor-
21 tionate burden of the negative human health
22 and environmental impacts of pollution or other
23 environmental hazards; and

24 (C) the 17 Principles of Environmental
25 Justice written and adopted at the First Na-

1 tional People of Color Environmental Leader-
2 ship Summit held on October 24 through 27,
3 1991, in Washington, DC, are upheld.

4 (5) FEDERAL AGENCY.—The term “Federal
5 agency” means—

6 (A) each Federal agency represented on
7 the Working Group; and

8 (B) any other Federal agency that carries
9 out a Federal program or activity that substan-
10 tially affects human health or the environment,
11 as determined by the President.

12 (6) FENCELINE COMMUNITY.—The term
13 “fenceline community” means a population living in
14 close proximity to a source of pollution.

15 (7) INDIGENOUS COMMUNITY.—The term “in-
16 digenous community” means—

17 (A) a federally recognized Indian Tribe;

18 (B) a State-recognized Indian Tribe;

19 (C) an Alaska Native or Native Hawaiian
20 community or organization; and

21 (D) any other community of indigenous
22 people, including communities in other coun-
23 tries.

24 (8) INFRASTRUCTURE.—The term “infrastruc-
25 ture” means any system for safe drinking water,

1 sewer collection, solid waste disposal, electricity gen-
2 eration, communication, or transportation access (in-
3 cluding highways, airports, marine terminals, rail
4 systems, and residential roads) that is used to effec-
5 tively and safely support—

6 (A) housing;

7 (B) an educational facility;

8 (C) a medical provider;

9 (D) a park or recreational facility; or

10 (E) a local businesses.

11 (9) LOW INCOME.—The term “low income”
12 means an annual household income equal to, or less
13 than, the greater of—

14 (A) an amount equal to 80 percent of the
15 median income of the area in which the house-
16 hold is located, as reported by the Department
17 of Housing and Urban Development; and

18 (B) 200 percent of the Federal poverty
19 line.

20 (10) LOW-INCOME COMMUNITY.—The term
21 “low-income community” means any census block
22 group in which 30 percent or more of the population
23 are individuals with low income.

1 (11) MEANINGFUL.—The term “meaningful”,
2 with respect to involvement by the public in a deter-
3 mination by a Federal agency, means that—

4 (A) potentially affected residents of a com-
5 munity have an appropriate opportunity to par-
6 ticipate in decisions regarding a proposed activ-
7 ity that will affect the environment or public
8 health of the community;

9 (B) the public contribution can influence
10 the determination by the Federal agency;

11 (C) the concerns of all participants in-
12 volved are taken into consideration in the deci-
13 sion-making process; and

14 (D) the Federal agency—

15 (i) provides to potentially affected
16 members of the public accurate informa-
17 tion; and

18 (ii) facilitates the involvement of po-
19 tentially affected members of the public.

20 (12) POPULATION OF COLOR.—The term “pop-
21 ulation of color” means a population of individuals
22 who identify as—

23 (A) Black;

24 (B) African American;

25 (C) Asian;

- 1 (D) Pacific Islander;
- 2 (E) another nonWhite race;
- 3 (F) Hispanic;
- 4 (G) Latino; or
- 5 (H) linguistically isolated.

6 (13) PUBLISH.—The term “publish” means to
7 make publicly available in a form that is—

- 8 (A) generally accessible, including on the
9 internet and in public libraries; and
- 10 (B) accessible for—
 - 11 (i) individuals who are limited in
12 English proficiency, in accordance with Ex-
13 ecutive Order 13166 (65 Fed. Reg. 50121
14 (August 16, 2000)); and
 - 15 (ii) individuals with disabilities.

16 (14) WORKING GROUP.—The term “Working
17 Group” means the interagency Federal Working
18 Group on Environmental Justice convened under
19 section 1–102 of Executive Order 12898 (42 U.S.C.
20 4321 note), as amended by Executive Order 12948
21 (60 Fed. Reg. 6381 (January 30, 1995)) and modi-
22 fied by section 42004.

1 **SEC. 42004. INTERAGENCY FEDERAL WORKING GROUP ON**
2 **ENVIRONMENTAL JUSTICE.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Administrator shall con-
5 vene, as appropriate to carry out this section, the Working
6 Group.

7 (b) REQUIREMENTS.—

8 (1) COMPOSITION.—The Working Group shall
9 be comprised of the following (or a designee):

10 (A) The Secretary of Agriculture.

11 (B) The Secretary of Commerce.

12 (C) The Secretary of Defense.

13 (D) The Secretary of Energy.

14 (E) The Secretary of Health and Human
15 Services.

16 (F) The Secretary of Homeland Security.

17 (G) The Secretary of Housing and Urban
18 Development.

19 (H) The Secretary of the Interior.

20 (I) The Secretary of Labor.

21 (J) The Secretary of Transportation.

22 (K) The Attorney General.

23 (L) The Administrator.

24 (M) The Director of the Office of Environ-
25 mental Justice.

1 (N) The Chairman of the Consumer Prod-
2 uct Safety Commission.

3 (O) The Chairperson of the Chemical Safe-
4 ty Board.

5 (P) The Director of the Office of Manage-
6 ment and Budget.

7 (Q) The Director of the Office of Science
8 and Technology Policy.

9 (R) The Chair of the Council on Environ-
10 mental Quality.

11 (S) The Assistant to the President for Do-
12 mestic Policy.

13 (T) The Director of the National Economic
14 Council.

15 (U) The Chairman of the Council of Eco-
16 nomic Advisers.

17 (V) Such other Federal officials as the
18 President may designate.

19 (2) FUNCTIONS.—The Working Group shall—

20 (A) report to the President through the
21 Chair of the Council on Environmental Quality
22 and the Assistant to the President for Domestic
23 Policy;

24 (B) provide guidance to Federal agencies
25 regarding criteria for identifying disproportion-

1 ately high and adverse human health or envi-
2 ronmental effects—

3 (i) on populations of color, commu-
4 nities of color, indigenous communities,
5 and low-income communities; and

6 (ii) on the basis of race, color, na-
7 tional origin, or income;

8 (C) coordinate with, provide guidance to,
9 and serve as a clearinghouse for, each Federal
10 agency with respect to the implementation and
11 updating of an environmental justice strategy
12 required under this Act, in order to ensure that
13 the administration, interpretation, and enforce-
14 ment of programs, activities, and policies are
15 carried out in a consistent manner;

16 (D) assist in coordinating research by, and
17 stimulating cooperation among, the Environ-
18 mental Protection Agency, the Department of
19 Health and Human Services, the Department of
20 Housing and Urban Development, and other
21 Federal agencies conducting research or other
22 activities in accordance with this subtitle;

23 (E) identify, based in part on public rec-
24 ommendations contained in Federal agency
25 progress reports, important areas for Federal

1 agencies to take into consideration and address,
2 as appropriate, in environmental justice strate-
3 gies and other efforts;

4 (F) assist in coordinating data collection
5 and maintaining and updating appropriate
6 databases, as required by this subtitle;

7 (G) examine existing data and studies re-
8 lating to environmental justice;

9 (H) hold public meetings and otherwise so-
10 licit public participation under paragraph (3);
11 and

12 (I) develop interagency model projects re-
13 lating to environmental justice that demonstrate
14 cooperation among Federal agencies.

15 (3) PUBLIC PARTICIPATION.—The Working
16 Group shall—

17 (A) hold public meetings or otherwise so-
18 licit public participation and community-based
19 science for the purpose of fact-finding with re-
20 spect to the implementation of this subtitle; and

21 (B) prepare for public review and publish
22 a summary of any comments and recommenda-
23 tions provided.

24 (c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—
25 Any person may commence a civil action—

1 (1) to seek relief from, or to compel, an agency
2 action under this section (including regulations pro-
3 mulgated pursuant to this section); or

4 (2) otherwise to ensure compliance with this
5 section (including regulations promulgated pursuant
6 to this section).

7 **SEC. 42005. FEDERAL AGENCY ACTIONS TO ADDRESS ENVI-**
8 **RONMENTAL JUSTICE.**

9 (a) FEDERAL AGENCY RESPONSIBILITIES.—

10 (1) ENVIRONMENTAL JUSTICE MISSION.—To
11 the maximum extent practicable and permitted by
12 applicable law, each Federal agency shall make
13 achieving environmental justice part of the mission
14 of the Federal agency by identifying, addressing,
15 and mitigating disproportionately high and adverse
16 human health or environmental effects of the pro-
17 grams, policies, and activities of the Federal agency
18 on populations of color, communities of color, indige-
19 nous communities, and low-income communities in
20 the United States (including the territories and pos-
21 sessions of the United States and the District of Co-
22 lumbia).

23 (2) NONDISCRIMINATION.—Each Federal agen-
24 cy shall conduct any program, policy, or activity that
25 substantially affects human health or the environ-

1 ment in a manner that ensures that the program,
2 policy, or activity does not have the effect of exclud-
3 ing any individual or group from participation in,
4 denying any individual or group the benefits of, or
5 subjecting any individual or group to discrimination
6 under, the program, policy, or activity because of
7 race, color, or national origin.

8 (3) STRATEGIES.—

9 (A) AGENCYWIDE STRATEGIES.—Each
10 Federal agency shall implement and update, not
11 less frequently than annually, an agencywide
12 environmental justice strategy that identifies
13 disproportionally high and adverse human
14 health or environmental effects of the pro-
15 grams, policies, spending, and other activities of
16 the Federal agency with respect to populations
17 of color, communities of color, indigenous com-
18 munities, and low-income communities, includ-
19 ing, as appropriate for the mission of the Fed-
20 eral agency, with respect to the following areas:

21 (i) Implementation of the National
22 Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.).

24 (ii) Implementation of title VI of the
25 Civil Rights Act of 1964 (42 U.S.C. 2000d

1 et seq.) (including regulations promulgated
2 pursuant to that title).

3 (iii) Implementation of the Robert T.
4 Stafford Disaster Relief and Emergency
5 Assistance Act (42 U.S.C. 5121 et seq.).

6 (iv) Impacts from the lack of infra-
7 structure, or from deteriorated infrastruc-
8 ture.

9 (v) Impacts from land use.

10 (vi) Impacts from climate change.

11 (vii) Impacts from commercial trans-
12 portation.

13 (B) REVISIONS.—

14 (i) IN GENERAL.—Each strategy de-
15 veloped and updated pursuant to subpara-
16 graph (A) shall identify programs, policies,
17 planning and public participation proc-
18 esses, rulemaking, agency spending, and
19 enforcement activities relating to human
20 health or the environment that may be re-
21 vised, at a minimum—

22 (I) to promote enforcement of all
23 health, environmental, and civil rights
24 laws and regulations in areas con-
25 taining populations of color, commu-

1 nities of color, indigenous commu-
2 nities, and low-income communities;

3 (II) to ensure greater public par-
4 ticipation;

5 (III) to provide increased access
6 to infrastructure;

7 (IV) to improve research and
8 data collection relating to the health
9 and environment of populations of
10 color, communities of color, indige-
11 nous communities, and low-income
12 communities, including through the
13 increased use of community-based
14 science; and

15 (V) to identify differential pat-
16 terns of use of natural resources
17 among populations of color, commu-
18 nities of color, indigenous commu-
19 nities, and low-income communities.

20 (ii) TIMETABLES.—Each strategy im-
21 plemented and updated pursuant to sub-
22 paragraph (A) shall include a timetable for
23 undertaking revisions identified pursuant
24 to clause (i).

1 (C) PROGRESS REPORTS.—Not later than
2 1 year after the date of enactment of this Act,
3 and not less frequently than once every 5 years
4 thereafter, each Federal agency shall submit to
5 Congress and the Working Group, and shall
6 publish, a progress report that includes, with
7 respect to the period covered by the report—

8 (i) a description of the current envi-
9 ronmental justice strategy of the Federal
10 agency;

11 (ii) an evaluation of the progress
12 made by the Federal agency at national
13 and regional levels regarding implementa-
14 tion of the environmental justice strategy,
15 including—

16 (I) metrics used by the Federal
17 agency to measure performance; and

18 (II) the progress made by the
19 Federal agency toward—

20 (aa) the achievement of the
21 metrics described in subclause

22 (I); and

23 (bb) mitigating identified in-
24 stances of environmental injus-
25 tice;

1 (iii) a description of the participation
2 by the Federal agency in interagency col-
3 laboration;

4 (iv) responses to recommendations
5 submitted by members of the public to the
6 Federal agency relating to the environ-
7 mental justice strategy of the Federal
8 agency and the implementation by the
9 Federal agency of this subtitle; and

10 (v) any updates or revisions to the en-
11 vironmental justice strategy of the Federal
12 agency, including those resulting from pub-
13 lic comments.

14 (4) PUBLIC PARTICIPATION.—Each Federal
15 agency shall—

16 (A) ensure that meaningful opportunities
17 exist for the public to submit comments and
18 recommendations relating to the environmental
19 justice strategy, progress reports, and ongoing
20 efforts of the Federal agency to incorporate en-
21 vironmental justice principles into the pro-
22 grams, policies, and activities of the Federal
23 agency;

24 (B) hold public meetings or otherwise so-
25 licit public participation and community-based

1 science from populations of color, communities
2 of color, indigenous communities, and low-in-
3 come communities for fact-finding, receiving
4 public comments, and conducting inquiries con-
5 cerning environmental justice; and

6 (C) prepare for public review and publish
7 a summary of the comments and recommenda-
8 tions provided.

9 (5) ACCESS TO INFORMATION.—Each Federal
10 agency shall—

11 (A) publish public documents, notices, and
12 hearings relating to the programs, policies, and
13 activities of the Federal agency that affect
14 human health or the environment; and

15 (B) translate and publish any public docu-
16 ments, notices, and hearings relating to an ac-
17 tion of the Federal agency as appropriate for
18 the affected population, specifically in any case
19 in which a limited English-speaking population
20 may be disproportionately affected by that ac-
21 tion.

22 (6) CODIFICATION OF GUIDANCE.—

23 (A) COUNCIL ON ENVIRONMENTAL QUAL-
24 ITY.—Notwithstanding any other provision of
25 law, sections II and III of the guidance issued

1 by the Council on Environmental Quality enti-
2 tled “Environmental Justice Guidance Under
3 the National Environmental Policy Act” and
4 dated December 10, 1997, are enacted into law.

5 (B) ENVIRONMENTAL PROTECTION AGEN-
6 CY.—Notwithstanding any other provision of
7 law, the guidance issued by the Environmental
8 Protection Agency entitled “EPA Policy on
9 Consultation and Coordination with Indian
10 Tribes: Guidance for Discussing Tribal Treaty
11 Rights” and dated February 2016 is enacted
12 into law.

13 (b) HUMAN HEALTH AND ENVIRONMENTAL RE-
14 SEARCH, DATA COLLECTION, AND ANALYSIS.—

15 (1) RESEARCH.—Each Federal agency, to the
16 maximum extent practicable and permitted by appli-
17 cable law, shall—

18 (A) in conducting environmental or human
19 health research, include diverse segments of the
20 population in epidemiological and clinical stud-
21 ies, including segments at high risk from envi-
22 ronmental hazards, such as—

23 (i) populations of color, communities
24 of color, indigenous communities, popu-

1 lations with low income, and low-income
2 communities;

3 (ii) fenceline communities; and

4 (iii) workers who may be exposed to
5 substantial environmental hazards;

6 (B) in conducting environmental or human
7 health analyses, identify multiple and cumu-
8 lative exposures; and

9 (C) actively encourage and solicit commu-
10 nity-based science, and provide to populations
11 of color, communities of color, indigenous com-
12 munities, populations with low income, and low-
13 income communities the opportunity to com-
14 ment regarding the development and design of
15 research strategies carried out pursuant to this
16 subtitle.

17 (2) DISPROPORTIONATE IMPACT.—To the max-
18 imum extent practicable and permitted by applicable
19 law (including section 552a of title 5, United States
20 Code (commonly known as the “Privacy Act”)), each
21 Federal agency shall—

22 (A) collect, maintain, and analyze informa-
23 tion assessing and comparing environmental
24 and human health risks borne by populations

1 identified by race, national origin, or income;
2 and

3 (B) use that information to determine
4 whether the programs, policies, and activities of
5 the Federal agency have disproportionately high
6 and adverse human health or environmental ef-
7 fects on populations of color, communities of
8 color, indigenous communities, and low-income
9 communities.

10 (3) INFORMATION RELATING TO NON-FEDERAL
11 FACILITIES.—In connection with the implementation
12 of Federal agency strategies under subsection (a)(3),
13 each Federal agency, to the maximum extent prac-
14 ticable and permitted by applicable law, shall collect,
15 maintain, and analyze information relating to the
16 race, national origin, and income level, and other
17 readily accessible and appropriate information, for
18 fenceline communities in proximity to any facility or
19 site expected to have a substantial environmental,
20 human health, or economic effect on the surrounding
21 populations, if the facility or site becomes the sub-
22 ject of a substantial Federal environmental adminis-
23 trative or judicial action.

24 (4) IMPACT FROM FEDERAL FACILITIES.—Each
25 Federal agency, to the maximum extent practicable

1 and permitted by applicable law, shall collect, main-
2 tain, and analyze information relating to the race,
3 national origin, and income level, and other readily
4 accessible and appropriate information, for fenceline
5 communities in proximity to any facility of the Fed-
6 eral agency that is—

7 (A) subject to the reporting requirements
8 under the Emergency Planning and Community
9 Right-to-Know Act of 1986 (42 U.S.C. 11001
10 et seq.), as required by Executive Order 12898
11 (42 U.S.C. 4321 note); and

12 (B) expected to have a substantial environ-
13 mental, human health, or economic effect on
14 surrounding populations.

15 (c) CONSUMPTION OF FISH AND WILDLIFE.—

16 (1) IN GENERAL.—Each Federal agency shall
17 develop, publish (unless prohibited by law), and re-
18 vise, as practicable and appropriate, guidance on ac-
19 tions of the Federal agency that will impact fish and
20 wildlife consumed by populations that principally
21 rely on fish or wildlife for subsistence.

22 (2) REQUIREMENT.—The guidance described in
23 paragraph (1) shall—

24 (A) reflect the latest scientific information
25 available concerning methods for evaluating the

1 human health risks associated with the con-
2 sumption of pollutant-bearing fish or wildlife;
3 and

4 (B) publish the risks of such consumption
5 patterns.

6 (d) MAPPING AND SCREENING TOOL.—The Adminis-
7 trator shall continue to make available to the public an
8 environmental justice mapping and screening tool (such
9 as EJScreen or an equivalent tool) that includes, at a min-
10 imum, the following features:

11 (1) Nationally consistent data.

12 (2) Environmental data.

13 (3) Demographic data, including data relating
14 to race, ethnicity, and income.

15 (4) Capacity to produce maps and reports by
16 geographical area.

17 (e) JUDICIAL REVIEW AND RIGHTS OF ACTION.—
18 Any person may commence a civil action—

19 (1) to seek relief from, or to compel, an agency
20 action under this section (including regulations pro-
21 mulgated pursuant to this section); or

22 (2) otherwise to ensure compliance with this
23 section (including regulations promulgated pursuant
24 to this section).

1 (f) INFORMATION SHARING.—In carrying out this
2 section, each Federal agency, to the maximum extent
3 practicable and permitted by applicable law, shall share
4 information and eliminate unnecessary duplication of ef-
5 forts through the use of existing data systems and cooper-
6 ative agreements among Federal agencies and with State,
7 local, and Tribal governments.

8 **SEC. 42006. NATIONAL ENVIRONMENTAL JUSTICE ADVI-**
9 **SORY COUNCIL.**

10 (a) ESTABLISHMENT.—The establishment by the Ad-
11 ministrator on September 30, 1993, by charter pursuant
12 to the Federal Advisory Committee Act (5 U.S.C. App.)
13 of the National Environmental Justice Advisory Council
14 (referred to in this section as the “Advisory Council”) is
15 enacted into law.

16 (b) DUTIES.—The Advisory Council may carry out
17 such duties as were carried out by the Advisory Council
18 on the day before the date of enactment of this Act, sub-
19 ject to modification by the Administrator, by regulation.

20 (c) MEMBERSHIP.—The membership of the Advisory
21 Council shall—

22 (1) be determined and appointed in accordance
23 with, as applicable—

1 (A) the charter described in subsection (a)
2 (or any subsequent amendment or revision of
3 that charter); or

4 (B) other appropriate bylaws or documents
5 of the Advisory Council, as determined by the
6 Administrator; and

7 (2) continue in effect as in existence on the day
8 before the date of enactment of this Act until modi-
9 fied in accordance with paragraph (1).

10 (d) DESIGNATED FEDERAL OFFICER.—The Director
11 of the Office of Environmental Justice of the Environ-
12 mental Protection Agency is designated as the Federal of-
13 ficer required under section 10(e) of the Federal Advisory
14 Committee Act (5 U.S.C. App.) for the Advisory Council.

15 (e) MEETINGS.—

16 (1) IN GENERAL.—The Advisory Council shall
17 meet not less frequently than 3 times each calendar
18 year.

19 (2) OPEN TO PUBLIC.—Each meeting of the
20 Advisory Council shall be held open to the public.

21 (3) DESIGNATED FEDERAL OFFICER.—The des-
22 ignated Federal officer described in subsection (d)
23 (or a designee) shall—

24 (A) be present at each meeting of the Ad-
25 visory Council;

1 (B) ensure that each meeting is conducted
2 in accordance with an agenda approved in ad-
3 vance by the designated Federal officer;

4 (C) provide an opportunity for interested
5 persons—

6 (i) to file comments before or after
7 each meeting of the Advisory Council; or

8 (ii) to make statements at such a
9 meeting, to the extent that time permits;

10 (D) ensure that a representative of the
11 Working Group and a high-level representative
12 from each regional office of the Environmental
13 Protection Agency are invited to, and encour-
14 aged to attend, each meeting of the Advisory
15 Council; and

16 (E) provide technical assistance to States
17 seeking to establish State-level environmental
18 justice advisory councils or implement other en-
19 vironmental justice policies or programs.

20 (f) RESPONSES FROM ADMINISTRATOR.—

21 (1) PUBLIC COMMENT INQUIRIES.—The Admin-
22 istrator shall provide a written response to each in-
23 quiry submitted to the Administrator by a member
24 of the public before or after each meeting of the Ad-

1 visory Council by not later than 120 days after the
2 date of submission.

3 (2) RECOMMENDATIONS FROM ADVISORY COUN-
4 CIL.—The Administrator shall provide a written re-
5 sponse to each recommendation submitted to the Ad-
6 ministrator by the Advisory Council by not later
7 than 120 days after the date of submission.

8 (g) TRAVEL EXPENSES.—A member of the Advisory
9 Council may be allowed travel expenses, including per
10 diem in lieu of subsistence, at such rate as the Adminis-
11 trator determines to be appropriate while away from the
12 home or regular place of business of the member in the
13 performance of the duties of the Advisory Council.

14 (h) DURATION.—The Advisory Council shall remain
15 in existence unless otherwise provided by law.

16 **SEC. 42007. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

17 (a) IN GENERAL.—The Administrator shall continue
18 to carry out the Environmental Justice Small Grants Pro-
19 gram and the Environmental Justice Collaborative Prob-
20 lem-Solving Cooperative Agreement Program, as those
21 programs are in existence on the date of enactment of this
22 Act.

23 (b) CARE GRANTS.—The Administrator shall con-
24 tinue to carry out the Community Action for a Renewed

1 Environment grant programs I and II, as in existence on
2 January 1, 2012.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out the programs
5 described in subsections (a) and (b) \$10,000,000 for each
6 of fiscal years 2022 through 2031.

7 **SEC. 42008. CONSIDERATION OF CUMULATIVE IMPACTS**
8 **AND PERSISTENT VIOLATIONS IN CERTAIN**
9 **PERMITTING DECISIONS.**

10 (a) FEDERAL WATER POLLUTION CONTROL ACT.—
11 Section 402 of the Federal Water Pollution Control Act
12 (33 U.S.C. 1342) is amended—

13 (1) by striking the section designation and
14 heading and all that follows through “Except as” in
15 subsection (a)(1) and inserting the following:

16 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-**
17 **NATION SYSTEM.**

18 **“(a) PERMITS ISSUED BY ADMINISTRATOR.—**

19 **“(1) IN GENERAL.—Except as”;**

20 **(2) in subsection (a)—**

21 **(A) in paragraph (1)—**

22 **(i) by striking “upon condition that**
23 **such discharge will meet either (A) all”**
24 **and inserting the following: “subject to the**
25 **conditions that—**

1 “(A) the discharge will achieve compliance
2 with, as applicable—

3 “(i) all”;

4 (ii) by striking “403 of this Act, or
5 (B) prior” and inserting the following:

6 “403; or

7 “(ii) prior”; and

8 (iii) by striking “this Act.” and insert-
9 ing the following: “this Act; and

10 “(B) with respect to the issuance or re-
11 newal of the permit—

12 “(i) based on an analysis by the Ad-
13 ministrator of existing water quality and
14 the potential cumulative impacts (as de-
15 fined in section 501 of the Clean Air Act
16 (42 U.S.C. 7661)) of the discharge, consid-
17 ered in conjunction with the designated
18 and actual uses of the impacted navigable
19 water, there exists a reasonable certainty
20 of no harm to the health of the general
21 population, or to any potentially exposed or
22 susceptible subpopulation; or

23 “(ii) if the Administrator determines
24 that, due to those potential cumulative im-
25 pacts, there does not exist a reasonable

1 certainty of no harm to the health of the
2 general population, or to any potentially
3 exposed or susceptible subpopulation, the
4 permit or renewal includes such terms and
5 conditions as the Administrator determines
6 to be necessary to ensure a reasonable cer-
7 tainty of no harm.”; and

8 (B) in paragraph (2), by striking “assure
9 compliance with the requirements of paragraph
10 (1) of this subsection, including conditions on
11 data and information collection, reporting, and
12 such other requirements as he deems appro-
13 priate.” and inserting the following: “ensure
14 compliance with the requirements of paragraph
15 (1), including—

16 “(A) conditions relating to—

17 “(i) data and information collection;

18 “(ii) reporting; and

19 “(iii) such other requirements as the
20 Administrator determines to be appro-
21 priate; and

22 “(B) additional controls or pollution pre-
23 vention requirements.”; and

24 (3) in subsection (b)—

1 (A) in each of paragraphs (1)(D), (2)(B),
2 and (3) through (7), by striking the semicolon
3 at the end and inserting a period;

4 (B) in paragraph (8), by striking “; and”
5 at the end and inserting a period; and

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

7 “(10) To ensure that no permit will be issued
8 or renewed if, with respect to an application for the
9 permit, the State determines, based on an analysis
10 by the State of existing water quality and the poten-
11 tial cumulative impacts (as defined in section 501 of
12 the Clean Air Act (42 U.S.C. 7661)) of the dis-
13 charge, considered in conjunction with the des-
14 ignated and actual uses of the impacted navigable
15 water, that the terms and conditions of the permit
16 or renewal would not be sufficient to ensure a rea-
17 sonable certainty of no harm to the health of the
18 general population, or to any potentially exposed or
19 susceptible subpopulation.”.

20 (b) CLEAN AIR ACT.—

21 (1) DEFINITIONS.—Section 501 of the Clean
22 Air Act (42 U.S.C. 7661) is amended—

23 (A) in the matter preceding paragraph (1),
24 by striking “As used in this title—” and insert-
25 ing “In this title:”;

1 (B) by redesignating paragraphs (2), (3),
2 and (4) as paragraphs (3), (5), and (4), respec-
3 tively, and moving the paragraphs so as to ap-
4 pear in numerical order; and

5 (C) by inserting after paragraph (1) the
6 following:

7 “(2) CUMULATIVE IMPACTS.—The term ‘cumu-
8 lative impacts’ means any exposure, public health or
9 environmental risk, or other effect occurring in a
10 specific geographical area, including from an emis-
11 sion or release—

12 “(A) including—

13 “(i) environmental pollution re-
14 leased—

15 “(I)(aa) routinely;

16 “(bb) accidentally; or

17 “(cc) otherwise; and

18 “(II) from any source, whether
19 single or multiple; and

20 “(ii) as assessed based on the com-
21 bined past, present, and reasonably fore-
22 seeable emissions and discharges affecting
23 the geographical area; and

1 “(B) evaluated taking into account sen-
2 sitive populations and socioeconomic factors,
3 where applicable.”.

4 (2) PERMIT PROGRAMS.—Section 502(b) of the
5 Clean Air Act (42 U.S.C. 7661a(b)) is amended—

6 (A) in paragraph (5)—

7 (i) in subparagraphs (A) and (C), by
8 striking “assure” each place it appears and
9 inserting “ensure”; and

10 (ii) by striking subparagraph (F) and
11 inserting the following:

12 “(F) ensure that no permit will be issued or re-
13 newed, as applicable, if—

14 “(i) with respect to an application for a
15 permit or renewal of a permit for a major
16 source, the permitting authority determines
17 under paragraph (9)(A)(i)(II)(bb) that the
18 terms and conditions of the permit or renewal
19 would not be sufficient to ensure a reasonable
20 certainty of no harm to the health of the gen-
21 eral population, or to any potentially exposed or
22 susceptible subpopulation, of the applicable cen-
23 sus tracts or Tribal census tracts (as those
24 terms are defined by the Director of the Bureau
25 of the Census); or

“(ii) the Administrator objects to the issuance of the permit in a timely manner under this title.”; and

(B) in paragraph (9)—

(i) in the fourth sentence, by striking “Such permit revision” and inserting the following:

“(iii) TREATMENT AS RENEWAL.—A permit revision under this paragraph”;

(ii) in the third sentence, by striking “No such revision shall” and inserting the following:

“(ii) EXCEPTION.—A revision under this paragraph shall not”;

(iii) in the second sentence, by striking “Such revisions” and inserting the following:

“(B) REVISION REQUIREMENTS.—

“(i) DEADLINE.—A revision described in subparagraph (A)(ii)”;

(iv) by striking the paragraph designation and all that follows through “shall require” in the first sentence and inserting the following:

“(9) MAJOR SOURCES.—

1 “(A) IN GENERAL.—With respect to any
2 permit or renewal of a permit, as applicable, for
3 a major source, a requirement that the permit-
4 ting authority shall—

5 “(i) in determining whether to issue
6 or renew the permit—

7 “(I) evaluate the potential cumu-
8 lative impacts of the proposed major
9 source, as described in the applicable
10 cumulative impacts analysis submitted
11 under section 503(b)(3);

12 “(II) if, due to those potential
13 cumulative impacts, the permitting
14 authority cannot determine that there
15 exists a reasonable certainty of no
16 harm to the health of the general pop-
17 ulation, or to any potentially exposed
18 or susceptible subpopulation, of any
19 census tracts or Tribal census tracts
20 (as those terms are defined by the Di-
21 rector of the Bureau of the Census)
22 located in, or immediately adjacent to,
23 the area in which the major source is,
24 or is proposed to be, located—

1 “(aa) include in the permit
2 or renewal such terms and condi-
3 tions (including additional con-
4 trols or pollution prevention re-
5 quirements) as the permitting
6 authority determines to be nec-
7 essary to ensure a reasonable cer-
8 tainty of no harm; or

9 “(bb) if the permitting au-
10 thority determines that terms
11 and conditions described in item
12 (aa) would not be sufficient to
13 ensure a reasonable certainty of
14 no harm, deny the issuance or re-
15 newal of the permit;

16 “(III) determine whether the ap-
17 plicant is a persistent violator, based
18 on such criteria relating to the history
19 of compliance by an applicant with
20 this Act as the Administrator shall es-
21 tablish by not later than 180 days
22 after the date of enactment of the En-
23 vironmental Justice Act of 2020;

24 “(IV) if the permitting authority
25 determines under subclause (III) that

1 the applicant is a persistent violator
2 and the permitting authority does not
3 deny the issuance or renewal of the
4 permit pursuant to subclause
5 (V)(bb)—

6 “(aa) require the applicant
7 to submit a redemption plan that
8 describes—

9 “(AA) if the applicant
10 is not compliance with this
11 Act, measures the applicant
12 will carry out to achieve that
13 compliance, together with an
14 approximate deadline for
15 that achievement;

16 “(BB) measures the
17 applicant will carry out, or
18 has carried out to ensure the
19 applicant will remain in
20 compliance with this Act,
21 and to mitigate the environ-
22 mental and health effects of
23 noncompliance; and

24 “(CC) the measures the
25 applicant has carried out in

1 preparing the redemption
2 plan to consult or negotiate
3 with the communities af-
4 fected by each persistent vio-
5 lation addressed in the plan;
6 and

7 “(bb) once such a redemp-
8 tion plan is submitted, determine
9 whether the plan is adequate to
10 ensuring that the applicant—

11 “(AA) will achieve com-
12 pliance with this Act expedi-
13 tiously;

14 “(BB) will remain in
15 compliance with this Act;

16 “(CC) will mitigate the
17 environmental and health ef-
18 fects of noncompliance; and

19 “(DD) has solicited and
20 responded to community
21 input regarding the redemp-
22 tion plan; and

23 “(V) deny the issuance or re-
24 newal of the permit if the permitting
25 authority determines that—

1 “(aa) the redemption plan
 2 submitted under subclause
 3 (IV)(aa) is inadequate; or

4 “(bb)(AA) the applicant has
 5 submitted a redemption plan on
 6 a prior occasion, but continues to
 7 be a persistent violator; and

8 “(BB) no indication exists
 9 of extremely exigent cir-
 10 cumstances excusing the per-
 11 sistent violations; and

12 “(ii) in the case of such a permit with
 13 a term of 3 years or longer, require in ac-
 14 cordance with subparagraph (B).”.

15 (3) PERMIT APPLICATIONS.—Section 503(b) of
 16 the Clean Air Act (42 U.S.C. 7661b(b)) is amended
 17 by adding at the end the following:

18 “(3) MAJOR SOURCE ANALYSES.—The regula-
 19 tions required by section 502(b) shall include a re-
 20 quirement that an applicant for a permit or renewal
 21 of a permit for a major source shall submit, together
 22 with the compliance plan required under this sub-
 23 section, a cumulative impacts analysis for each cen-
 24 sus tract or Tribal census tract (as those terms are
 25 defined by the Director of the Bureau of the Cen-

1 sus) located in, or immediately adjacent to, the area
2 in which the major source is, or is proposed to be,
3 located that analyzes—

4 “(A) community demographics and loca-
5 tions of community exposure points, such as
6 schools, day care centers, nursing homes, hos-
7 pitals, health clinics, places of religious worship,
8 parks, playgrounds, and community centers;

9 “(B) air quality and the potential effect on
10 that air quality of emissions of air pollutants
11 (including pollutants listed under section 108 or
12 112) from the proposed major source, including
13 in combination with existing sources of pollut-
14 ants;

15 “(C) the potential effects on soil quality
16 and water quality of emissions of lead and other
17 air pollutants that could contaminate soil or
18 water from the proposed major source, includ-
19 ing in combination with existing sources of pol-
20 lutants; and

21 “(D) public health and any potential ef-
22 fects on public health of the proposed major
23 source.”.

1 **SEC. 42009. IMPLIED RIGHTS OF ACTION AND COMMON**
2 **LAW CLAIMS.**

3 Section 505 of the Federal Water Pollution Control
4 Act (33 U.S.C. 1365) is amended by adding at the end
5 the following:

6 “(i) EFFECT ON IMPLIED RIGHTS OF ACTION AND
7 COMMON LAW CLAIMS.—

8 “(1) DEFINITION OF COVERED ACT.—In this
9 subsection:

10 “(A) IN GENERAL.—The term ‘covered
11 Act’ means—

12 “(i) this Act;

13 “(ii) the Federal Insecticide, Fun-
14 gicide, and Rodenticide Act (7 U.S.C. 136
15 et seq.);

16 “(iii) the Surface Mining Control and
17 Reclamation Act of 1977 (30 U.S.C. 1201
18 et seq.);

19 “(iv) the Marine Protection, Research,
20 and Sanctuaries Act of 1972 (33 U.S.C.
21 1401 et seq.);

22 “(v) the Safe Drinking Water Act (42
23 U.S.C. 300f et seq.);

24 “(vi) the Solid Waste Disposal Act
25 (42 U.S.C. 6901 et seq.);

1 “(vii) the Clean Air Act (42 U.S.C.
2 7401 et seq.);

3 “(viii) the Comprehensive Environ-
4 mental Response, Compensation, and Li-
5 ability Act of 1980 (42 U.S.C. 9601 et
6 seq.); and

7 “(ix) any other Act administered by
8 the Administrator.

9 “(B) INCLUSIONS.—The term ‘covered
10 Act’ includes any provision of an Act described
11 in subparagraph (A) the date of enactment of
12 which is after the date of enactment of this
13 subsection, unless that provision is specifically
14 excluded from this subsection.

15 “(2) EFFECT.—Nothing in a covered Act pre-
16 cludes the right to bring an action—

17 “(A) under section 1979 of the Revised
18 Statutes (42 U.S.C. 1983); or

19 “(B) that is implied under—

20 “(i) a covered Act; or

21 “(ii) common law.

22 “(3) APPLICATION.—Nothing in this section
23 precludes the right to bring an action under any
24 provision of law that is not a covered Act.”.

1 **SEC. 42010. PRIVATE RIGHTS OF ACTION FOR DISCRIMINA-**
2 **TORY PRACTICES.**

3 (a) RIGHT OF ACTION.—Section 602 of the Civil
4 Rights Act of 1964 (42 U.S.C. 2000d–1) is amended—

5 (1) by inserting “(a)” before “Each Federal de-
6 partment and agency which is empowered”; and

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

8 “(b) Any person aggrieved by the failure of a covered
9 entity to comply with this title, including any regulation
10 promulgated pursuant to this title, may bring a civil action
11 in any Federal or State court of competent jurisdiction
12 to enforce such person’s rights under this title.”.

13 (b) EFFECTIVE DATE.—

14 (1) IN GENERAL.—This section, including the
15 amendments made by this section, takes effect on
16 the date of enactment of this Act.

17 (2) APPLICATION.—This section, including the
18 amendments made by this section, applies to all ac-
19 tions or proceedings pending on or after the date of
20 enactment of this Act.

21 **SEC. 42011. SEVERABILITY.**

22 If any provision of this subtitle, or the application
23 of such a provision to any person or circumstance, is de-
24 termined to be invalid, the remainder of this subtitle and
25 the application of the provision to other persons or cir-
26 cumstances shall not be affected.

1 **TITLE V—VOTING RIGHTS**
2 **Subtitle A—Voting Rights**
3 **Advancement**

4 **SEC. 50101. SHORT TITLE.**

5 This subtitle may be cited as the “Voting Rights Ad-
6 vancement Act of 2020”.

7 **SEC. 50102. VIOLATIONS TRIGGERING AUTHORITY OF**
8 **COURT TO RETAIN JURISDICTION.**

9 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
10 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
11 by striking “violations of the fourteenth or fifteenth
12 amendment” and inserting “violations of the 14th or 15th
13 Amendment, violations of this Act, or violations of any
14 Federal law that prohibits discrimination in voting on the
15 basis of race, color, or membership in a language minority
16 group,”.

17 (b) CONFORMING AMENDMENT.—Section 3(a) of
18 such Act (52 U.S.C. 10302(a)) is amended by striking
19 “violations of the fourteenth or fifteenth amendment” and
20 inserting “violations of the 14th or 15th Amendment, vio-
21 lations of this Act, or violations of any Federal law that
22 prohibits discrimination in voting on the basis of race,
23 color, or membership in a language minority group,”.

1 **SEC. 50103. CRITERIA FOR COVERAGE OF STATES AND PO-**
2 **LITICAL SUBDIVISIONS.**

3 (a) DETERMINATION OF STATES AND POLITICAL
4 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

5 (1) IN GENERAL.—Section 4(b) of the Voting
6 Rights Act of 1965 (52 U.S.C. 10303(b)) is amend-
7 ed to read as follows:

8 “(b) DETERMINATION OF STATES AND POLITICAL
9 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

10 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
11 TIONS DURING PREVIOUS 25 YEARS.—

12 “(A) STATEWIDE APPLICATION.—Sub-
13 section (a) applies with respect to a State and
14 all political subdivisions within the State during
15 a calendar year if—

16 “(i) fifteen or more voting rights vio-
17 lations occurred in the State during the
18 previous 25 calendar years; or

19 “(ii) ten or more voting rights viola-
20 tions occurred in the State during the pre-
21 vious 25 calendar years, at least one of
22 which was committed by the State itself
23 (as opposed to a political subdivision with-
24 in the State).

25 “(B) APPLICATION TO SPECIFIC POLITICAL
26 SUBDIVISIONS.—Subsection (a) applies with re-

1 spect to a political subdivision as a separate
2 unit during a calendar year if three or more
3 voting rights violations occurred in the subdivi-
4 sion during the previous 25 calendar years.

5 “(2) PERIOD OF APPLICATION.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), if, pursuant to paragraph
8 (1), subsection (a) applies with respect to a
9 State or political subdivision during a calendar
10 year, subsection (a) shall apply with respect to
11 such State or political subdivision for the pe-
12 riod—

13 “(i) that begins on January 1 of the
14 year in which subsection (a) applies; and

15 “(ii) that ends on the date which is 10
16 years after the date described in clause (i).

17 “(B) NO FURTHER APPLICATION AFTER
18 DECLARATORY JUDGMENT.—

19 “(i) STATES.—If a State obtains a de-
20 claratory judgment under subsection (a),
21 and the judgment remains in effect, sub-
22 section (a) shall no longer apply to such
23 State pursuant to paragraph (1)(A) unless,
24 after the issuance of the declaratory judg-
25 ment, paragraph (1)(A) applies to the

1 State solely on the basis of voting rights
2 violations occurring after the issuance of
3 the declaratory judgment.

4 “(ii) POLITICAL SUBDIVISIONS.—If a
5 political subdivision obtains a declaratory
6 judgment under subsection (a), and the
7 judgment remains in effect, subsection (a)
8 shall no longer apply to such political sub-
9 division pursuant to paragraph (1), includ-
10 ing pursuant to paragraph (1)(A) (relating
11 to the statewide application of subsection
12 (a)), unless, after the issuance of the de-
13 claratory judgment, paragraph (1)(B) ap-
14 plies to the political subdivision solely on
15 the basis of voting rights violations occur-
16 ring after the issuance of the declaratory
17 judgment.

18 “(3) DETERMINATION OF VOTING RIGHTS VIO-
19 LATION.—For purposes of paragraph (1), a voting
20 rights violation occurred in a State or political sub-
21 division if any of the following applies:

22 “(A) FINAL JUDGMENT; VIOLATION OF
23 THE 14TH OR 15TH AMENDMENT.—In a final
24 judgment (which has not been reversed on ap-
25 peal), any court of the United States has deter-

1 mined that a denial or abridgement of the right
2 of any citizen of the United States to vote on
3 account of race, color, or membership in a lan-
4 guage minority group, in violation of the 14th
5 or 15th Amendment, occurred anywhere within
6 the State or subdivision.

7 “(B) FINAL JUDGMENT; VIOLATIONS OF
8 THIS ACT.—In a final judgment (which has not
9 been reversed on appeal), any court of the
10 United States has determined that a voting
11 qualification or prerequisite to voting or stand-
12 ard, practice, or procedure with respect to vot-
13 ing was imposed or applied or would have been
14 imposed or applied anywhere within the State
15 or subdivision in a manner that resulted or
16 would have resulted in a denial or abridgement
17 of the right of any citizen of the United States
18 to vote on account of race, color, or membership
19 in a language minority group, in violation of
20 subsection (e) or (f), or section 2 or 203 of this
21 Act.

22 “(C) FINAL JUDGMENT; DENIAL OF DE-
23 CLARATORY JUDGMENT.—In a final judgment
24 (which has not been reversed on appeal), any
25 court of the United States has denied the re-

1 quest of the State or subdivision for a declara-
2 tory judgment under section 3(c) or section 5,
3 and thereby prevented a voting qualification or
4 prerequisite to voting or standard, practice, or
5 procedure with respect to voting from being en-
6 forced anywhere within the State or subdivision.

7 “(D) OBJECTION BY THE ATTORNEY GEN-
8 ERAL.—The Attorney General has interposed
9 an objection under section 3(c) or section 5
10 (and the objection has not been overturned by
11 a final judgment of a court or withdrawn by the
12 Attorney General), and thereby prevented a vot-
13 ing qualification or prerequisite to voting or
14 standard, practice, or procedure with respect to
15 voting from being enforced anywhere within the
16 State or subdivision.

17 “(E) CONSENT DECREE, SETTLEMENT, OR
18 OTHER AGREEMENT.—A consent decree, settle-
19 ment, or other agreement was entered into,
20 which resulted in the alteration or abandonment
21 of a voting practice anywhere in the territory of
22 such State that was challenged on the ground
23 that the practice denied or abridged the right of
24 any citizen of the United States to vote on ac-
25 count of race, color, or membership in a lan-

1 guage minority group in violation of subsection
2 (e) or (f), or section 2 or 203 of this Act, or
3 the 14th or 15th Amendment.

4 “(4) TIMING OF DETERMINATIONS.—

5 “(A) DETERMINATIONS OF VOTING RIGHTS
6 VIOLATIONS.—As early as practicable during
7 each calendar year, the Attorney General shall
8 make the determinations required by this sub-
9 section, including updating the list of voting
10 rights violations occurring in each State and po-
11 litical subdivision for the previous calendar
12 year.

13 “(B) EFFECTIVE UPON PUBLICATION IN
14 FEDERAL REGISTER.—A determination or cer-
15 tification of the Attorney General under this
16 section or under section 8 or 13 shall be effec-
17 tive upon publication in the Federal Register.”.

18 (2) CONFORMING AMENDMENTS.—Section 4(a)
19 of such Act (52 U.S.C. 10303(a)) is amended—

20 (A) in paragraph (1), in the first sentence
21 of the matter preceding subparagraph (A), by
22 striking “any State with respect to which” and
23 all that follows through “unless” and inserting
24 “any State to which this subsection applies dur-
25 ing a calendar year pursuant to determinations

1 made under subsection (b), or in any political
2 subdivision of such State (as such subdivision
3 existed on the date such determinations were
4 made with respect to such State), though such
5 determinations were not made with respect to
6 such subdivision as a separate unit, or in any
7 political subdivision with respect to which this
8 subsection applies during a calendar year pur-
9 suant to determinations made with respect to
10 such subdivision as a separate unit under sub-
11 section (b), unless”;

12 (B) in paragraph (1) in the matter pre-
13 ceding subparagraph (A), by striking the second
14 sentence;

15 (C) in paragraph (1)(A), by striking “(in
16 the case of a State or subdivision seeking a de-
17 claratory judgment under the second sentence
18 of this subsection)”;

19 (D) in paragraph (1)(B), by striking “(in
20 the case of a State or subdivision seeking a de-
21 claratory judgment under the second sentence
22 of this subsection)”;

23 (E) in paragraph (3), by striking “(in the
24 case of a State or subdivision seeking a declara-

1 tory judgment under the second sentence of this
 2 subsection)”;

3 (F) in paragraph (5), by striking “(in the
 4 case of a State or subdivision which sought a
 5 declaratory judgment under the second sentence
 6 of this subsection)”;

7 (G) by striking paragraphs (7) and (8);
 8 and

9 (H) by redesignating paragraph (9) as
 10 paragraph (7).

11 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
 12 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such
 13 Act (52 U.S.C. 10303(a)(1)) is amended by striking “race
 14 or color,” and inserting “race, color, or in contravention
 15 of the guarantees of subsection (f)(2),”.

16 **SEC. 50104. DETERMINATION OF STATES AND POLITICAL**
 17 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
 18 **FOR COVERED PRACTICES.**

19 The Voting Rights Act of 1965 (52 U.S.C. 10301 et
 20 seq.) is further amended by inserting after section 4 the
 21 following:

22 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL**
 23 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
 24 **FOR COVERED PRACTICES.**

25 “(a) PRACTICE-BASED PRECLEARANCE.—

1 “(1) IN GENERAL.—Each State and each polit-
2 ical subdivision shall—

3 “(A) identify any newly enacted or adopted
4 law, regulation, or policy that includes a voting
5 qualification or prerequisite to voting, or a
6 standard, practice, or procedure with respect to
7 voting, that is a covered practice described in
8 subsection (b); and

9 “(B) ensure that no such covered practice
10 is implemented unless or until the State or po-
11 litical subdivision, as the case may be, complies
12 with subsection (c).

13 “(2) DETERMINATIONS OF CHARACTERISTICS
14 OF VOTING-AGE POPULATION.—

15 “(A) IN GENERAL.—As early as prac-
16 ticable during each calendar year, the Attorney
17 General, in consultation with the Director of
18 the Bureau of the Census and the heads of
19 other relevant offices of the government, shall
20 make the determinations required by this sec-
21 tion regarding voting-age populations and the
22 characteristics of such populations, and shall
23 publish a list of the States and political subdivi-
24 sions to which a voting-age population char-
25 acteristic described in subsection (b) applies.

1 “(B) PUBLICATION IN THE FEDERAL REG-
2 ISTER.—A determination or certification of the
3 Attorney General under this paragraph shall be
4 effective upon publication in the Federal Reg-
5 ister.

6 “(b) COVERED PRACTICES.—To assure that the right
7 of citizens of the United States to vote is not denied or
8 abridged on account of race, color, or membership in a
9 language minority group as a result of the implementation
10 of certain qualifications or prerequisites to voting, or
11 standards, practices, or procedures with respect to voting
12 newly adopted in a State or political subdivision, the fol-
13 lowing shall be covered practices subject to the require-
14 ments described in subsection (a):

15 “(1) CHANGES TO METHOD OF ELECTION.—
16 Any change to the method of election—

17 “(A) to add seats elected at-large in a
18 State or political subdivision where—

19 “(i) two or more racial groups or lan-
20 guage minority groups each represent 20
21 percent or more of the political subdivi-
22 sion’s voting-age population; or

23 “(ii) a single language minority group
24 represents 20 percent or more of the vot-
25 ing-age population on Indian lands located

1 in whole or in part in the political subdivi-
2 sion; or

3 “(B) to convert one or more seats elected
4 from a single-member district to one or more
5 at-large seats or seats from a multi-member
6 district in a State or political subdivision
7 where—

8 “(i) two or more racial groups or lan-
9 guage minority groups each represent 20
10 percent or more of the political subdivi-
11 sion’s voting-age population; or

12 “(ii) a single language minority group
13 represents 20 percent or more of the vot-
14 ing-age population on Indian lands located
15 in whole or in part in the political subdivi-
16 sion.

17 “(2) CHANGES TO JURISDICTION BOUND-
18 ARIES.—Any change or series of changes within a
19 year to the boundaries of a jurisdiction that reduces
20 by 3 or more percentage points the proportion of the
21 jurisdiction’s voting-age population that is comprised
22 of members of a single racial group or language mi-
23 nority group in a State or political subdivision
24 where—

1 “(A) two or more racial groups or lan-
2 guage minority groups each represent 20 per-
3 cent or more of the political subdivision’s vot-
4 ing-age population; or

5 “(B) a single language minority group rep-
6 resents 20 percent or more of the voting-age
7 population on Indian lands located in whole or
8 in part in the political subdivision.

9 “(3) CHANGES THROUGH REDISTRICTING.—
10 Any change to the boundaries of election districts in
11 a State or political subdivision where any racial
12 group or language minority group experiences a pop-
13 ulation increase, over the preceding decade (as cal-
14 culated by the Bureau of the Census under the most
15 recent decennial census), of at least—

16 “(A) 10,000; or

17 “(B) 20 percent of voting-age population
18 of the State or political subdivision, as the case
19 may be.

20 “(4) CHANGES IN DOCUMENTATION OR QUALI-
21 FICATIONS TO VOTE.—Any change to requirements
22 for documentation or proof of identity to vote such
23 that the requirements will exceed or be more strin-
24 gent than the requirements for voting that are de-
25 scribed in section 303(b) of the Help America Vote

1 Act of 2002 (52 U.S.C. 21083(b)) or any change to
2 the requirements for documentation or proof of iden-
3 tity to register to vote that will exceed or be more
4 stringent than such requirements under State law on
5 the day before the date of enactment of the Voting
6 Rights Advancement Act of 2019.

7 “(5) CHANGES TO MULTILINGUAL VOTING MA-
8 TERIALS.—Any change that reduces multilingual
9 voting materials or alters the manner in which such
10 materials are provided or distributed, where no simi-
11 lar reduction or alteration occurs in materials pro-
12 vided in English for such election.

13 “(6) CHANGES THAT REDUCE, CONSOLIDATE,
14 OR RELOCATE VOTING LOCATIONS, OR REDUCE VOT-
15 ING OPPORTUNITIES.—Any change that reduces,
16 consolidates, or relocates voting locations, including
17 early, absentee, and election-day voting locations, or
18 reduces days or hours of in person voting on any
19 Sunday during a period occurring prior to the date
20 of an election during which voters may cast ballots
21 in such election—

22 “(A) in one or more census tracts wherein
23 two or more language minority groups or racial
24 groups each represent 20 percent or more of

1 the voting-age population of the political sub-
2 division; or

3 “(B) on Indian lands wherein at least 20
4 percent of the voting-age population belongs to
5 a single language minority group.

6 “(7) NEW LIST MAINTENANCE PROCESS.—Any
7 change to the maintenance of voter registration lists
8 that adds a new basis for removal from the list of
9 active registered voters or that puts in place a new
10 process for removing a name from the list of active
11 registered voters—

12 “(A) in the case of a political subdivision
13 imposing such change if—

14 “(i) two or more racial groups or lan-
15 guage minority groups each represent 20
16 percent or more of the voting-age popu-
17 lation of the political subdivision; or

18 “(ii) a single language minority group
19 represents 20 percent or more of the vot-
20 ing-age population on Indian lands located
21 in whole or in part in the political subdivi-
22 sion; or

23 “(B) in the case of a State imposing such
24 change, if two or more racial groups or lan-

1 guage minority groups each represent 20 per-
2 cent or more of the voting-age population of—

3 “(i) the State; or

4 “(ii) a political subdivision in the
5 State, except that the requirements under
6 subsections (a) and (c) shall apply only
7 with respect to each such political subdivi-
8 sion.

9 “(c) PRECLEARANCE.—

10 “(1) IN GENERAL.—Whenever a State or polit-
11 ical subdivision with respect to which the require-
12 ments set forth in subsection (a) are in effect shall
13 enact, adopt, or seek to implement any covered prac-
14 tice described under subsection (b), such State or
15 subdivision may institute an action in the United
16 States District Court for the District of Columbia
17 for a declaratory judgment that such covered prac-
18 tice neither has the purpose nor will have the effect
19 of denying or abridging the right to vote on account
20 of race, color, or membership in a language minority
21 group, and unless and until the court enters such
22 judgment such covered practice shall not be imple-
23 mented. Notwithstanding the previous sentence, such
24 covered practice may be implemented without such
25 proceeding if the covered practice has been sub-

1 mitted by the chief legal officer or other appropriate
2 official of such State or subdivision to the Attorney
3 General and the Attorney General has not inter-
4 posed an objection within 60 days after such submis-
5 sion, or upon good cause shown, to facilitate an ex-
6 pedited approval within 60 days after such submis-
7 sion, the Attorney General has affirmatively indi-
8 cated that such objection will not be made. Neither
9 an affirmative indication by the Attorney General
10 that no objection will be made, nor the Attorney
11 General's failure to object, nor a declaratory judg-
12 ment entered under this section shall bar a subse-
13 quent action to enjoin implementation of such cov-
14 ered practice. In the event the Attorney General af-
15 firmatively indicates that no objection will be made
16 within the 60-day period following receipt of a sub-
17 mission, the Attorney General may reserve the right
18 to reexamine the submission if additional informa-
19 tion comes to the Attorney General's attention dur-
20 ing the remainder of the 60-day period which would
21 otherwise require objection in accordance with this
22 section. Any action under this section shall be heard
23 and determined by a court of three judges in accord-
24 ance with the provisions of section 2284 of title 28,

1 United States Code, and any appeal shall lie to the
2 Supreme Court.

3 “(2) DENYING OR ABRIDGING THE RIGHT TO
4 VOTE.—Any covered practice described in subsection
5 (b) that has the purpose of or will have the effect
6 of diminishing the ability of any citizens of the
7 United States on account of race, color, or member-
8 ship in a language minority group, to elect their pre-
9 ferred candidates of choice denies or abridges the
10 right to vote within the meaning of paragraph (1) of
11 this subsection.

12 “(3) PURPOSE DEFINED.—The term ‘purpose’
13 in paragraphs (1) and (2) of this subsection shall in-
14 clude any discriminatory purpose.

15 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
16 pose of paragraph (2) of this subsection is to protect
17 the ability of such citizens to elect their preferred
18 candidates of choice.

19 “(d) ENFORCEMENT.—The Attorney General or any
20 aggrieved citizen may file an action in a Federal district
21 court to compel any State or political subdivision to satisfy
22 the obligations set forth in this section. Such actions shall
23 be heard and determined by a court of three judges under
24 section 2284 of title 28, United States Code. In any such
25 action, the court shall provide as a remedy that any voting

1 qualification or prerequisite to voting, or standard, prac-
2 tice, or procedure with respect to voting, that is the sub-
3 ject of the action under this subsection be enjoined unless
4 the court determines that—

5 “(1) the voting qualification or prerequisite to
6 voting, or standard, practice, or procedure with re-
7 spect to voting, is not a covered practice described
8 in subsection (b); or

9 “(2) the State or political subdivision has com-
10 plied with subsection (c) with respect to the covered
11 practice at issue.

12 “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE
13 MINORITY GROUPS.—For purposes of this section, the cal-
14 culation of the population of a racial group or a language
15 minority group shall be carried out using the methodology
16 in the guidance promulgated in the Federal Register on
17 February 9, 2011 (76 Fed. Reg. 7470).

18 “(f) SPECIAL RULE.—For purposes of determina-
19 tions under this section, any data provided by the Bureau
20 of the Census, whether based on estimation from sample
21 or actual enumeration, shall not be subject to challenge
22 or review in any court.

23 “(g) MULTILINGUAL VOTING MATERIALS.—In this
24 section, the term ‘multilingual voting materials’ means
25 registration or voting notices, forms, instructions, assist-

1 ance, or other materials or information relating to the
 2 electoral process, including ballots, provided in the lan-
 3 guage or languages of one or more language minority
 4 groups.”.

5 **SEC. 50105. PROMOTING TRANSPARENCY TO ENFORCE THE**
 6 **VOTING RIGHTS ACT.**

7 (a) TRANSPARENCY.—

8 (1) IN GENERAL.—The Voting Rights Act of
 9 1965 (52 U.S.C. 10301 et seq.) is amended by in-
 10 serting after section 5 the following new section:

11 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
 12 **TECT VOTING RIGHTS.**

13 “(a) NOTICE OF ENACTED CHANGES.—

14 “(1) NOTICE OF CHANGES.—If a State or polit-
 15 ical subdivision makes any change in any pre-
 16 requisite to voting or standard, practice, or proce-
 17 dure with respect to voting in any election for Fed-
 18 eral office that will result in the prerequisite, stand-
 19 ard, practice, or procedure being different from that
 20 which was in effect as of 180 days before the date
 21 of the election for Federal office, the State or polit-
 22 ical subdivision shall provide reasonable public notice
 23 in such State or political subdivision and on the
 24 Internet, of a concise description of the change, in-
 25 cluding the difference between the changed pre-

1 requisite, standard, practice, or procedure and the
2 prerequisite, standard, practice, or procedure which
3 was previously in effect. The public notice described
4 in this paragraph, in such State or political subdivi-
5 sion and on the Internet, shall be in a format that
6 is reasonably convenient and accessible to voters
7 with disabilities, including voters who have low vi-
8 sion or are blind.

9 “(2) DEADLINE FOR NOTICE.—A State or polit-
10 ical subdivision shall provide the public notice re-
11 quired under paragraph (1) not later than 48 hours
12 after making the change involved.

13 “(b) TRANSPARENCY REGARDING POLLING PLACE
14 RESOURCES.—

15 “(1) IN GENERAL.—In order to identify any
16 changes that may impact the right to vote of any
17 person, prior to the 30th day before the date of an
18 election for Federal office, each State or political
19 subdivision with responsibility for allocating reg-
20 istered voters, voting machines, and official poll
21 workers to particular precincts and polling places
22 shall provide reasonable public notice in such State
23 or political subdivision and on the Internet, of the
24 information described in paragraph (2) for precincts
25 and polling places within such State or political sub-

1 division. The public notice described in this para-
2 graph, in such State or political subdivision and on
3 the Internet, shall be in a format that is reasonably
4 convenient and accessible to voters with disabilities
5 including voters who have low vision or are blind.

6 “(2) INFORMATION DESCRIBED.—The informa-
7 tion described in this paragraph with respect to a
8 precinct or polling place is each of the following:

9 “(A) The name or number.

10 “(B) In the case of a polling place, the lo-
11 cation, including the street address, and wheth-
12 er such polling place is accessible to persons
13 with disabilities.

14 “(C) The voting-age population of the area
15 served by the precinct or polling place, broken
16 down by demographic group if such breakdown
17 is reasonably available to such State or political
18 subdivision.

19 “(D) The number of registered voters as-
20 signed to the precinct or polling place, broken
21 down by demographic group if such breakdown
22 is reasonably available to such State or political
23 subdivision.

24 “(E) The number of voting machines as-
25 signed, including the number of voting ma-

1 chines accessible to voters with disabilities, in-
2 cluding voters who have low vision or are blind.

3 “(F) The number of official paid poll
4 workers assigned.

5 “(G) The number of official volunteer poll
6 workers assigned.

7 “(H) In the case of a polling place, the
8 dates and hours of operation.

9 “(3) UPDATES IN INFORMATION REPORTED.—
10 If a State or political subdivision makes any change
11 in any of the information described in paragraph
12 (2), the State or political subdivision shall provide
13 reasonable public notice in such State or political
14 subdivision and on the Internet, of the change in the
15 information not later than 48 hours after the change
16 occurs or, if the change occurs fewer than 48 hours
17 before the date of the election for Federal office, as
18 soon as practicable after the change occurs. The
19 public notice described in this paragraph in such
20 State or political subdivision and on the Internet
21 shall be in a format that is reasonably convenient
22 and accessible to voters with disabilities including
23 voters who have low vision or are blind.

24 “(c) TRANSPARENCY OF CHANGES RELATING TO DE-
25 MOGRAPHICS AND ELECTORAL DISTRICTS.—

1 “(1) REQUIRING PUBLIC NOTICE OF
2 CHANGES.—Not later than 10 days after making
3 any change in the constituency that will participate
4 in an election for Federal, State, or local office or
5 the boundaries of a voting unit or electoral district
6 in an election for Federal, State, or local office (in-
7 cluding through redistricting, reapportionment,
8 changing from at-large elections to district-based
9 elections, or changing from district-based elections
10 to at-large elections), a State or political subdivision
11 shall provide reasonable public notice in such State
12 or political subdivision and on the Internet, of the
13 demographic and electoral data described in para-
14 graph (3) for each of the geographic areas described
15 in paragraph (2).

16 “(2) GEOGRAPHIC AREAS DESCRIBED.—The ge-
17 ographic areas described in this paragraph are as
18 follows:

19 “(A) The State as a whole, if the change
20 applies statewide, or the political subdivision as
21 a whole, if the change applies across the entire
22 political subdivision.

23 “(B) If the change includes a plan to re-
24 place or eliminate voting units or electoral dis-

1 tricts, each voting unit or electoral district that
2 will be replaced or eliminated.

3 “(C) If the change includes a plan to es-
4 tablish new voting units or electoral districts,
5 each such new voting unit or electoral district.

6 “(3) DEMOGRAPHIC AND ELECTORAL DATA.—
7 The demographic and electoral data described in this
8 paragraph with respect to a geographic area de-
9 scribed in paragraph (2) are each of the following:

10 “(A) The voting-age population, broken
11 down by demographic group.

12 “(B) If it is reasonably available to the
13 State or political subdivision involved, an esti-
14 mate of the population of the area which con-
15 sists of citizens of the United States who are 18
16 years of age or older, broken down by demo-
17 graphic group.

18 “(C) The number of registered voters, bro-
19 ken down by demographic group if such break-
20 down is reasonably available to the State or po-
21 litical subdivision involved.

22 “(D)(i) If the change applies to a State,
23 the actual number of votes, or (if it is not rea-
24 sonably practicable for the State to ascertain
25 the actual number of votes) the estimated num-

ber of votes received by each candidate in each statewide election held during the 5-year period which ends on the date the change involved is made; and

“(ii) if the change applies to only one political subdivision, the actual number of votes, or (if it is not reasonably practicable for the political subdivision to ascertain the actual number of votes) in each subdivision-wide election held during the 5-year period which ends on the date the change involved is made.

“(4) VOLUNTARY COMPLIANCE BY SMALLER JURISDICTIONS.—Compliance with this subsection shall be voluntary for a political subdivision of a State unless the subdivision is one of the following:

“(A) A county or parish.

“(B) A municipality with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census.

“(C) A school district with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census. For purposes of this subparagraph, the term ‘school district’ means the geo-

1 graphic area under the jurisdiction of a local
2 educational agency (as defined in section 9101
3 of the Elementary and Secondary Education
4 Act of 1965).

5 “(d) RULES REGARDING FORMAT OF INFORMA-
6 TION.—The Attorney General may issue rules specifying
7 a reasonably convenient and accessible format that States
8 and political subdivisions shall use to provide public notice
9 of information under this section.

10 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
11 vote of any person shall not be denied or abridged because
12 the person failed to comply with any change made by a
13 State or political subdivision to a voting qualification,
14 standard, practice, or procedure if the State or political
15 subdivision involved did not meet the applicable require-
16 ments of this section with respect to the change.

17 “(f) DEFINITIONS.—In this section—

18 “(1) the term ‘demographic group’ means each
19 group which section 2 protects from the denial or
20 abridgement of the right to vote on account of race
21 or color, or in contravention of the guarantees set
22 forth in section 4(f)(2);

23 “(2) the term ‘election for Federal office’ means
24 any general, special, primary, or runoff election held
25 solely or in part for the purpose of electing any can-

1 didate for the office of President, Vice President,
2 Presidential elector, Senator, Member of the House
3 of Representatives, or Delegate or Resident Commis-
4 sioner to the Congress; and

5 “(3) the term ‘persons with disabilities’, means
6 individuals with a disability, as defined in section 3
7 of the Americans with Disabilities Act of 1990.”.

8 (2) CONFORMING AMENDMENT.—Section 3(a)
9 of such Act (52 U.S.C. 10302(a)) is amended by
10 striking “in accordance with section 6”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a)(1) shall apply with respect to changes which
13 are made on or after the expiration of the 60-day period
14 which begins on the date of the enactment of this Act.

15 **SEC. 50106. AUTHORITY TO ASSIGN OBSERVERS.**

16 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
17 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
18 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
19 10305(a)(2)(B)) is amended to read as follows:

20 “(B) in the Attorney General’s judgment,
21 the assignment of observers is otherwise nec-
22 essary to enforce the guarantees of the 14th or
23 15th Amendment or any provision of this Act
24 or any other Federal law protecting the right of
25 citizens of the United States to vote; or”.

1 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-
2 LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of
3 such Act (52 U.S.C. 10305(a)) is amended—

4 (1) by striking “or” at the end of paragraph
5 (1);

6 (2) by inserting after paragraph (2) the fol-
7 lowing:

8 “(3) the Attorney General certifies with respect
9 to a political subdivision that—

10 “(A) the Attorney General has received
11 written meritorious complaints from residents,
12 elected officials, or civic participation organiza-
13 tions that efforts to violate section 203 are like-
14 ly to occur; or

15 “(B) in the Attorney General’s judgment,
16 the assignment of observers is necessary to en-
17 force the guarantees of section 203;” and

18 (3) by moving the margin for the continuation
19 text following paragraph (3), as added by paragraph
20 (2) of this subsection, 2 ems to the left.

21 **SEC. 50107. PRELIMINARY INJUNCTIVE RELIEF.**

22 (a) CLARIFICATION OF SCOPE AND PERSONS AU-
23 THORIZED TO SEEK RELIEF.—Section 12(d) of the Vot-
24 ing Rights Act of 1965 (52 U.S.C. 10308(d)) is amend-
25 ed—

1 (1) by striking “section 2, 3, 4, 5, 7, 10, 11,
2 or subsection (b) of this section” and inserting “the
3 14th or 15th Amendment, this Act, or any Federal
4 voting rights law that prohibits discrimination on
5 the basis of race, color, or membership in a language
6 minority group”; and

7 (2) by striking “the Attorney General may in-
8 stitute for the United States, or in the name of the
9 United States,” and inserting “the aggrieved person
10 or (in the name of the United States) the Attorney
11 General may institute”.

12 (b) GROUNDS FOR GRANTING RELIEF.—Section
13 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

14 (1) by striking “(d) Whenever any person” and
15 inserting “(d)(1) Whenever any person”;

16 (2) by striking “(1) to permit” and inserting
17 “(A) to permit”;

18 (3) by striking “(2) to count” and inserting
19 “(B) to count”; and

20 (4) by adding at the end the following new
21 paragraph:

22 “(2)(A) In any action for preliminary relief described
23 in this subsection, the court shall grant the relief if the
24 court determines that the complainant has raised a serious
25 question whether the challenged voting qualification or

1 prerequisite to voting or standard, practice, or procedure
2 violates this Act or the Constitution and, on balance, the
3 hardship imposed upon the defendant by the grant of the
4 relief will be less than the hardship which would be im-
5 posed upon the plaintiff if the relief were not granted. In
6 balancing the harms, the court shall give due weight to
7 the fundamental right to cast an effective ballot.

8 “(B) In making its determination under this para-
9 graph with respect to a change in any voting qualification,
10 prerequisite to voting, or standard, practice, or procedure
11 with respect to voting, the court shall consider all relevant
12 factors and give due weight to the following factors, if they
13 are present:

14 “(i) Whether the qualification, prerequisite,
15 standard, practice, or procedure in effect prior to the
16 change was adopted as a remedy for a Federal court
17 judgment, consent decree, or admission regarding—

18 “(I) discrimination on the basis of race or
19 color in violation of the 14th or 15th Amend-
20 ment;

21 “(II) a violation of this Act; or

22 “(III) voting discrimination on the basis of
23 race, color, or membership in a language minor-
24 ity group in violation of any other Federal or
25 State law.

1 “(ii) Whether the qualification, prerequisite,
2 standard, practice, or procedure in effect prior to the
3 change served as a ground for the dismissal or set-
4 tlement of a claim alleging—

5 “(I) discrimination on the basis of race or
6 color in violation of the 14th or 15th Amend-
7 ment;

8 “(II) a violation of this Act; or

9 “(III) voting discrimination on the basis of
10 race, color, or membership in a language minor-
11 ity group in violation of any other Federal or
12 State law.

13 “(iii) Whether the change was adopted fewer
14 than 180 days before the date of the election with
15 respect to which the change is to take effect.

16 “(iv) Whether the defendant has failed to pro-
17 vide timely or complete notice of the adoption of the
18 change as required by applicable Federal or State
19 law.”.

20 (c) GROUNDS FOR STAY OR INTERLOCUTORY AP-
21 PEAL.—Section 12(d) of such Act (52 U.S.C. 10308(d))
22 is further amended by adding at the end the following:

23 “(3) A jurisdiction’s inability to enforce its voting or
24 election laws, regulations, policies, or redistricting plans,
25 standing alone, shall not be deemed to constitute irrep-

1 arable harm to the public interest or to the interests of
 2 a defendant in an action arising under the U.S. Constitu-
 3 tion or any Federal law that prohibits discrimination on
 4 the basis of race, color, or membership in a language mi-
 5 nority group in the voting process, for the purposes of de-
 6 termining whether a stay of a court's order or an inter-
 7 locutory appeal under section 1253 of title 28, United
 8 States Code, is warranted.”.

9 **SEC. 50108. DEFINITIONS.**

10 Title I of the Voting Rights Act of 1965 (52 U.S.C.
 11 10301) is amended by adding at the end the following:

12 **“SEC. 21. DEFINITIONS.**

13 “In this Act:

14 “(1) INDIAN.—The term ‘Indian’ has the mean-
 15 ing given the term in section 4 of the Indian Self-
 16 Determination and Education Assistance Act.

17 “(2) INDIAN LANDS.—The term ‘Indian lands’
 18 means—

19 “(A) any Indian country of an Indian
 20 tribe, as such term is defined in section 1151
 21 of title 18, United States Code;

22 “(B) any land in Alaska that is owned,
 23 pursuant to the Alaska Native Claims Settle-
 24 ment Act, by an Indian tribe that is a Native
 25 village (as such term is defined in section 3 of

1 such Act), or by a Village Corporation that is
2 associated with the Indian tribe (as such term
3 is defined in section 3 of such Act);

4 “(C) any land on which the seat of govern-
5 ment of the Indian tribe is located; and

6 “(D) any land that is part or all of a tribal
7 designated statistical area associated with the
8 Indian tribe, or is part or all of an Alaska Na-
9 tive village statistical area associated with the
10 tribe, as defined by the Bureau of the Census
11 for the purposes of the most recent decennial
12 census.

13 “(3) INDIAN TRIBE.—The term ‘Indian tribe’ or
14 ‘tribe’ has the meaning given the term ‘Indian tribe’
15 in section 4 of the Indian Self-Determination and
16 Education Assistance Act.

17 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
18 Government’ means the recognized governing body
19 of an Indian Tribe.

20 “(5) VOTING-AGE POPULATION.—The term
21 ‘voting-age population’ means the numerical size of
22 the population within a State, within a political sub-
23 division, or within a political subdivision that con-
24 tains Indian lands, as the case may be, that consists
25 of persons age 18 or older, as calculated by the Bu-

1 reau of the Census under the most recent decennial
2 census.”.

3 **SEC. 50109. ATTORNEYS’ FEES.**

4 Section 14(c) of the Voting Rights Act of 1965 (52
5 U.S.C. 10310(c)) is amended by adding at the end the
6 following:

7 “(4) The term ‘prevailing party’ means a party to an
8 action that receives at least some of the benefit sought
9 by such action, states a colorable claim, and can establish
10 that the action was a significant cause of a change to the
11 status quo.”.

12 **SEC. 50110. OTHER TECHNICAL AND CONFORMING AMEND-**
13 **MENTS.**

14 (a) ACTIONS COVERED UNDER SECTION 3.—Section
15 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
16 10302(c)) is amended—

17 (1) by striking “any proceeding instituted by
18 the Attorney General or an aggrieved person under
19 any statute to enforce” and inserting “any action
20 under any statute in which a party (including the
21 Attorney General) seeks to enforce”; and

22 (2) by striking “at the time the proceeding was
23 commenced” and inserting “at the time the action
24 was commenced”.

1 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
2 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
3 (52 U.S.C. 10303(f)) is amended—

4 (1) in paragraph (1), by striking the second
5 sentence; and

6 (2) by striking paragraphs (3) and (4).

7 (c) PERIOD DURING WHICH CHANGES IN VOTING
8 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER
9 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
10 is amended—

11 (1) in subsection (a), by striking “based upon
12 determinations made under the first sentence of sec-
13 tion 4(b) are in effect” and inserting “are in effect
14 during a calendar year”;

15 (2) in subsection (a), by striking “November 1,
16 1964” and all that follows through “November 1,
17 1972” and inserting “the applicable date of cov-
18 erage”; and

19 (3) by adding at the end the following new sub-
20 section:

21 “(e) The term ‘applicable date of coverage’ means,
22 with respect to a State or political subdivision—

23 “(1) June 25, 2013, if the most recent deter-
24 mination for such State or subdivision under section
25 4(b) was made on or before December 31, 2019; or

1 “(2) the date on which the most recent deter-
2 mination for such State or subdivision under section
3 4(b) was made, if such determination was made
4 after December 31, 2019.”.

5 **Subtitle B—Voter Empowerment**

6 **SEC. 50200. SHORT TITLE; STATEMENT OF POLICY.**

7 (a) SHORT TITLE.—This subtitle may be cited as the
8 “Voter Empowerment Act of 2020”.

9 (b) STATEMENT OF POLICY.—It is the policy of the
10 United States that—

11 (1) all eligible citizens of the United States
12 should access and exercise their constitutional right
13 to vote in a free, fair, and timely manner; and

14 (2) the integrity, security, and accountability of
15 the voting process must be vigilantly protected,
16 maintained, and enhanced in order to protect and
17 preserve electoral and participatory democracy in the
18 United States.

19 **PART 1—VOTER REGISTRATION MODERNIZATION**

20 **SEC. 50201. SHORT TITLE.**

21 This part may be cited as the “Voter Registration
22 Modernization Act of 2020”.

1 **Subpart A—Promoting Internet Registration**

2 **SEC. 50211. REQUIRING AVAILABILITY OF INTERNET FOR**
3 **VOTER REGISTRATION.**

4 (a) REQUIRING AVAILABILITY OF INTERNET FOR
5 REGISTRATION.—The National Voter Registration Act of
6 1993 (52 U.S.C. 20501 et seq.) is amended by inserting
7 after section 6 the following new section:

8 **“SEC. 6A. INTERNET REGISTRATION.**

9 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
10 ONLINE REGISTRATION.—

11 “(1) AVAILABILITY OF ONLINE REGISTRA-
12 TION.—Each State, acting through the chief State
13 election official, shall ensure that the following serv-
14 ices are available to the public at any time on the
15 official public websites of the appropriate State and
16 local election officials in the State, in the same man-
17 ner and subject to the same terms and conditions as
18 the services provided by voter registration agencies
19 under section 7(a):

20 “(A) Online application for voter registra-
21 tion.

22 “(B) Online assistance to applicants in ap-
23 plying to register to vote.

24 “(C) Online completion and submission by
25 applicants of the mail voter registration applica-
26 tion form prescribed by the Election Assistance

1 Commission pursuant to section 9(a)(2), includ-
2 ing assistance with providing a signature as re-
3 quired under subsection (c).

4 “(D) Online receipt of completed voter reg-
5 istration applications.

6 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
7 A State shall accept an online voter registration applica-
8 tion provided by an individual under this section, and en-
9 sure that the individual is registered to vote in the State,
10 if—

11 “(1) the individual meets the same voter reg-
12 istration requirements applicable to individuals who
13 register to vote by mail in accordance with section
14 6(a)(1) using the mail voter registration application
15 form prescribed by the Election Assistance Commis-
16 sion pursuant to section 9(a)(2); and

17 “(2) the individual meets the requirements of
18 subsection (c) to provide a signature in electronic
19 form (but only in the case of applications submitted
20 during or after the second year in which this section
21 is in effect in the State).

22 “(c) SIGNATURE REQUIREMENTS.—

23 “(1) IN GENERAL.—For purposes of this sec-
24 tion, an individual meets the requirements of this
25 subsection as follows:

1 “(A) In the case of an individual who has
2 a signature on file with a State agency, includ-
3 ing the State motor vehicle authority, that is
4 required to provide voter registration services
5 under this Act or any other law, the individual
6 consents to the transfer of that electronic signa-
7 ture.

8 “(B) If subparagraph (A) does not apply,
9 the individual submits with the application an
10 electronic copy of the individual’s handwritten
11 signature through electronic means.

12 “(C) If subparagraph (A) and subpara-
13 graph (B) do not apply, the individual executes
14 a computerized mark in the signature field on
15 an online voter registration application, in ac-
16 cordance with reasonable security measures es-
17 tablished by the State, but only if the State ac-
18 cepts such mark from the individual.

19 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
20 MEET REQUIREMENT.—If an individual is unable to
21 meet the requirements of paragraph (1), the State
22 shall—

23 “(A) permit the individual to complete all
24 other elements of the online voter registration
25 application;

1 “(B) permit the individual to provide a sig-
2 nature at the time the individual requests a bal-
3 lot in an election (whether the individual re-
4 quests the ballot at a polling place or requests
5 the ballot by mail); and

6 “(C) if the individual carries out the steps
7 described in subparagraph (A) and subpara-
8 graph (B), ensure that the individual is reg-
9 istered to vote in the State.

10 “(3) NOTICE.—The State shall ensure that in-
11 dividuals applying to register to vote online are noti-
12 fied of the requirements of paragraph (1) and of the
13 treatment of individuals unable to meet such re-
14 quirements, as described in paragraph (2).

15 “(d) CONFIRMATION AND DISPOSITION.—

16 “(1) CONFIRMATION OF RECEIPT.—Upon the
17 online submission of a completed voter registration
18 application by an individual under this section, the
19 appropriate State or local election official shall send
20 the individual a notice confirming the State’s receipt
21 of the application and providing instructions on how
22 the individual may check the status of the applica-
23 tion.

24 “(2) NOTICE OF DISPOSITION.—As soon as the
25 appropriate State or local election official has ap-

1 proved or rejected an application submitted by an in-
2 dividual under this section, the official shall send the
3 individual a notice of the disposition of the applica-
4 tion.

5 “(3) METHOD OF NOTIFICATION.—The appro-
6 priate State or local election official shall send the
7 notices required under this subsection by regular
8 mail, and, in the case of an individual who has re-
9 quested that the State provide voter registration and
10 voting information through electronic mail, by both
11 electronic mail and regular mail.

12 “(e) PROVISION OF SERVICES IN NONPARTISAN
13 MANNER.—The services made available under subsection
14 (a) shall be provided in a manner that ensures that, con-
15 sistent with section 7(a)(5)—

16 “(1) the online application does not seek to in-
17 fluence an applicant’s political preference or party
18 registration; and

19 “(2) there is no display on the website pro-
20 moting any political preference or party allegiance,
21 except that nothing in this paragraph may be con-
22 strued to prohibit an applicant from registering to
23 vote as a member of a political party.

24 “(f) PROTECTION OF SECURITY OF INFORMATION.—
25 In meeting the requirements of this section, the State shall

1 establish appropriate technological security measures to
2 prevent to the greatest extent practicable any unauthor-
3 ized access to information provided by individuals using
4 the services made available under subsection (a).

5 “(g) USE OF ADDITIONAL TELEPHONE-BASED SYS-
6 TEM.—A State shall make the services made available on-
7 line under subsection (a) available through the use of an
8 automated telephone-based system, subject to the same
9 terms and conditions applicable under this section to the
10 services made available online, in addition to making the
11 services available online in accordance with the require-
12 ments of this section.

13 “(h) NONDISCRIMINATION AMONG REGISTERED
14 VOTERS USING MAIL AND ONLINE REGISTRATION.—In
15 carrying out this Act, the Help America Vote Act of 2002,
16 or any other Federal, State, or local law governing the
17 treatment of registered voters in the State or the adminis-
18 tration of elections for public office in the State, a State
19 shall treat a registered voter who registered to vote online
20 in accordance with this section in the same manner as the
21 State treats a registered voter who registered to vote by
22 mail.”.

23 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
24 USING ONLINE REGISTRATION.—

1 (1) TREATMENT AS INDIVIDUALS REGISTERING
2 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
3 VOTER IDENTIFICATION REQUIREMENTS.—Section
4 303(b)(1)(A) of the Help America Vote Act of 2002
5 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
6 “by mail” and inserting “by mail or online under
7 section 6A of the National Voter Registration Act of
8 1993”.

9 (2) REQUIRING SIGNATURE FOR FIRST-TIME
10 VOTERS IN JURISDICTION.—Section 303(b) of such
11 Act (52 U.S.C. 21083(b)) is amended—

12 (A) by redesignating paragraph (5) as
13 paragraph (6); and

14 (B) by inserting after paragraph (4) the
15 following new paragraph:

16 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
17 TIME VOTERS USING ONLINE REGISTRATION.—

18 “(A) IN GENERAL.—A State shall, in a
19 uniform and nondiscriminatory manner, require
20 an individual to meet the requirements of sub-
21 paragraph (B) if—

22 “(i) the individual registered to vote
23 in the State online under section 6A of the
24 National Voter Registration Act of 1993;
25 and

1 “(ii) the individual has not previously
2 voted in an election for Federal office in
3 the State.

4 “(B) REQUIREMENTS.—An individual
5 meets the requirements of this subparagraph
6 if—

7 “(i) in the case of an individual who
8 votes in person, the individual provides the
9 appropriate State or local election official
10 with a handwritten signature; or

11 “(ii) in the case of an individual who
12 votes by mail, the individual submits with
13 the ballot a handwritten signature.

14 “(C) INAPPLICABILITY.—Subparagraph
15 (A) does not apply in the case of an individual
16 who is—

17 “(i) entitled to vote by absentee ballot
18 under the Uniformed and Overseas Citi-
19 zens Absentee Voting Act (52 U.S.C.
20 20302 et seq.);

21 “(ii) provided the right to vote other-
22 wise than in person under section
23 3(b)(2)(B)(ii) of the Voting Accessibility
24 for the Elderly and Handicapped Act (52
25 U.S.C. 20102(b)(2)(B)(ii)); or

1 “(iii) entitled to vote otherwise than
2 in person under any other Federal law.”.

3 (3) CONFORMING AMENDMENT RELATING TO
4 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
5 Act (52 U.S.C. 21083(d)(2)(A)) is amended by
6 striking “Each State” and inserting “Except as pro-
7 vided in subsection (b)(5), each State”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) TIMING OF REGISTRATION.—Section 8(a)(1)
10 of the National Voter Registration Act of 1993 (52
11 U.S.C. 20507(a)(1)) is amended—

12 (A) by striking “and” at the end of sub-
13 paragraph (C);

14 (B) by redesignating subparagraph (D) as
15 subparagraph (E); and

16 (C) by inserting after subparagraph (C)
17 the following new subparagraph:

18 “(D) in the case of online registration
19 through the official public website of an election
20 official under section 6A, if the valid voter reg-
21 istration application is submitted online not
22 later than the lesser of 30 days, or the period
23 provided by State law, before the date of the
24 election (as determined by treating the date on

1 which the application is sent electronically as
2 the date on which it is submitted); and”.

3 (2) INFORMING APPLICANTS OF ELIGIBILITY
4 REQUIREMENTS AND PENALTIES.—Section 8(a)(5)
5 of such Act (52 U.S.C. 20507(a)(5)) is amended by
6 striking “and 7” and inserting “6A, and 7”.

7 **SEC. 50212. USE OF INTERNET TO UPDATE REGISTRATION**
8 **INFORMATION.**

9 (a) IN GENERAL.—

10 (1) UPDATES TO INFORMATION CONTAINED ON
11 COMPUTERIZED STATEWIDE VOTER REGISTRATION
12 LIST.—Section 303(a) of the Help America Vote Act
13 of 2002 (52 U.S.C. 21083(a)) is amended by adding
14 at the end the following new paragraph:

15 “(6) USE OF INTERNET BY REGISTERED VOT-
16 ERS TO UPDATE INFORMATION.—

17 “(A) IN GENERAL.—The appropriate State
18 or local election official shall ensure that any
19 registered voter on the computerized list may at
20 any time update the voter’s registration infor-
21 mation, including the voter’s address and elec-
22 tronic mail address, online through the official
23 public website of the election official responsible
24 for the maintenance of the list, so long as the
25 voter attests to the contents of the update by

1 providing a signature in electronic form in the
2 same manner required under section 6A(c) of
3 the National Voter Registration Act of 1993.

4 “(B) PROCESSING OF UPDATED INFORMA-
5 TION BY ELECTION OFFICIALS.—If a registered
6 voter updates registration information under
7 subparagraph (A), the appropriate State or
8 local election official shall—

9 “(i) revise any information on the
10 computerized list to reflect the update
11 made by the voter; and

12 “(ii) if the updated registration infor-
13 mation affects the voter’s eligibility to vote
14 in an election for Federal office, ensure
15 that the information is processed with re-
16 spect to the election if the voter updates
17 the information not later than the lesser of
18 7 days, or the period provided by State
19 law, before the date of the election.

20 “(C) CONFIRMATION AND DISPOSITION.—

21 “(i) CONFIRMATION OF RECEIPT.—
22 Upon the online submission of updated
23 registration information by an individual
24 under this paragraph, the appropriate
25 State or local election official shall send

1 the individual a notice confirming the
2 State's receipt of the updated information
3 and providing instructions on how the indi-
4 vidual may check the status of the update.

5 “(ii) NOTICE OF DISPOSITION.—As
6 soon as the appropriate State or local elec-
7 tion official has accepted or rejected up-
8 dated information submitted by an indi-
9 vidual under this paragraph, the official
10 shall send the individual a notice of the
11 disposition of the update.

12 “(iii) METHOD OF NOTIFICATION.—
13 The appropriate State or local election offi-
14 cial shall send the notices required under
15 this subparagraph by regular mail, and, in
16 the case of an individual who has re-
17 quested that the State provide voter reg-
18 istration and voting information through
19 electronic mail, by both electronic mail and
20 regular mail.”.

21 (2) CONFORMING AMENDMENT RELATING TO
22 EFFECTIVE DATE.—Section 303(d)(1)(A) of such
23 Act (52 U.S.C. 21083(d)(1)(A)) is amended by
24 striking “subparagraph (B)” and inserting “sub-
25 paragraph (B) and subsection (a)(6)”.

1 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
2 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
3 tion 8(d)(2)(A) of the National Voter Registration Act of
4 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

5 (1) in the first sentence, by inserting after “re-
6 turn the card” the following: “or update the reg-
7 istrant’s information on the computerized statewide
8 voter registration list using the online method pro-
9 vided under section 303(a)(6) of the Help America
10 Vote Act of 2002”; and

11 (2) in the second sentence, by striking “re-
12 turned,” and inserting the following: “returned or if
13 the registrant does not update the registrant’s infor-
14 mation on the computerized statewide voter registra-
15 tion list using such online method,”.

16 **SEC. 50213. PROVISION OF ELECTION INFORMATION BY**
17 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
18 **ISTERED TO VOTE.**

19 (a) INCLUDING OPTION ON VOTER REGISTRATION
20 APPLICATION TO PROVIDE EMAIL ADDRESS AND RE-
21 CEIVE INFORMATION.—

22 (1) IN GENERAL.—Section 9(b) of the National
23 Voter Registration Act of 1993 (52 U.S.C.
24 20508(b)) is amended—

1 (A) by striking “and” at the end of para-
2 graph (3);

3 (B) by striking the period at the end of
4 paragraph (4) and inserting “; and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(5) shall include a space for the applicant to
8 provide (at the applicant’s option) an electronic mail
9 address, together with a statement that, if the appli-
10 cant so requests, instead of using regular mail the
11 appropriate State and local election officials shall
12 provide to the applicant, through electronic mail sent
13 to that address, the same voting information (as de-
14 fined in section 302(b)(2) of the Help America Vote
15 Act of 2002) which the officials would provide to the
16 applicant through regular mail.”.

17 (2) PROHIBITING USE FOR PURPOSES UNRE-
18 LATED TO OFFICIAL DUTIES OF ELECTION OFFI-
19 CIALS.—Section 9 of such Act (52 U.S.C. 20508) is
20 amended by adding at the end the following new
21 subsection:

22 “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-
23 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The
24 chief State election official shall ensure that any electronic
25 mail address provided by an applicant under subsection

1 (b)(5) is used only for purposes of carrying out official
2 duties of election officials and is not transmitted by any
3 State or local election official (or any agent of such an
4 official, including a contractor) to any person who does
5 not require the address to carry out such official duties
6 and who is not under the direct supervision and control
7 of a State or local election official.”.

8 (b) REQUIRING PROVISION OF INFORMATION BY
9 ELECTION OFFICIALS.—Section 302(b) of the Help Amer-
10 ica Vote Act of 2002 (52 U.S.C. 21082(b)) is amended
11 by adding at the end the following new paragraph:

12 “(3) PROVISION OF OTHER INFORMATION BY
13 ELECTRONIC MAIL.—If an individual who is a reg-
14 istered voter has provided the State or local election
15 official with an electronic mail address for the pur-
16 pose of receiving voting information (as described in
17 section 9(b)(5) of the National Voter Registration
18 Act of 1993), the appropriate State or local election
19 official, through electronic mail transmitted not later
20 than 7 days before the date of the election involved,
21 shall provide the individual with information on how
22 to obtain the following information by electronic
23 means:

1 “(A) The name and address of the polling
2 place at which the individual is assigned to vote
3 in the election.

4 “(B) The hours of operation for the polling
5 place.

6 “(C) A description of any identification or
7 other information the individual may be re-
8 quired to present at the polling place.”.

9 **SEC. 50214. CLARIFICATION OF REQUIREMENT REGARDING**
10 **NECESSARY INFORMATION TO SHOW ELIGI-**
11 **BILITY TO VOTE.**

12 Section 8 of the National Voter Registration Act of
13 1993 (52 U.S.C. 20507) is amended—

14 (1) by redesignating subsection (j) as sub-
15 section (k); and

16 (2) by inserting after subsection (i) the fol-
17 lowing new subsection:

18 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-
19 CANTS PROVIDING NECESSARY INFORMATION TO SHOW
20 ELIGIBILITY TO VOTE.—For purposes meeting the re-
21 quirement of subsection (a)(1) that an eligible applicant
22 is registered to vote in an election for Federal office within
23 the deadlines required under such subsection, the State
24 shall consider an applicant to have provided a ‘valid voter
25 registration form’ if—

1 “(1) the applicant has accurately completed the
 2 application form and attested to the statement re-
 3 quired by section 9(b)(2); and

4 “(2) in the case of an applicant who registers
 5 to vote online in accordance with section 6A, the ap-
 6 plicant provides a signature in accordance with sub-
 7 section (c) of such section.”.

8 **SEC. 50215. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as provided in subsection
 10 (b), the amendments made by this subpart (other than the
 11 amendments made by section 50214) shall take effect
 12 January 1, 2022.

13 (b) WAIVER.—Subject to the approval of the Election
 14 Assistance Commission, if a State certifies to the Election
 15 Assistance Commission that the State will not meet the
 16 deadline referred to in subsection (a) because of extraor-
 17 dinary circumstances and includes in the certification the
 18 reasons for the failure to meet the deadline, subsection
 19 (a) shall apply to the State as if the reference in such
 20 subsection to “January 1, 2020” were a reference to
 21 “January 1, 2024”.

22 **Subpart B—Automatic Voter Registration**

23 **SEC. 50216. SHORT TITLE; FINDINGS AND PURPOSE.**

24 (a) SHORT TITLE.—This subpart may be cited as the
 25 “Automatic Voter Registration Act of 2020”.

1 (b) FINDINGS AND PURPOSE.—

2 (1) FINDINGS.—Congress finds that—

3 (A) the right to vote is a fundamental
4 right of citizens of the United States;

5 (B) it is the responsibility of the State and
6 Federal governments to ensure that every eligi-
7 ble citizen is registered to vote;

8 (C) existing voter registration systems can
9 be inaccurate, costly, inaccessible and con-
10 fusing, with damaging effects on voter partici-
11 pation in elections and disproportionate impacts
12 on young people, persons with disabilities, and
13 racial and ethnic minorities; and

14 (D) voter registration systems must be up-
15 dated with 21st century technologies and proce-
16 dures to maintain their security.

17 (2) PURPOSE.—It is the purpose of this sub-
18 part—

19 (A) to establish that it is the responsibility
20 of government at every level to ensure that all
21 eligible citizens are registered to vote;

22 (B) to enable the State and Federal gov-
23 ernments to register all eligible citizens to vote
24 with accurate, cost-efficient, and up-to-date pro-
25 cedures;

1 (C) to modernize voter registration and list
2 maintenance procedures with electronic and
3 Internet capabilities; and

4 (D) to protect and enhance the integrity,
5 accuracy, efficiency, and accessibility of the
6 electoral process for all eligible citizens.

7 **SEC. 50217. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.**
8

9 (a) REQUIRING STATES TO ESTABLISH AND OPERATE AUTOMATIC REGISTRATION SYSTEM.—
10

11 (1) IN GENERAL.—The chief State election official of each State shall establish and operate a system of automatic registration for the registration of eligible individuals to vote for elections for Federal office in the State, in accordance with the provisions of this part.

17 (2) DEFINITION.—The term “automatic registration” means a system that registers an individual to vote in elections for Federal office in a State, if eligible, by electronically transferring the information necessary for registration from government agencies to election officials of the State so that, unless the individual affirmatively declines to be registered, the individual will be registered to vote in such elections.

1 (b) REGISTRATION OF VOTERS BASED ON NEW
2 AGENCY RECORDS.—The chief State election official
3 shall—

4 (1) not later than 15 days after a contributing
5 agency has transmitted information with respect to
6 an individual pursuant to section 50218, ensure that
7 the individual is registered to vote in elections for
8 Federal office in the State if the individual is eligible
9 to be registered to vote in such elections; and

10 (2) send written notice to the individual, in ad-
11 dition to other means of notice established by this
12 subpart, of the individual's voter registration status.

13 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
14 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
15 State election official shall—

16 (1) identify all individuals whose information is
17 transmitted by a contributing agency pursuant to
18 section 50219 and who are eligible to be, but are not
19 currently, registered to vote in that State;

20 (2) promptly send each such individual written
21 notice, in addition to other means of notice estab-
22 lished by this subpart, which shall not identify the
23 contributing agency that transmitted the informa-
24 tion but shall include—

1 (A) an explanation that voter registration
2 is voluntary, but if the individual does not de-
3 cline registration, the individual will be reg-
4 istered to vote;

5 (B) a statement offering the opportunity to
6 decline voter registration through means con-
7 sistent with the requirements of this subpart;

8 (C) in the case of a State in which affili-
9 ation or enrollment with a political party is re-
10 quired in order to participate in an election to
11 select the party's candidate in an election for
12 Federal office, a statement offering the indi-
13 vidual the opportunity to affiliate or enroll with
14 a political party or to decline to affiliate or en-
15 roll with a political party, through means con-
16 sistent with the requirements of this subpart;

17 (D) the substantive qualifications of an
18 elector in the State as listed in the mail voter
19 registration application form for elections for
20 Federal office prescribed pursuant to section 9
21 of the National Voter Registration Act of 1993,
22 the consequences of false registration, and a
23 statement that the individual should decline to
24 register if the individual does not meet all those
25 qualifications;

1 (E) instructions for correcting any erro-
2 neous information; and

3 (F) instructions for providing any addi-
4 tional information which is listed in the mail
5 voter registration application form for elections
6 for Federal office prescribed pursuant to section
7 9 of the National Voter Registration Act of
8 1993;

9 (3) ensure that each such individual who is eli-
10 gible to register to vote in elections for Federal of-
11 fice in the State is promptly registered to vote not
12 later than 45 days after the official sends the indi-
13 vidual the written notice under paragraph (2), un-
14 less, during the 30-day period which begins on the
15 date the election official sends the individual such
16 written notice, the individual declines registration in
17 writing, through a communication made over the
18 Internet, or by an officially logged telephone commu-
19 nication; and

20 (4) send written notice to each such individual,
21 in addition to other means of notice established by
22 this subpart, of the individual's voter registration
23 status.

24 (d) TREATMENT OF INDIVIDUALS UNDER 18 YEARS
25 OF AGE.—A State may not refuse to treat an individual

1 as an eligible individual for purposes of this part on the
2 grounds that the individual is less than 18 years of age
3 at the time a contributing agency receives information
4 with respect to the individual, so long as the individual
5 is at least 16 years of age at such time.

6 (e) CONTRIBUTING AGENCY DEFINED.—In this part,
7 the term “contributing agency” means, with respect to a
8 State, an agency listed in section 50218(e).

9 **SEC. 50218. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
10 **ISTRATION.**

11 (a) IN GENERAL.—In accordance with this part, each
12 contributing agency in a State shall assist the State’s chief
13 election official in registering to vote all eligible individuals
14 served by that agency.

15 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
16 CIES.—

17 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
18 TION.—With each application for service or assist-
19 ance, and with each related recertification, renewal,
20 or change of address, or, in the case of an institu-
21 tion of higher education, with each registration of a
22 student for enrollment in a course of study, each
23 contributing agency that (in the normal course of its
24 operations) requests individuals to affirm United
25 States citizenship (either directly or as part of the

1 overall application for service or assistance) shall in-
2 form each such individual who is a citizen of the
3 United States of the following:

4 (A) Unless that individual declines to reg-
5 ister to vote, or is found ineligible to vote, the
6 individual will be registered to vote or, if appli-
7 cable, the individual's registration will be up-
8 dated.

9 (B) The substantive qualifications of an
10 elector in the State as listed in the mail voter
11 registration application form for elections for
12 Federal office prescribed pursuant to section 9
13 of the National Voter Registration Act of 1993,
14 the consequences of false registration, and the
15 individual should decline to register if the indi-
16 vidual does not meet all those qualifications.

17 (C) In the case of a State in which affili-
18 ation or enrollment with a political party is re-
19 quired in order to participate in an election to
20 select the party's candidate in an election for
21 Federal office, the requirement that the indi-
22 vidual must affiliate or enroll with a political
23 party in order to participate in such an election.

24 (D) Voter registration is voluntary, and
25 neither registering nor declining to register to

1 vote will in any way affect the availability of
2 services or benefits, nor be used for other pur-
3 poses.

4 (2) OPPORTUNITY TO DECLINE REGISTRATION
5 REQUIRED.—Each contributing agency shall ensure
6 that each application for service or assistance, and
7 each related recertification, renewal, or change of
8 address, or, in the case of an institution of higher
9 education, each registration of a student for enroll-
10 ment in a course of study, cannot be completed until
11 the individual is given the opportunity to decline to
12 be registered to vote.

13 (3) INFORMATION TRANSMITTAL.—Upon the
14 expiration of the 30-day period which begins on the
15 date the contributing agency informs the individual
16 of the information described in paragraph (1), each
17 contributing agency shall electronically transmit to
18 the appropriate State election official, in a format
19 compatible with the statewide voter database main-
20 tained under section 303 of the Help America Vote
21 Act of 2002 (52 U.S.C. 21083), the following infor-
22 mation, unless during such 30-day period the indi-
23 vidual declined to be registered to vote:

24 (A) The individual's given name(s) and
25 surname(s).

1 (B) The individual's date of birth.

2 (C) The individual's residential address.

3 (D) Information showing that the indi-
4 vidual is a citizen of the United States.

5 (E) The date on which information per-
6 taining to that individual was collected or last
7 updated.

8 (F) If available, the individual's signature
9 in electronic form.

10 (G) Information regarding the individual's
11 affiliation or enrollment with a political party,
12 if the individual provides such information.

13 (H) Any additional information listed in
14 the mail voter registration application form for
15 elections for Federal office prescribed pursuant
16 to section 9 of the National Voter Registration
17 Act of 1993, including any valid driver's license
18 number or the last 4 digits of the individual's
19 social security number, if the individual pro-
20 vided such information.

21 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
22 TRIBUTING AGENCIES.—With each application for service
23 or assistance, and with each related recertification, re-
24 newal, or change of address, or in the case of an institu-
25 tion of higher education, with each registration of a stu-

1 dent for enrollment in a course of study, any contributing
2 agency that in the normal course of its operations does
3 not request individuals applying for service or assistance
4 to affirm United States citizenship (either directly or as
5 part of the overall application for service or assistance)
6 shall—

7 (1) complete the requirements of section 7(a)(6)
8 of the National Voter Registration Act of 1993 (52
9 U.S.C. 20506(a)(6));

10 (2) ensure that each applicant's transaction
11 with the agency cannot be completed until the appli-
12 cant has indicated whether the applicant wishes to
13 register to vote or declines to register to vote in elec-
14 tions for Federal office held in the State; and

15 (3) for each individual who wishes to register to
16 vote, transmit that individual's information in ac-
17 cordance with subsection (b)(3).

18 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
19 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR
20 SERVICE OR ASSISTANCE.—Each contributing agency
21 shall offer each individual, with each application for serv-
22 ice or assistance, and with each related recertification, re-
23 newal, or change of address, or in the case of an institu-
24 tion of higher education, with each registration of a stu-
25 dent for enrollment in a course of study, the opportunity

1 to register to vote as prescribed by this section without
2 regard to whether the individual previously declined a reg-
3 istration opportunity.

4 (e) CONTRIBUTING AGENCIES.—

5 (1) STATE AGENCIES.—In each State, each of
6 the following agencies shall be treated as a contrib-
7 uting agency:

8 (A) Each agency in a State that is re-
9 quired by Federal law to provide voter registra-
10 tion services, including the State motor vehicle
11 authority and other voter registration agencies
12 under the National Voter Registration Act of
13 1993.

14 (B) Each agency in a State that admin-
15 isters a program pursuant to title III of the So-
16 cial Security Act (42 U.S.C. 501 et seq.), title
17 XIX of the Social Security Act (42 U.S.C. 1396
18 et seq.), or the Patient Protection and Afford-
19 able Care Act (Public Law 111–148).

20 (C) Each State agency primarily respon-
21 sible for regulating the private possession of
22 firearms.

23 (D) Each State agency primarily respon-
24 sible for maintaining identifying information for
25 students enrolled at public secondary schools,

1 including, where applicable, the State agency
2 responsible for maintaining the education data
3 system described in section 6201(e)(2) of the
4 America COMPETES Act (20 U.S.C.
5 9871(e)(2)).

6 (E) In the case of a State in which an in-
7 dividual disenfranchised by a criminal convic-
8 tion may become eligible to vote upon comple-
9 tion of a criminal sentence or any part thereof,
10 or upon formal restoration of rights, the State
11 agency responsible for administering that sen-
12 tence, or part thereof, or that restoration of
13 rights.

14 (F) Any other agency of the State which is
15 designated by the State as a contributing agen-
16 cy.

17 (2) FEDERAL AGENCIES.—In each State, each
18 of the following agencies of the Federal Government
19 shall be treated as a contributing agency with re-
20 spect to individuals who are residents of that State
21 (except as provided in subparagraph (C)):

22 (A) The Social Security Administration,
23 the Department of Veterans Affairs, the De-
24 fense Manpower Data Center of the Depart-
25 ment of Defense, the Employee and Training

1 Administration of the Department of Labor,
2 and the Center for Medicare & Medicaid Serv-
3 ices of the Department of Health and Human
4 Services.

5 (B) The Bureau of Citizenship and Immi-
6 gration Services, but only with respect to indi-
7 viduals who have completed the naturalization
8 process.

9 (C) In the case of an individual who is a
10 resident of a State in which an individual
11 disenfranchised by a criminal conviction under
12 Federal law may become eligible to vote upon
13 completion of a criminal sentence or any part
14 thereof, or upon formal restoration of rights,
15 the Federal agency responsible for admin-
16 istering that sentence or part thereof (without
17 regard to whether the agency is located in the
18 same State in which the individual is a resi-
19 dent), but only with respect to individuals who
20 have completed the criminal sentence or any
21 part thereof.

22 (D) Any other agency of the Federal Gov-
23 ernment which the State designates as a con-
24 tributing agency, but only if the State and the
25 head of the agency determine that the agency

1 collects information sufficient to carry out the
2 responsibilities of a contributing agency under
3 this section.

4 (3) INSTITUTIONS OF HIGHER EDUCATION.—

5 Each institution of higher education that receives
6 Federal funds shall be treated as a contributing
7 agency in the State in which it is located, but only
8 with respect to students of the institution (including
9 students who attend classes online) who reside in the
10 State. An institution of higher education described
11 in the previous sentence shall be exempt from the
12 voter registration requirements of section 487(a)(23)
13 of the Higher Education Act of 1965 (20 U.S.C.
14 1094(a)(23)) if the institution is in compliance with
15 the applicable requirements of this part.

16 (4) PUBLICATION.—Not later than 180 days
17 prior to the date of each election for Federal office
18 held in the State, the chief State election official
19 shall publish on the public website of the official an
20 updated list of all contributing agencies in that
21 State.

22 (5) PUBLIC EDUCATION.—The chief State elec-
23 tion official of each State, in collaboration with each
24 contributing agency, shall take appropriate measures

1 to educate the public about voter registration under
2 this section.

3 **SEC. 50219. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
4 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
5 **EXISTING RECORDS.**

6 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
7 each individual already listed in a contributing agency’s
8 records as of the date of enactment of this Act, and for
9 whom the agency has the information listed in section
10 50218(b)(3), the agency shall promptly transmit that in-
11 formation to the appropriate State election official in ac-
12 cordance with section 50218(b)(3) not later than the effec-
13 tive date described in section 50216(a).

14 (b) TRANSITION.—For each individual listed in a con-
15 tributing agency’s records as of the effective date de-
16 scribed in section 50216(a) (but who was not listed in a
17 contributing agency’s records as of the date of enactment
18 of this Act), and for whom the agency has the information
19 listed in section 50218(b)(3), the Agency shall promptly
20 transmit that information to the appropriate State election
21 official in accordance with section 50218(b)(3) not later
22 than 6 months after the effective date described in section
23 50216(a).

1 **SEC. 50220. VOTER PROTECTION AND SECURITY IN AUTO-**
2 **MATIC REGISTRATION.**

3 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—

4 An individual shall not be prosecuted under any Federal
5 law, adversely affected in any civil adjudication concerning
6 immigration status or naturalization, or subject to an alle-
7 gation in any legal proceeding that the individual is not
8 a citizen of the United States on any of the following
9 grounds:

10 (1) The individual notified an election office of
11 the individual's automatic registration to vote under
12 this part.

13 (2) The individual is not eligible to vote in elec-
14 tions for Federal office but was automatically reg-
15 istered to vote under this part.

16 (3) The individual was automatically registered
17 to vote under this part at an incorrect address.

18 (4) The individual declined the opportunity to
19 register to vote or did not make an affirmation of
20 citizenship, including through automatic registration,
21 under this part.

22 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
23 TION.—The automatic registration of any individual or the
24 fact that an individual declined the opportunity to register
25 to vote or did not make an affirmation of citizenship (in-
26 cluding through automatic registration) under this part

1 may not be used as evidence against that individual in any
2 State or Federal law enforcement proceeding, and an indi-
3 vidual's lack of knowledge or willfulness of such registra-
4 tion may be demonstrated by the individual's testimony
5 alone.

6 (c) PROTECTION OF ELECTION INTEGRITY.—Noth-
7 ing in subsections (a) or (b) may be construed to prohibit
8 or restrict any action under color of law against an indi-
9 vidual who—

10 (1) knowingly and willfully makes a false state-
11 ment to effectuate or perpetuate automatic voter
12 registration by any individual; or

13 (2) casts a ballot knowingly and willfully in vio-
14 lation of State law or the laws of the United States.

15 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
16 FORMATION.—Nothing in this part authorizes a contrib-
17 uting agency to collect, retain, transmit, or publicly dis-
18 close any of the following:

19 (1) An individual's decision to decline to reg-
20 ister to vote or not to register to vote.

21 (2) An individual's decision not to affirm his or
22 her citizenship.

23 (3) Any information that a contributing agency
24 transmits pursuant to section 50218(b)(3), except in
25 pursuing the agency's ordinary course of business.

1 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
2 MATION.—

3 (1) PUBLIC DISCLOSURE PROHIBITED.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), with respect to any individual for
6 whom any State election official receives infor-
7 mation from a contributing agency, the State
8 election officials shall not publicly disclose any
9 of the following:

10 (i) The identity of the contributing
11 agency.

12 (ii) Any information not necessary to
13 voter registration.

14 (iii) Any voter information otherwise
15 shielded from disclosure under State law or
16 section 8(a) of the National Voter Reg-
17 istration Act of 1993 (52 U.S.C.
18 20507(a)).

19 (iv) Any portion of the individual's so-
20 cial security number.

21 (v) Any portion of the individual's
22 motor vehicle driver's license number.

23 (vi) The individual's signature.

24 (vii) The individual's telephone num-
25 ber.

1 (viii) The individual's email address.

2 (B) SPECIAL RULE FOR INDIVIDUALS REG-
3 ISTERED TO VOTE.—With respect to any indi-
4 vidual for whom any State election official re-
5 ceives information from a contributing agency
6 and who, on the basis of such information, is
7 registered to vote in the State under this part,
8 the State election officials shall not publicly dis-
9 close any of the following:

10 (i) The identity of the contributing
11 agency.

12 (ii) Any information not necessary to
13 voter registration.

14 (iii) Any voter information otherwise
15 shielded from disclosure under State law or
16 section 8(a) of the National Voter Reg-
17 istration Act of 1993 (52 U.S.C.
18 20507(a)).

19 (iv) Any portion of the individual's so-
20 cial security number.

21 (v) Any portion of the individual's
22 motor vehicle driver's license number.

23 (vi) The individual's signature.

24 (2) VOTER RECORD CHANGES.—Each State
25 shall maintain for at least 2 years and shall make

1 available for public inspection and, where available,
2 photocopying at a reasonable cost, all records of
3 changes to voter records, including removals and up-
4 dates.

5 (3) DATABASE MANAGEMENT STANDARDS.—

6 The Director of the National Institute of Standards
7 and Technology shall, after providing the public with
8 notice and the opportunity to comment—

9 (A) establish standards governing the com-
10 parison of data for voter registration list main-
11 tenance purposes, identifying as part of such
12 standards the specific data elements, the
13 matching rules used, and how a State may use
14 the data to determine and deem that an indi-
15 vidual is ineligible under State law to vote in an
16 election, or to deem a record to be a duplicate
17 or outdated;

18 (B) ensure that the standards developed
19 pursuant to this paragraph are uniform and
20 nondiscriminatory and are applied in a uniform
21 and nondiscriminatory manner; and

22 (C) publish the standards developed pursu-
23 ant to this paragraph on the Director's website
24 and make those standards available in written
25 form upon request.

1 (4) SECURITY POLICY.—The Director of the
2 National Institute of Standards and Technology
3 shall, after providing the public with notice and the
4 opportunity to comment, publish privacy and secu-
5 rity standards for voter registration information.
6 The standards shall require the chief State election
7 official of each State to adopt a policy that shall
8 specify—

9 (A) each class of users who shall have au-
10 thorized access to the computerized statewide
11 voter registration list, specifying for each class
12 the permission and levels of access to be grant-
13 ed, and setting forth other safeguards to pro-
14 tect the privacy, security, and accuracy of the
15 information on the list; and

16 (B) security safeguards to protect personal
17 information transmitted through the informa-
18 tion transmittal processes of section 50218 or
19 section 50219, the online system used pursuant
20 to section 50222, any telephone interface, the
21 maintenance of the voter registration database,
22 and any audit procedure to track access to the
23 system.

24 (5) STATE COMPLIANCE WITH NATIONAL
25 STANDARDS.—

1 (A) CERTIFICATION.—The chief executive
2 officer of the State shall annually file with the
3 Election Assistance Commission a statement
4 certifying to the Director of the National Insti-
5 tute of Standards and Technology that the
6 State is in compliance with the standards re-
7 ferred to in paragraphs (4) and (5). A State
8 may meet the requirement of the previous sen-
9 tence by filing with the Commission a statement
10 which reads as follows: “_____ hereby
11 certifies that it is in compliance with the stand-
12 ards referred to in paragraphs (4) and (5) of
13 section 115(e) of the Automatic Voter Registra-
14 tion Act of 2020.” (with the blank to be filled
15 in with the name of the State involved).

16 (B) PUBLICATION OF POLICIES AND PRO-
17 CEDURES.—The chief State election official of a
18 State shall publish on the official’s website the
19 policies and procedures established under this
20 section, and shall make those policies and pro-
21 cedures available in written form upon public
22 request.

23 (C) FUNDING DEPENDENT ON CERTIFI-
24 CATION.—If a State does not timely file the cer-
25 tification required under this paragraph, it shall

1 not receive any payment under this part for the
2 upcoming fiscal year.

3 (D) COMPLIANCE OF STATES THAT RE-
4 QUIRE CHANGES TO STATE LAW.—In the case
5 of a State that requires State legislation to
6 carry out an activity covered by any certifi-
7 cation submitted under this paragraph, for a
8 period of not more than 2 years the State shall
9 be permitted to make the certification notwith-
10 standing that the legislation has not been en-
11 acted at the time the certification is submitted,
12 and such State shall submit an additional cer-
13 tification once such legislation is enacted.

14 (f) RESTRICTIONS ON USE OF INFORMATION.—No
15 person acting under color of law may discriminate against
16 any individual based on, or use for any purpose other than
17 voter registration, election administration, or enforcement
18 relating to election crimes, any of the following:

19 (1) Voter registration records.

20 (2) An individual's declination to register to
21 vote or complete an affirmation of citizenship under
22 section 50218(b).

23 (3) An individual's voter registration status.

24 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
25 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-

1 formation collected under this part shall not be used for
2 commercial purposes. Nothing in this subsection may be
3 construed to prohibit the transmission, exchange, or dis-
4 semination of information for political purposes, including
5 the support of campaigns for election for Federal, State,
6 or local public office or the activities of political commit-
7 tees (including committees of political parties) under the
8 Federal Election Campaign Act of 1971.

9 **SEC. 50221. REGISTRATION PORTABILITY AND CORREC-**
10 **TION.**

11 (a) CORRECTING REGISTRATION INFORMATION AT
12 POLLING PLACE.—Notwithstanding section 302(a) of the
13 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if
14 an individual is registered to vote in elections for Federal
15 office held in a State, the appropriate election official at
16 the polling place for any such election (including a location
17 used as a polling place on a date other than the date of
18 the election) shall permit the individual to—

19 (1) update the individual's address for purposes
20 of the records of the election official;

21 (2) correct any incorrect information relating to
22 the individual, including the individual's name and
23 political party affiliation, in the records of the elec-
24 tion official; and

1 (3) cast a ballot in the election on the basis of
2 the updated address or corrected information, and to
3 have the ballot treated as a regular ballot and not
4 as a provisional ballot under section 302(a) of such
5 Act.

6 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER
7 REGISTRATION LISTS.—If an election official at the poll-
8 ing place receives an updated address or corrected infor-
9 mation from an individual under subsection (a), the offi-
10 cial shall ensure that the address or information is
11 promptly entered into the computerized statewide voter
12 registration list in accordance with section
13 303(a)(1)(A)(vi) of the Help America Vote Act of 2002
14 (52 U.S.C. 21083(a)(1)(A)(vi)).

15 **SEC. 50222. PAYMENTS AND GRANTS.**

16 (a) IN GENERAL.—The Election Assistance Commis-
17 sion shall make grants to each eligible State to assist the
18 State in implementing the requirements of this part (or,
19 in the case of an exempt State, in implementing its exist-
20 ing automatic voter registration program).

21 (b) ELIGIBILITY; APPLICATION.—A State is eligible
22 to receive a grant under this section if the State submits
23 to the Commission, at such time and in such form as the
24 Commission may require, an application containing—

1 (1) a description of the activities the State will
2 carry out with the grant;

3 (2) an assurance that the State shall carry out
4 such activities without partisan bias and without
5 promoting any particular point of view regarding
6 any issue; and

7 (3) such other information and assurances as
8 the Commission may require.

9 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
10 sion shall determine the amount of a grant made to an
11 eligible State under this section. In determining the
12 amounts of the grants, the Commission shall give priority
13 to providing funds for those activities which are most like-
14 ly to accelerate compliance with the requirements of this
15 part (or, in the case of an exempt State, which are most
16 likely to enhance the ability of the State to automatically
17 register individuals to vote through its existing automatic
18 voter registration program), including—

19 (1) investments supporting electronic informa-
20 tion transfer, including electronic collection and
21 transfer of signatures, between contributing agencies
22 and the appropriate State election officials;

23 (2) updates to online or electronic voter reg-
24 istration systems already operating as of the date of
25 the enactment of this Act;

1 (3) introduction of online voter registration sys-
2 tems in jurisdictions in which those systems did not
3 previously exist; and

4 (4) public education on the availability of new
5 methods of registering to vote, updating registration,
6 and correcting registration.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) AUTHORIZATION.—There are authorized to
9 be appropriated to carry out this section—

10 (A) \$500,000,000 for fiscal year 2022; and

11 (B) such sums as may be necessary for
12 each succeeding fiscal year.

13 (2) CONTINUING AVAILABILITY OF FUNDS.—

14 Any amounts appropriated pursuant to the authority
15 of this subsection shall remain available without fis-
16 cal year limitation until expended.

17 **SEC. 50223. TREATMENT OF EXEMPT STATES.**

18 (a) WAIVER OF REQUIREMENTS.—Except as pro-
19 vided in subsection (b), this part does not apply with re-
20 spect to an exempt State.

21 (b) EXCEPTIONS.—The following provisions of this
22 part apply with respect to an exempt State:

23 (1) Section 503116 (relating to registration
24 portability and correction).

1 (2) Section 503117 (relating to payments and
2 grants).

3 (3) Section 503119(e) (relating to enforce-
4 ment).

5 (4) Section 503119(f) (relating to relation to
6 other laws).

7 **SEC. 50224. MISCELLANEOUS PROVISIONS.**

8 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—
9 Each contributing agency shall ensure that the services
10 it provides under this part are made available to individ-
11 uals with disabilities to the same extent as services are
12 made available to all other individuals.

13 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
14 PERMITTED.—Nothing in this part shall be construed to
15 prevent a contributing agency from contracting with a
16 third party to assist the agency in meeting the information
17 transmittal requirements of this part, so long as the data
18 transmittal complies with the applicable requirements of
19 this part, including the privacy and security provisions of
20 section 50220.

21 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
22 OF SERVICES.—The services made available by contrib-
23 uting agencies under this part and by the State under sec-
24 tions 5031006 and 5031007 shall be made in a manner
25 consistent with paragraphs (4), (5), and (6)(C) of section

1 7(a) of the National Voter Registration Act of 1993 (52
2 U.S.C. 20506(a)).

3 (d) NOTICES.—Each State may send notices under
4 this part via electronic mail if the individual has provided
5 an electronic mail address and consented to electronic mail
6 communications for election-related materials. All notices
7 sent pursuant to this part that require a response must
8 offer the individual notified the opportunity to respond at
9 no cost to the individual.

10 (e) ENFORCEMENT.—Section 11 of the National
11 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-
12 ing to civil enforcement and the availability of private
13 rights of action, shall apply with respect to this part in
14 the same manner as such section applies to such Act.

15 (f) RELATION TO OTHER LAWS.—Except as pro-
16 vided, nothing in this part may be construed to authorize
17 or require conduct prohibited under, or to supersede, re-
18 strict, or limit the application of any of the following:

19 (1) The Voting Rights Act of 1965 (52 U.S.C.
20 10301 et seq.).

21 (2) The Uniformed and Overseas Citizens Ab-
22 sentee Voting Act (52 U.S.C. 20301 et seq.).

23 (3) The National Voter Registration Act of
24 1993 (52 U.S.C. 20501 et seq.).

1 (4) The Help America Vote Act of 2002 (52
2 U.S.C. 20901 et seq.).

3 **SEC. 50225. DEFINITIONS.**

4 In this part, the following definitions apply:

5 (1) The term “chief State election official”
6 means, with respect to a State, the individual des-
7 ignated by the State under section 10 of the Na-
8 tional Voter Registration Act of 1993 (52 U.S.C.
9 20509) to be responsible for coordination of the
10 State’s responsibilities under such Act.

11 (2) The term “Commission” means the Election
12 Assistance Commission.

13 (3) The term “exempt State” means a State
14 which, under law which is in effect continuously on
15 and after the date of the enactment of this Act, op-
16 erates an automatic voter registration program
17 under which an individual is automatically registered
18 to vote in elections for Federal office in the State if
19 the individual provides the motor vehicle authority of
20 the State with such identifying information as the
21 State may require.

22 (4) The term “State” means each of the several
23 States and the District of Columbia.

1 **SEC. 50226. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this part and the amendments made by this part shall
4 apply with respect to a State beginning January 1, 2023.

5 (b) WAIVER.—Subject to the approval of the Com-
6 mission, if a State certifies to the Commission that the
7 State will not meet the deadline referred to in subsection
8 (a) because of extraordinary circumstances and includes
9 in the certification the reasons for the failure to meet the
10 deadline, subsection (a) shall apply to the State as if the
11 reference in such subsection to “January 1, 2021” were
12 a reference to “January 1, 2025”.

13 **Subpart C—Conditions on Removal on Basis of**
14 **Interstate Cross-Checks**

15 **SEC. 50227. CONDITIONS ON REMOVAL OF REGISTRANTS**
16 **FROM OFFICIAL LIST OF ELIGIBLE VOTERS**
17 **ON BASIS OF INTERSTATE CROSS-CHECKS.**

18 (a) MINIMUM INFORMATION REQUIRED FOR RE-
19 MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the
20 National Voter Registration Act of 1993 (52 U.S.C.
21 20507(c)(2)) is amended—

22 (1) by redesignating subparagraph (B) as sub-
23 paragraph (D); and

24 (2) by inserting after subparagraph (A) the fol-
25 lowing new subparagraphs:

1 “(B) To the extent that the program carried out by
2 a State under subparagraph (A) to systematically remove
3 the names of ineligible voters from the official lists of eligi-
4 ble voters uses information obtained in an interstate cross-
5 check, the State may not remove the name of the voter
6 from such a list unless—

7 “(i) the State obtained the voter’s full name
8 (including the voter’s middle name, if any) and date
9 of birth, and the last 4 digits of the voter’s social
10 security number, in the interstate cross-check; or

11 “(ii) the State obtained documentation from the
12 ERIC system that the voter is no longer a resident
13 of the State.

14 “(C) In this paragraph—

15 “(i) the term ‘interstate cross-check’ means the
16 transmission of information from an election official
17 in one State to an election official of another State;
18 and

19 “(ii) the term ‘ERIC system’ means the system
20 operated by the Electronic Registration Information
21 Center to share voter registration information and
22 voter identification information among participating
23 States.”.

24 (b) REQUIRING COMPLETION OF CROSS-CHECKS
25 NOT LATER THAN 6 MONTHS PRIOR TO ELECTION.—

1 Subparagraph (A) of section 8(c)(2) of such Act (52
 2 U.S.C. 20507(c)(2)) is amended by striking “not later
 3 than 90 days” and inserting the following: “not later than
 4 90 days (or, in the case of a program in which the State
 5 uses interstate cross-checks, not later than 6 months)”.

6 (c) CONFORMING AMENDMENT.—Subparagraph (F)
 7 of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)) is
 8 amended by striking “Subparagraph (A)” and inserting
 9 “This paragraph”.

10 (d) EFFECTIVE DATE.—The amendments made by
 11 this subtitle shall apply with respect to elections held on
 12 or after the expiration of the 6-month period which begins
 13 on the date of the enactment of this Act.

14 **Subpart D—Other Initiatives To Promote Voter**

15 **Registration**

16 **SEC. 50228. ACCEPTANCE OF VOTER REGISTRATION APPLI-**
 17 **CATIONS FROM INDIVIDUALS UNDER 18**
 18 **YEARS OF AGE.**

19 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
 20 the National Voter Registration Act of 1993 (52 U.S.C.
 21 20507), as amended by section 50214, is amended—

22 (1) by redesignating subsection (k) as sub-
 23 section (l); and

24 (2) by inserting after subsection (j) the fol-
 25 lowing new subsection:

1 “(k) ACCEPTANCE OF APPLICATIONS FROM INDIVID-
2 UALS UNDER 18 YEARS OF AGE.—

3 “(1) IN GENERAL.—A State may not refuse to
4 accept or process an individual’s application to reg-
5 ister to vote in elections for Federal office on the
6 grounds that the individual is under 18 years of age
7 at the time the individual submits the application, so
8 long as the individual is at least 16 years of age at
9 such time.

10 “(2) NO EFFECT ON STATE VOTING AGE RE-
11 QUIREMENTS.—Nothing in paragraph (1) may be
12 construed to require a State to permit an individual
13 who is under 18 years of age at the time of an elec-
14 tion for Federal office to vote in the election.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to elections occur-
17 ring on or after January 1, 2022.

18 **SEC. 50229. ANNUAL REPORTS ON VOTER REGISTRATION**
19 **STATISTICS.**

20 (a) ANNUAL REPORT.—Not later than 90 days after
21 the end of each year, each State shall submit to the Elec-
22 tion Assistance Commission and Congress a report con-
23 taining the following categories of information for the
24 year:

1 (1) The number of individuals who were reg-
2 istered under part 2.

3 (2) The number of voter registration applica-
4 tion forms completed by individuals that were trans-
5 mitted by motor vehicle authorities in the State
6 (pursuant to section 5(d) of the National Voter Reg-
7 istration Act of 1993) and voter registration agen-
8 cies in the State (as designated under section 7 of
9 such Act) to the chief State election official of the
10 State, broken down by each such authority and
11 agency.

12 (3) The number of such individuals whose voter
13 registration application forms were accepted and
14 who were registered to vote in the State and the
15 number of such individuals whose forms were re-
16 jected and who were not registered to vote in the
17 State, broken down by each such authority and
18 agency.

19 (4) The number of change of address forms and
20 other forms of information indicating that an indi-
21 vidual's identifying information has been changed
22 that were transmitted by such motor vehicle authori-
23 ties and voter registration agencies to the chief State
24 election official of the State, broken down by each

1 such authority and agency and the type of form
2 transmitted.

3 (5) The number of individuals on the statewide
4 computerized voter registration list (as established
5 and maintained under section 303 of the Help
6 America Vote Act of 2002) whose voter registration
7 information was revised by the chief State election
8 official as a result of the forms transmitted to the
9 official by such motor vehicle authorities and voter
10 registration agencies (as described in paragraph
11 (3)), broken down by each such authority and agen-
12 cy and the type of form transmitted.

13 (6) The number of individuals who requested
14 the chief State election official to revise voter reg-
15 istration information on such list, and the number of
16 individuals whose information was revised as a result
17 of such a request.

18 (b) BREAKDOWN OF INFORMATION BY RACE AND
19 ETHNICITY OF INDIVIDUALS.—In preparing the report
20 under this section, the State shall, for each category of
21 information described in subsection (a), include a break-
22 down by race and ethnicity of the individuals whose infor-
23 mation is included in the category, to the extent that infor-
24 mation on the race and ethnicity of such individuals is
25 available to the State.

1 (c) CONFIDENTIALITY OF INFORMATION.—In pre-
 2 paring and submitting a report under this section, the
 3 chief State election official shall ensure that no informa-
 4 tion regarding the identification of any individual is re-
 5 vealed.

6 (d) STATE DEFINED.—In this section, a “State” in-
 7 cludes the District of Columbia, the Commonwealth of
 8 Puerto Rico, the United States Virgin Islands, Guam,
 9 American Samoa, and the Commonwealth of the Northern
 10 Mariana Islands, but does not include any State in which,
 11 under a State law in effect continuously on and after the
 12 date of the enactment of this Act, there is no voter reg-
 13 istration requirement for individuals in the State with re-
 14 spect to elections for Federal office.

15 **Subpart E—Availability of HAVA Requirements**

16 **Payments**

17 **SEC. 50230. AVAILABILITY OF REQUIREMENTS PAYMENTS**

18 **UNDER HAVA TO COVER COSTS OF COMPLI-**

19 **ANCE WITH NEW REQUIREMENTS.**

20 (a) IN GENERAL.—Section 251(b) of the Help Amer-
 21 ica Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

22 (1) in paragraph (1), by striking “(2) and (3)”
 23 and inserting “(2), (3), and (4)”; and

24 (2) by adding at the end the following new
 25 paragraph:

9 (b) CONFORMING AMENDMENT.—Section 254(a)(1)
10 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-
11 ing “section 251(a)(2)” and inserting “section
12 251(b)(2)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to fiscal year 2022 and each succeeding fiscal year.

16 **Subpart F—Prohibiting Interference With Voter**
17 **Registration**

18 **SEC. 50231. PROHIBITING HINDERING, INTERFERING WITH,**
19 **OR PREVENTING VOTER REGISTRATION.**

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:

1 **“§ 612. Hindering, interfering with, or preventing**
2 **registering to vote**

3 “(a) PROHIBITION.—It shall be unlawful for any per-
4 son, whether acting under color of law or otherwise, to
5 corruptly hinder, interfere with, or prevent another person
6 from registering to vote or to corruptly hinder, interfere
7 with, or prevent another person from aiding another per-
8 son in registering to vote.

9 “(b) ATTEMPT.—Any person who attempts to commit
10 any offense described in subsection (a) shall be subject to
11 the same penalties as those prescribed for the offense that
12 the person attempted to commit.

13 “(c) PENALTY.—Any person who violates subsection
14 (a) shall be fined under this title, imprisoned not more
15 than 5 years, or both.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for chapter 29 of title 18, United States Code, is amended
18 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to elections held on
21 or after the date of the enactment of this Act, except that
22 no person may be found to have violated section 612 of
23 title 18, United States Code (as added by subsection (a)),
24 on the basis of any act occurring prior to the date of the
25 enactment of this Act.

1 **SEC. 50232. ESTABLISHMENT OF BEST PRACTICES.**

2 (a) BEST PRACTICES.—Not later than 180 days after
3 the date of the enactment of this Act, the Election Assist-
4 ance Commission shall develop and publish recommenda-
5 tions for best practices for States to use to deter and pre-
6 vent violations of section 612 of title 18, United States
7 Code (as added by section 50231), and section 12 of the
8 National Voter Registration Act of 1993 (52 U.S.C.
9 20511) (relating to the unlawful interference with reg-
10 istering to vote, or voting, or attempting to register to vote
11 or vote), including practices to provide for the posting of
12 relevant information at polling places and voter registra-
13 tion agencies under such Act, the training of poll workers
14 and election officials, and relevant educational materials.
15 For purposes of this subsection, the term “State” includes
16 the District of Columbia, the Commonwealth of Puerto
17 Rico, Guam, American Samoa, the United States Virgin
18 Islands, and the Commonwealth of the Northern Mariana
19 Islands.

20 (b) INCLUSION IN VOTER INFORMATION REQUIRE-
21 MENTS.—Section 302(b)(2) of the Help America Vote Act
22 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

23 (1) by striking “and” at the end of subpara-
24 graph (E);

25 (2) by striking the period at the end of sub-
26 paragraph (F) and inserting “; and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(G) information relating to the prohibi-
4 tions of section 612 of title 18, United States
5 Code, and section 12 of the National Voter
6 Registration Act of 1993 (52 U.S.C. 20511)
7 (relating to the unlawful interference with reg-
8 istering to vote, or voting, or attempting to reg-
9 ister to vote or vote), including information on
10 how individuals may report allegations of viola-
11 tions of such prohibitions.”.

12 **Subpart G—Saving Voters From Voter Purging**

13 **SEC. 50233. SHORT TITLE.**

14 This subpart may be cited as the “Stop Automatically
15 Voiding Eligible Voters Off Their Enlisted Rolls in States
16 Act” or the “Save Voters Act”.

17 **SEC. 50234. CONDITIONS FOR REMOVAL OF VOTERS FROM**
18 **LIST OF REGISTERED VOTERS.**

19 (a) CONDITIONS DESCRIBED.—The National Voter
20 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
21 amended by inserting after section 8 the following new
22 section:

1 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
2 **OFFICIAL LIST OF REGISTERED VOTERS.**

3 “(a) VERIFICATION ON BASIS OF OBJECTIVE AND
4 RELIABLE EVIDENCE OF INELIGIBILITY.—Notwith-
5 standing any other provision of this Act, a State may not
6 remove any registrant from the official list of voters eligi-
7 ble to vote in elections for Federal office in the State un-
8 less the State verifies, on the basis of objective and reliable
9 evidence, that the registrant is ineligible to vote in such
10 elections on any of the grounds described in paragraph
11 (3) or paragraph (4) of section 8(a).

12 “(b) FACTORS NOT CONSIDERED AS OBJECTIVE AND
13 RELIABLE EVIDENCE OF INELIGIBILITY.—For purposes
14 of subsection (a), the following factors, or any combination
15 thereof, shall not be treated as objective and reliable evi-
16 dence of a registrant’s ineligibility to vote:

17 “(1) The failure of the registrant to vote in any
18 election.

19 “(2) The failure of the registrant to respond to
20 any notice sent under section 8(d).

21 “(3) The failure of the registrant to take any
22 other action with respect to voting in any election or
23 with respect to the registrant’s status as a reg-
24 istrant.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) NATIONAL VOTER REGISTRATION ACT OF
2 1993.—Section 8(a) of such Act (52 U.S.C.
3 20507(a)) is amended—

4 (A) in paragraph (3), by striking “pro-
5 vide” and inserting “subject to section 8A, pro-
6 vide”; and

7 (B) in paragraph (4), by striking “con-
8 duct” and inserting “subject to section 8A, con-
9 duct”.

10 (2) HELP AMERICA VOTE ACT OF 2002.—Section
11 303(a)(4)(A) of the Help America Vote Act of 2002
12 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
13 “, registrants” and inserting “, and subject to sec-
14 tion 8A of such Act, registrants”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the date of the enactment
17 of this Act.

18 **PART 2—ACCESS TO VOTING FOR INDIVIDUALS**

19 **WITH DISABILITIES**

20 **SEC. 50235. REQUIREMENTS FOR STATES TO PROMOTE AC-**
21 **CESS TO VOTER REGISTRATION AND VOTING**
22 **FOR INDIVIDUALS WITH DISABILITIES.**

23 (a) REQUIREMENTS.—Subtitle A of title III of the
24 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.)
25 is amended—

1 (1) by redesignating section 305 as section 306;

2 and

3 (2) by inserting after section 304 the following

4 new section:

5 **“SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING**
6 **FOR INDIVIDUALS WITH DISABILITIES.**

7 “(a) TREATMENT OF APPLICATIONS AND BAL-
8 LOTS.—Each State shall—

9 “(1) permit individuals with disabilities to use
10 absentee registration procedures and to vote by ab-
11 sentee ballot in elections for Federal office;

12 “(2) accept and process, with respect to any
13 election for Federal office, any otherwise valid voter
14 registration application and absentee ballot applica-
15 tion from an individual with a disability if the appli-
16 cation is received by the appropriate State election
17 official not less than 30 days before the election;

18 “(3) in addition to any other method of reg-
19 istering to vote or applying for an absentee ballot in
20 the State, establish procedures—

21 “(A) for individuals with disabilities to re-
22 quest by mail and electronically voter registra-
23 tion applications and absentee ballot applica-
24 tions with respect to elections for Federal office
25 in accordance with subsection (c);

1 “(B) for States to send by mail and elec-
2 tronically (in accordance with the preferred
3 method of transmission designated by the indi-
4 vidual under subparagraph (C)) voter registra-
5 tion applications and absentee ballot applica-
6 tions requested under subparagraph (A) in ac-
7 cordance with subsection (c); and

8 “(C) by which such an individual can des-
9 ignate whether the individual prefers that such
10 voter registration application or absentee ballot
11 application be transmitted by mail or electroni-
12 cally;

13 “(4) in addition to any other method of trans-
14 mitting blank absentee ballots in the State, establish
15 procedures for transmitting by mail and electroni-
16 cally blank absentee ballots to individuals with dis-
17 abilities with respect to elections for Federal office
18 in accordance with subsection (d);

19 “(5) transmit a validly requested absentee bal-
20 lot to an individual with a disability—

21 “(A) except as provided in subsection (e),
22 in the case in which the request is received at
23 least 45 days before an election for Federal of-
24 fice, not later than 45 days before the election;
25 and

1 “(B) in the case in which the request is re-
2 ceived less than 45 days before an election for
3 Federal office—

4 “(i) in accordance with State law; and

5 “(ii) if practicable and as determined
6 appropriate by the State, in a manner that
7 expedites the transmission of such absen-
8 tee ballot; and

9 “(6) if the State declares or otherwise holds a
10 runoff election for Federal office, establish a written
11 plan that provides absentee ballots are made avail-
12 able to individuals with disabilities in a manner that
13 gives them sufficient time to vote in the runoff elec-
14 tion.

15 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
16 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
17 TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS
18 IN STATE.—Each State shall designate a single office
19 which shall be responsible for providing information re-
20 garding voter registration procedures and absentee ballot
21 procedures to be used by individuals with disabilities with
22 respect to elections for Federal office to all individuals
23 with disabilities who wish to register to vote or vote in
24 any jurisdiction in the State.

1 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-
2 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO
3 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-
4 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-
5 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING
6 INFORMATION.—

7 “(1) IN GENERAL.—Each State shall, in addi-
8 tion to the designation of a single State office under
9 subsection (b), designate not less than 1 means of
10 electronic communication—

11 “(A) for use by individuals with disabilities
12 who wish to register to vote or vote in any ju-
13 risdiction in the State to request voter registra-
14 tion applications and absentee ballot applica-
15 tions under subsection (a)(3);

16 “(B) for use by States to send voter reg-
17 istration applications and absentee ballot appli-
18 cations requested under such subsection; and

19 “(C) for the purpose of providing related
20 voting, balloting, and election information to in-
21 dividuals with disabilities.

22 “(2) CLARIFICATION REGARDING PROVISION OF
23 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
24 TION.—A State may, in addition to the means of
25 electronic communication so designated, provide

1 multiple means of electronic communication to indi-
2 viduals with disabilities, including a means of elec-
3 tronic communication for the appropriate jurisdic-
4 tion of the State.

5 “(3) INCLUSION OF DESIGNATED MEANS OF
6 ELECTRONIC COMMUNICATION WITH INFORMA-
7 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
8 COMPANY BALLOTING MATERIALS.—Each State shall
9 include a means of electronic communication so des-
10 ignated with all informational and instructional ma-
11 terials that accompany balloting materials sent by
12 the State to individuals with disabilities.

13 “(4) TRANSMISSION IF NO PREFERENCE INDI-
14 CATED.—In the case where an individual with a dis-
15 ability does not designate a preference under sub-
16 section (a)(3)(C), the State shall transmit the voter
17 registration application or absentee ballot application
18 by any delivery method allowable in accordance with
19 applicable State law, or if there is no applicable
20 State law, by mail.

21 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
22 BY MAIL AND ELECTRONICALLY.—

23 “(1) IN GENERAL.—Each State shall establish
24 procedures—

1 “(A) to securely transmit blank absentee
2 ballots by mail and electronically (in accordance
3 with the preferred method of transmission des-
4 ignated by the individual with a disability under
5 subparagraph (B)) to individuals with disabil-
6 ities for an election for Federal office; and

7 “(B) by which the individual with a dis-
8 ability can designate whether the individual pre-
9 fers that such blank absentee ballot be trans-
10 mitted by mail or electronically.

11 “(2) TRANSMISSION IF NO PREFERENCE INDI-
12 CATED.—In the case where an individual with a dis-
13 ability does not designate a preference under para-
14 graph (1)(B), the State shall transmit the ballot by
15 any delivery method allowable in accordance with ap-
16 plicable State law, or if there is no applicable State
17 law, by mail.

18 “(3) APPLICATION OF METHODS TO TRACK DE-
19 LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL
20 REQUESTING BALLOT.—Under the procedures estab-
21 lished under paragraph (1), the State shall apply
22 such methods as the State considers appropriate,
23 such as assigning a unique identifier to the ballot,
24 to ensure that if an individual with a disability re-
25 quests the State to transmit a blank absentee ballot

1 to the individual in accordance with this subsection,
2 the voted absentee ballot which is returned by the
3 individual is the same blank absentee ballot which
4 the State transmitted to the individual.

5 “(e) HARDSHIP EXEMPTION.—

6 “(1) IN GENERAL.—If the chief State election
7 official determines that the State is unable to meet
8 the requirement under subsection (a)(5)(A) with re-
9 spect to an election for Federal office due to an
10 undue hardship described in paragraph (2)(B), the
11 chief State election official shall request that the At-
12 torney General grant a waiver to the State of the
13 application of such subsection. Such request shall in-
14 clude—

15 “(A) a recognition that the purpose of
16 such subsection is to individuals with disabili-
17 ties enough time to vote in an election for Fed-
18 eral office;

19 “(B) an explanation of the hardship that
20 indicates why the State is unable to transmit
21 such individuals an absentee ballot in accord-
22 ance with such subsection;

23 “(C) the number of days prior to the elec-
24 tion for Federal office that the State requires

1 absentee ballots be transmitted to such individ-
2 uals; and

3 “(D) a comprehensive plan to ensure that
4 such individuals are able to receive absentee
5 ballots which they have requested and submit
6 marked absentee ballots to the appropriate
7 State election official in time to have that ballot
8 counted in the election for Federal office, which
9 includes—

10 “(i) the steps the State will undertake
11 to ensure that such individuals have time
12 to receive, mark, and submit their ballots
13 in time to have those ballots counted in the
14 election;

15 “(ii) why the plan provides such indi-
16 viduals sufficient time to vote as a sub-
17 stitute for the requirements under such
18 subsection; and

19 “(iii) the underlying factual informa-
20 tion which explains how the plan provides
21 such sufficient time to vote as a substitute
22 for such requirements.

23 “(2) APPROVAL OF WAIVER REQUEST.—The
24 Attorney General shall approve a waiver request

1 under paragraph (1) if the Attorney General deter-
2 mines each of the following requirements are met:

3 “(A) The comprehensive plan under sub-
4 paragraph (D) of such paragraph provides indi-
5 viduals with disabilities sufficient time to re-
6 ceive absentee ballots they have requested and
7 submit marked absentee ballots to the appro-
8 priate State election official in time to have that
9 ballot counted in the election for Federal office.

10 “(B) One or more of the following issues
11 creates an undue hardship for the State:

12 “(i) The State’s primary election date
13 prohibits the State from complying with
14 subsection (a)(5)(A).

15 “(ii) The State has suffered a delay in
16 generating ballots due to a legal contest.

17 “(iii) The State Constitution prohibits
18 the State from complying with such sub-
19 section.

20 “(3) TIMING OF WAIVER.—

21 “(A) IN GENERAL.—Except as provided
22 under subparagraph (B), a State that requests
23 a waiver under paragraph (1) shall submit to
24 the Attorney General the written waiver request
25 not later than 90 days before the election for

1 Federal office with respect to which the request
2 is submitted. The Attorney General shall ap-
3 prove or deny the waiver request not later than
4 65 days before such election.

5 “(B) EXCEPTION.—If a State requests a
6 waiver under paragraph (1) as the result of an
7 undue hardship described in paragraph
8 (2)(B)(ii), the State shall submit to the Attor-
9 ney General the written waiver request as soon
10 as practicable. The Attorney General shall ap-
11 prove or deny the waiver request not later than
12 5 business days after the date on which the re-
13 quest is received.

14 “(4) APPLICATION OF WAIVER.—A waiver ap-
15 proved under paragraph (2) shall only apply with re-
16 spect to the election for Federal office for which the
17 request was submitted. For each subsequent election
18 for Federal office, the Attorney General shall only
19 approve a waiver if the State has submitted a re-
20 quest under paragraph (1) with respect to such elec-
21 tion.

22 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to allow the marking or casting of
24 ballots over the Internet.

1 “(g) INDIVIDUAL WITH A DISABILITY DEFINED.—
2 In this section, an ‘individual with a disability’ means an
3 individual with an impairment that substantially limits
4 any major life activities and who is otherwise qualified to
5 vote in elections for Federal office.

6 “(h) EFFECTIVE DATE.—This section shall apply
7 with respect to elections for Federal office held on or after
8 January 1, 2022.”.

9 (b) CONFORMING AMENDMENT RELATING TO
10 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
11 SISTANCE COMMISSION.—Section 311(b) of such Act (52
12 U.S.C. 21101(b)) is amended—

13 (1) by striking “and” at the end of paragraph
14 (2);

15 (2) by striking the period at the end of para-
16 graph (3) and inserting “; and”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(4) in the case of the recommendations with
20 respect to section 305, January 1, 2022.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 of such Act is amended—

23 (1) by redesignating the item relating to section
24 305 as relating to section 306; and

1 (2) by inserting after the item relating to sec-
2 tion 304 the following new item:

“Sec. 305. Access to voter registration and voting for individuals with disabili-
ties.”.

3 **SEC. 50236. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
4 **WITH DISABILITIES TO REGISTER TO VOTE**
5 **AND VOTE PRIVATELY AND INDEPENDENTLY**
6 **AT RESIDENCES.**

7 (a) ESTABLISHMENT OF PILOT PROGRAMS.—The
8 Election Assistance Commission (hereafter referred to as
9 the “Commission”) shall make grants to eligible States to
10 conduct pilot programs under which—

11 (1) individuals with disabilities may use elec-
12 tronic means (including the Internet and telephones
13 utilizing assistive devices) to register to vote and to
14 request and receive absentee ballots, in a manner
15 which permits such individuals to do so privately
16 and independently at their own residences; and

17 (2) individuals with disabilities may use the
18 telephone to cast ballots electronically from their
19 own residences, but only if the telephone used is not
20 connected to the Internet.

21 (b) REPORTS.—

22 (1) IN GENERAL.—A State receiving a grant for
23 a year under this section shall submit a report to the
24 Commission on the pilot programs the State carried

1 out with the grant with respect to elections for pub-
2 lic office held in the State during the year.

3 (2) DEADLINE.—A State shall submit a report
4 under paragraph (1) not later than 90 days after
5 the last election for public office held in the State
6 during the year.

7 (c) ELIGIBILITY.—A State is eligible to receive a
8 grant under this section if the State submits to the Com-
9 mission, at such time and in such form as the Commission
10 may require, an application containing such information
11 and assurances as the Commission may require.

12 (d) TIMING.—The Commission shall make the first
13 grants under this section for pilot programs which will be
14 in effect with respect to elections for Federal office held
15 in 2022, or, at the option of a State, with respect to other
16 elections for public office held in the State in 2020.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated for grants for pilot pro-
19 grams under this section \$30,000,000 for fiscal year 2022
20 and each succeeding fiscal year.

21 (f) STATE DEFINED.—In this section, the term
22 “State” includes the District of Columbia, the Common-
23 wealth of Puerto Rico, Guam, American Samoa, the
24 United States Virgin Islands, and the Commonwealth of
25 the Northern Mariana Islands.

1 **SEC. 50237. EXPANSION AND REAUTHORIZATION OF GRANT**
2 **PROGRAM TO ASSURE VOTING ACCESS FOR**
3 **INDIVIDUALS WITH DISABILITIES.**

4 (a) PURPOSES OF PAYMENTS.—Section 261(b) of the
5 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
6 amended by striking paragraphs (1) and (2) and inserting
7 the following:

8 “(1) making absentee voting and voting at
9 home accessible to individuals with the full range of
10 disabilities (including impairments involving vision,
11 hearing, mobility, or dexterity) through the imple-
12 mentation of accessible absentee voting systems that
13 work in conjunction with assistive technologies for
14 which individuals have access at their homes, inde-
15 pendent living centers, or other facilities;

16 “(2) making polling places, including the path
17 of travel, entrances, exits, and voting areas of each
18 polling facility, accessible to individuals with disabil-
19 ities, including the blind and visually impaired, in a
20 manner that provides the same opportunity for ac-
21 cess and participation (including privacy and inde-
22 pendence) as for other voters; and

23 “(3) providing solutions to problems of access
24 to voting and elections for individuals with disabil-
25 ities that are universally designed and provide the

1 same opportunities for individuals with and without
2 disabilities.”.

3 (b) REAUTHORIZATION.—Section 264(a) of such Act
4 (52 U.S.C. 21024(a)) is amended by adding at the end
5 the following new paragraph:

6 “(4) For fiscal year 2022 and each succeeding
7 fiscal year, such sums as may be necessary to carry
8 out this part.”.

9 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
10 264 of such Act (52 U.S.C. 21024) is amended—

11 (1) in subsection (b), by striking “Any
12 amounts” and inserting “Except as provided in sub-
13 section (b), any amounts”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

17 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
18 ITURE.—In the case of any amounts appropriated
19 pursuant to the authority of subsection (a) for a
20 payment to a State or unit of local government for
21 fiscal year 2022 or any succeeding fiscal year, any
22 portion of such amounts which have not been obli-
23 gated or expended by the State or unit of local gov-
24 ernment prior to the expiration of the 4-year period
25 which begins on the date the State or unit of local

1 government first received the amounts shall be
2 transferred to the Commission.

3 “(2) REALLOCATION OF TRANSFERRED
4 AMOUNTS.—

5 “(A) IN GENERAL.—The Commission shall
6 use the amounts transferred under paragraph
7 (1) to make payments on a pro rata basis to
8 each covered payment recipient described in
9 subparagraph (B), which may obligate and ex-
10 pend such payment for the purposes described
11 in section 261(b) during the 1-year period
12 which begins on the date of receipt.

13 “(B) COVERED PAYMENT RECIPIENTS DE-
14 SCRIBED.—In subparagraph (A), a ‘covered
15 payment recipient’ is a State or unit of local
16 government with respect to which—

17 “(i) amounts were appropriated pur-
18 suant to the authority of subsection (a);
19 and

20 “(ii) no amounts were transferred to
21 the Commission under paragraph (1).”.

1 **PART 3—PROHIBITING VOTER CAGING**

2 **SEC. 50238. VOTER CAGING AND OTHER QUESTIONABLE**
3 **CHALLENGES PROHIBITED.**

4 (a) IN GENERAL.—Chapter 29 of title 18, United
5 States Code, as amended by section 50231(a), is amended
6 by adding at the end the following:

7 **“§ 613. Voter caging and other questionable chal-**
8 **lenges**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘voter caging document’ means—

11 “(A) a nonforwardable document that is
12 returned to the sender or a third party as unde-
13 livered or undeliverable despite an attempt to
14 deliver such document to the address of a reg-
15 istered voter or applicant; or

16 “(B) any document with instructions to an
17 addressee that the document be returned to the
18 sender or a third party but is not so returned,
19 despite an attempt to deliver such document to
20 the address of a registered voter or applicant,
21 unless at least two Federal election cycles have
22 passed since the date of the attempted delivery;

23 “(2) the term ‘voter caging list’ means a list of
24 individuals compiled from voter caging documents;
25 and

1 “(3) the term ‘unverified match list’ means a
2 list produced by matching the information of reg-
3 istered voters or applicants for voter registration to
4 a list of individuals who are ineligible to vote in the
5 registrar’s jurisdiction, by virtue of death, convic-
6 tion, change of address, or otherwise; unless one of
7 the pieces of information matched includes a signa-
8 ture, photograph, or unique identifying number en-
9 suring that the information from each source refers
10 to the same individual.

11 “(b) PROHIBITION AGAINST VOTER CAGING.—No
12 State or local election official shall prevent an individual
13 from registering or voting in any election for Federal of-
14 fice, or permit in connection with any election for Federal
15 office a formal challenge under State law to an individual’s
16 registration status or eligibility to vote, if the basis for
17 such decision is evidence consisting of—

18 “(1) a voter caging document or voter caging
19 list;

20 “(2) an unverified match list;

21 “(3) an error or omission on any record or
22 paper relating to any application, registration, or
23 other act requisite to voting, if such error or omis-
24 sion is not material to an individual’s eligibility to

1 vote under section 2004 of the Revised Statutes, as
2 amended (52 U.S.C. 10101(a)(2)(B)); or

3 “(4) any other evidence so designated for pur-
4 poses of this section by the Election Assistance Com-
5 mission,

6 except that the election official may use such evidence if
7 it is corroborated by independent evidence of the individ-
8 ual’s ineligibility to register or vote.

9 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
10 OTHER THAN ELECTION OFFICIALS.—No person, other
11 than a State or local election official, shall submit a formal
12 challenge to an individual’s eligibility to register to vote
13 in an election for Federal office or to vote in an election
14 for Federal office unless that challenge is supported by
15 personal knowledge regarding the grounds for ineligibility
16 which is—

17 “(1) documented in writing; and

18 “(2) subject to an oath or attestation under
19 penalty of perjury that the challenger has a good
20 faith factual basis to believe that the individual who
21 is the subject of the challenge is ineligible to register
22 to vote or vote in that election, except a challenge
23 which is based on the race, ethnicity, or national ori-
24 gin of the individual who is the subject of the chal-

1 lence may not be considered to have a good faith
2 factual basis for purposes of this paragraph.

3 “(d) PENALTIES FOR KNOWING MISCONDUCT.—
4 Whoever knowingly challenges the eligibility of one or
5 more individuals to register or vote or knowingly causes
6 the eligibility of such individuals to be challenged in viola-
7 tion of this section with the intent that one or more eligi-
8 ble voters be disqualified, shall be fined under this title
9 or imprisoned not more than 1 year, or both, for each such
10 violation. Each violation shall be a separate offense.

11 “(e) NO EFFECT ON RELATED LAWS.—Nothing in
12 this section is intended to override the protections of the
13 National Voter Registration Act of 1993 (52 U.S.C.
14 20501 et seq.) or to affect the Voting Rights Act of 1965
15 (52 U.S.C. 10301 et seq.).”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for chapter 29 of title 18, United States Code, as amended
18 by section 50231(b), is amended by adding at the end the
19 following:

“613. Voter caging and other questionable challenges.”.

20 **SEC. 50239. DEVELOPMENT AND ADOPTION OF BEST PRAC-**
21 **TICES FOR PREVENTING VOTER CAGING.**

22 (a) BEST PRACTICES.—Not later than 180 days after
23 the date of the enactment of this Act, the Election Assist-
24 ance Commission shall develop and publish for the use of
25 States recommendations for best practices to deter and

1 prevent violations of section 613 of title 18, United States
2 Code, as added by section 50271(a), including practices
3 to provide for the posting of relevant information at poll-
4 ing places and voter registration agencies, the training of
5 poll workers and election officials, and relevant edu-
6 cational measures. For purposes of this subsection, the
7 term “State” includes the District of Columbia, the Com-
8 monwealth of Puerto Rico, Guam, American Samoa, the
9 United States Virgin Islands, and the Commonwealth of
10 the Northern Mariana Islands.

11 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
12 MENTS.—Section 302(b)(2) of the Help America Vote Act
13 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section
14 50232(b), is amended—

15 (1) by striking “and” at the end of subpara-
16 graph (F);

17 (2) by striking the period at the end of sub-
18 paragraph (G) and inserting “; and”; and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(H) information relating to the prohibi-
22 tion against voter caging and other questionable
23 challenges (as set forth in section 613 of title
24 18, United States Code), including information

1 on how individuals may report allegations of
2 violations of such prohibition.”.

3 **PART 4—PROHIBITING DECEPTIVE PRACTICES**
4 **AND PREVENTING VOTER INTIMIDATION**

5 **SEC. 50240. SHORT TITLE.**

6 This part may be cited as the “Deceptive Practices
7 and Voter Intimidation Prevention Act of 2020”.

8 **SEC. 50241. PROHIBITION ON DECEPTIVE PRACTICES IN**
9 **FEDERAL ELECTIONS.**

10 (a) PROHIBITION.—Subsection (b) of section 2004 of
11 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

12 (1) by striking “No person” and inserting the
13 following:

14 “(1) IN GENERAL.—No person”; and

15 (2) by inserting at the end the following new
16 paragraphs:

17 “(2) FALSE STATEMENTS REGARDING FEDERAL
18 ELECTIONS.—

19 “(A) PROHIBITION.—No person, whether
20 acting under color of law or otherwise, shall,
21 within 60 days before an election described in
22 paragraph (5), by any means, including by
23 means of written, electronic, or telephonic com-
24 munications, communicate or cause to be com-
25 municated information described in subpara-

graph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person—

“(i) knows such information to be materially false; and

“(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

“(B) INFORMATION DESCRIBED.—Information is described in this subparagraph if such information is regarding—

“(i) the time, place, or manner of holding any election described in paragraph (5); or

“(ii) the qualifications for or restrictions on voter eligibility for any such election, including—

“(I) any criminal penalties associated with voting in any such election; or

“(II) information regarding a voter’s registration status or eligibility.

1 “(3) FALSE STATEMENTS REGARDING PUBLIC
2 ENDORSEMENTS.—

3 “(A) PROHIBITION.—No person, whether
4 acting under color of law or otherwise, shall,
5 within 60 days before an election described in
6 paragraph (5), by any means, including by
7 means of written, electronic, or telephonic com-
8 munications, communicate, or cause to be com-
9 municated, a materially false statement about
10 an endorsement, if such person—

11 “(i) knows such statement to be false;
12 and

13 “(ii) has the intent to impede or pre-
14 vent another person from exercising the
15 right to vote in an election described in
16 paragraph (5).

17 “(B) DEFINITION OF ‘MATERIALLY
18 FALSE’.—For purposes of subparagraph (A), a
19 statement about an endorsement is ‘materially
20 false’ if, with respect to an upcoming election
21 described in paragraph (5)—

22 “(i) the statement states that a spe-
23 cifically named person, political party, or
24 organization has endorsed the election of a

1 specific candidate for a Federal office de-
2 scribed in such paragraph; and

3 “(ii) such person, political party, or
4 organization has not endorsed the election
5 of such candidate.

6 “(4) HINDERING, INTERFERING WITH, OR PRE-
7 VENTING VOTING OR REGISTERING TO VOTE.—No
8 person, whether acting under color of law or other-
9 wise, shall intentionally hinder, interfere with, or
10 prevent another person from voting, registering to
11 vote, or aiding another person to vote or register to
12 vote in an election described in paragraph (5).

13 “(5) ELECTION DESCRIBED.—An election de-
14 scribed in this paragraph is any general, primary,
15 run-off, or special election held solely or in part for
16 the purpose of nominating or electing a candidate
17 for the office of President, Vice President, presi-
18 dential elector, Member of the Senate, Member of
19 the House of Representatives, or Delegate or Com-
20 missioner from a Territory or possession.”.

21 (b) PRIVATE RIGHT OF ACTION.—

22 (1) IN GENERAL.—Subsection (c) of section
23 2004 of the Revised Statutes (52 U.S.C. 10101(c))
24 is amended—

1 (A) by striking “Whenever any person”
2 and inserting the following:

3 “(1) Whenever any person”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(2) Any person aggrieved by a violation of
7 subsection (b)(2), (b)(3), or (b)(4) may institute a
8 civil action for preventive relief, including an appli-
9 cation in a United States district court for a perma-
10 nent or temporary injunction, restraining order, or
11 other order. In any such action, the court, in its dis-
12 cretion, may allow the prevailing party a reasonable
13 attorney’s fee as part of the costs.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Subsection (e) of section 2004 of the
16 Revised Statutes (52 U.S.C. 10101(e)) is
17 amended by striking “subsection (e)” and in-
18 serting “subsection (e)(1)”.

19 (B) Subsection (g) of section 2004 of the
20 Revised Statutes (52 U.S.C. 10101(g)) is
21 amended by striking “subsection (e)” and in-
22 serting “subsection (e)(1)”.

23 (c) CRIMINAL PENALTIES.—

24 (1) DECEPTIVE ACTS.—Section 594 of title 18,
25 United States Code, is amended—

1 (A) by striking “Whoever” and inserting
2 the following:

3 “(a) INTIMIDATION.—Whoever”;

4 (B) in subsection (a), as inserted by sub-
5 paragraph (A), by striking “at any election”
6 and inserting “at any general, primary, run-off,
7 or special election”; and

8 (C) by adding at the end the following new
9 subsections:

10 “(b) DECEPTIVE ACTS.—

11 “(1) FALSE STATEMENTS REGARDING FEDERAL
12 ELECTIONS.—

13 “(A) PROHIBITION.—It shall be unlawful
14 for any person, whether acting under color of
15 law or otherwise, within 60 days before an elec-
16 tion described in subsection (e), by any means,
17 including by means of written, electronic, or tel-
18 ephonic communications, to communicate or
19 cause to be communicated information de-
20 scribed in subparagraph (B), or produce infor-
21 mation described in subparagraph (B) with the
22 intent that such information be communicated,
23 if such person—

24 “(i) knows such information to be ma-
25 terially false; and

1 “(ii) has the intent to mislead voters,
2 or the intent to impede or prevent another
3 person from exercising the right to vote in
4 an election described in subsection (e).

5 “(B) INFORMATION DESCRIBED.—Infor-
6 mation is described in this subparagraph if such
7 information is regarding—

8 “(i) the time or place of holding any
9 election described in subsection (e); or

10 “(ii) the qualifications for or restric-
11 tions on voter eligibility for any such elec-
12 tion, including—

13 “(I) any criminal penalties asso-
14 ciated with voting in any such elec-
15 tion; or

16 “(II) information regarding a
17 voter’s registration status or eligi-
18 bility.

19 “(2) PENALTY.—Any person who violates para-
20 graph (1) shall be fined not more than \$100,000,
21 imprisoned for not more than 5 years, or both.

22 “(c) HINDERING, INTERFERING WITH, OR PRE-
23 VENTING VOTING OR REGISTERING TO VOTE.—

24 “(1) PROHIBITION.—It shall be unlawful for
25 any person, whether acting under color of law or

1 otherwise, to corruptly hinder, interfere with, or pre-
2 vent another person from voting, registering to vote,
3 or aiding another person to vote or register to vote
4 in an election described in subsection (e).

5 “(2) PENALTY.—Any person who violates para-
6 graph (1) shall be fined not more than \$100,000,
7 imprisoned for not more than 5 years, or both.

8 “(d) ATTEMPT.—Any person who attempts to commit
9 any offense described in subsection (a), (b)(1), or (c)(1)
10 shall be subject to the same penalties as those prescribed
11 for the offense that the person attempted to commit.

12 “(e) ELECTION DESCRIBED.—An election described
13 in this subsection is any general, primary, run-off, or spe-
14 cial election held solely or in part for the purpose of nomi-
15 nating or electing a candidate for the office of President,
16 Vice President, presidential elector, Member of the Senate,
17 Member of the House of Representatives, or Delegate or
18 Commissioner from a Territory or possession.”.

19 (2) MODIFICATION OF PENALTY FOR VOTER IN-
20 TIMIDATION.—Section 594(a) of title 18, United
21 States Code, as amended by paragraph (1), is
22 amended by striking “fined under this title or im-
23 prisoned not more than one year” and inserting
24 “fined not more than \$100,000, imprisoned for not
25 more than 5 years”.

1 (3) SENTENCING GUIDELINES.—

2 (A) REVIEW AND AMENDMENT.—Not later
3 than 180 days after the date of enactment of
4 this Act, the United States Sentencing Commis-
5 sion, pursuant to its authority under section
6 994 of title 28, United States Code, and in ac-
7 cordance with this section, shall review and, if
8 appropriate, amend the Federal sentencing
9 guidelines and policy statements applicable to
10 persons convicted of any offense under section
11 594 of title 18, United States Code, as amend-
12 ed by this section.

13 (B) AUTHORIZATION.—The United States
14 Sentencing Commission may amend the Federal
15 Sentencing Guidelines in accordance with the
16 procedures set forth in section 21(a) of the Sen-
17 tencing Act of 1987 (28 U.S.C. 994 note) as
18 though the authority under that section had not
19 expired.

20 (4) PAYMENTS FOR REFRAINING FROM VOT-
21 ING.—Subsection (c) of section 11 of the Voting
22 Rights Act of 1965 (52 U.S.C. 10307) is amended
23 by striking “either for registration to vote or for vot-
24 ing” and inserting “for registration to vote, for vot-
25 ing, or for not voting”.

1 **SEC. 50242. CORRECTIVE ACTION.**

2 (a) CORRECTIVE ACTION.—

3 (1) IN GENERAL.—If the Attorney General re-
4 ceives a credible report that materially false informa-
5 tion has been or is being communicated in violation
6 of paragraphs (2) and (3) of section 2004(b) of the
7 Revised Statutes (52 U.S.C. 10101(b)), as added by
8 section 50241(a), and if the Attorney General deter-
9 mines that State and local election officials have not
10 taken adequate steps to promptly communicate accu-
11 rate information to correct the materially false infor-
12 mation, the Attorney General shall, pursuant to the
13 written procedures and standards under subsection
14 (b), communicate to the public, by any means, in-
15 cluding by means of written, electronic, or telephonic
16 communications, accurate information designed to
17 correct the materially false information.

18 (2) COMMUNICATION OF CORRECTIVE INFORMA-
19 TION.—Any information communicated by the Attor-
20 ney General under paragraph (1)—

21 (A) shall—

22 (i) be accurate and objective;

23 (ii) consist of only the information
24 necessary to correct the materially false in-
25 formation that has been or is being com-
26 municated; and

1 (iii) to the extent practicable, be by a
2 means that the Attorney General deter-
3 mines will reach the persons to whom the
4 materially false information has been or is
5 being communicated; and

6 (B) shall not be designed to favor or dis-
7 favor any particular candidate, organization, or
8 political party.

9 (b) WRITTEN PROCEDURES AND STANDARDS FOR
10 TAKING CORRECTIVE ACTION.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Attorney
13 General shall publish written procedures and stand-
14 ards for determining when and how corrective action
15 will be taken under this section.

16 (2) INCLUSION OF APPROPRIATE DEADLINES.—
17 The procedures and standards under paragraph (1)
18 shall include appropriate deadlines, based in part on
19 the number of days remaining before the upcoming
20 election.

21 (3) CONSULTATION.—In developing the proce-
22 dures and standards under paragraph (1), the Attor-
23 ney General shall consult with the Election Assist-
24 ance Commission, State and local election officials,
25 civil rights organizations, voting rights groups, voter

1 protection groups, and other interested community
2 organizations.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Attorney General
5 such sums as may be necessary to carry out this part.

6 **SEC. 50243. REPORTS TO CONGRESS.**

7 (a) IN GENERAL.—Not later than 180 days after
8 each general election for Federal office, the Attorney Gen-
9 eral shall submit to Congress a report compiling all allega-
10 tions received by the Attorney General of deceptive prac-
11 tices described in paragraphs (2), (3), and (4) of section
12 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
13 added by section 50241(a), relating to the general election
14 for Federal office and any primary, run-off, or a special
15 election for Federal office held in the 2 years preceding
16 the general election.

17 (b) CONTENTS.—

18 (1) IN GENERAL.—Each report submitted
19 under subsection (a) shall include—

20 (A) a description of each allegation of a
21 deceptive practice described in subsection (a),
22 including the geographic location, racial and
23 ethnic composition, and language minority-
24 group membership of the persons toward whom
25 the alleged deceptive practice was directed;

1 (B) the status of the investigation of each
2 allegation described in subparagraph (A);

3 (C) a description of each corrective action
4 taken by the Attorney General under section
5 4(a) in response to an allegation described in
6 subparagraph (A);

7 (D) a description of each referral of an al-
8 legation described in subparagraph (A) to other
9 Federal, State, or local agencies;

10 (E) to the extent information is available,
11 a description of any civil action instituted under
12 section 2004(c)(2) of the Revised Statutes (52
13 U.S.C. 10101(c)(2)), as added by section
14 50241(b), in connection with an allegation de-
15 scribed in subparagraph (A); and

16 (F) a description of any criminal prosecu-
17 tion instituted under section 594 of title 18,
18 United States Code, as amended by section
19 50274(c), in connection with the receipt of an
20 allegation described in subparagraph (A) by the
21 Attorney General.

22 (2) EXCLUSION OF CERTAIN INFORMATION.—

23 (A) IN GENERAL.—The Attorney General
24 shall not include in a report submitted under
25 subsection (a) any information protected from

1 disclosure by rule 6(e) of the Federal Rules of
2 Criminal Procedure or any Federal criminal
3 statute.

4 (B) EXCLUSION OF CERTAIN OTHER IN-
5 FORMATION.—The Attorney General may deter-
6 mine that the following information shall not be
7 included in a report submitted under subsection
8 (a):

9 (i) Any information that is privileged.

10 (ii) Any information concerning an
11 ongoing investigation.

12 (iii) Any information concerning a
13 criminal or civil proceeding conducted
14 under seal.

15 (iv) Any other nonpublic information
16 that the Attorney General determines the
17 disclosure of which could reasonably be ex-
18 pected to infringe on the rights of any in-
19 dividual or adversely affect the integrity of
20 a pending or future criminal investigation.

21 (c) REPORT MADE PUBLIC.—On the date that the
22 Attorney General submits the report under subsection (a),
23 the Attorney General shall also make the report publicly
24 available through the Internet and other appropriate
25 means.

1 **PART 5—DEMOCRACY RESTORATION**

2 **SEC. 50244. SHORT TITLE.**

3 This part may be cited as the “Democracy Restora-
4 tion Act of 2020”.

5 **SEC. 50245. RIGHTS OF CITIZENS.**

6 The right of an individual who is a citizen of the
7 United States to vote in any election for Federal office
8 shall not be denied or abridged because that individual has
9 been convicted of a criminal offense unless such individual
10 is serving a felony sentence in a correctional institution
11 or facility at the time of the election.

12 **SEC. 50246. ENFORCEMENT.**

13 (a) ATTORNEY GENERAL.—The Attorney General
14 may, in a civil action, obtain such declaratory or injunctive
15 relief as is necessary to remedy a violation of this part.

16 (b) PRIVATE RIGHT OF ACTION.—

17 (1) IN GENERAL.—A person who is aggrieved
18 by a violation of this part may provide written notice
19 of the violation to the chief election official of the
20 State involved.

21 (2) RELIEF.—Except as provided in paragraph
22 (3), if the violation is not corrected within 90 days
23 after receipt of a notice under paragraph (1), or
24 within 20 days after receipt of the notice if the viola-
25 tion occurred within 120 days before the date of an
26 election for Federal office, the aggrieved person

1 may, in a civil action, obtain declaratory or injunc-
2 tive relief with respect to the violation.

3 (3) EXCEPTION.—If the violation occurred
4 within 30 days before the date of an election for
5 Federal office, the aggrieved person need not provide
6 notice to the chief election official of the State under
7 paragraph (1) before bringing a civil action to obtain
8 declaratory or injunctive relief with respect to the
9 violation.

10 **SEC. 50247. NOTIFICATION OF RESTORATION OF VOTING**
11 **RIGHTS.**

12 (a) STATE NOTIFICATION.—

13 (1) NOTIFICATION.—On the date determined
14 under paragraph (2), each State shall notify in writ-
15 ing any individual who has been convicted of a
16 criminal offense under the law of that State that
17 such individual has the right to vote in an election
18 for Federal office pursuant to the Democracy Res-
19 toration Act of 2020 and may register to vote in any
20 such election.

21 (2) DATE OF NOTIFICATION.—

22 (A) FELONY CONVICTION.—In the case of
23 such an individual who has been convicted of a
24 felony, the notification required under para-

1 graph (1) shall be given on the date on which
2 the individual—

3 (i) is sentenced to serve only a term
4 of probation; or

5 (ii) is released from the custody of
6 that State (other than to the custody of
7 another State or the Federal Government
8 to serve a term of imprisonment for a fel-
9 ony conviction).

10 (B) MISDEMEANOR CONVICTION.—In the
11 case of such an individual who has been con-
12 victed of a misdemeanor, the notification re-
13 quired under paragraph (1) shall be given on
14 the date on which such individual is sentenced
15 by a State court.

16 (b) FEDERAL NOTIFICATION.—

17 (1) NOTIFICATION.—Any individual who has
18 been convicted of a criminal offense under Federal
19 law shall be notified in accordance with paragraph
20 (2) that such individual has the right to vote in an
21 election for Federal office pursuant to the Democ-
22 racy Restoration Act of 2020 and may register to
23 vote in any such election.

24 (2) DATE OF NOTIFICATION.—

1 (A) FELONY CONVICTION.—In the case of
2 such an individual who has been convicted of a
3 felony, the notification required under para-
4 graph (1) shall be given—

5 (i) in the case of an individual who is
6 sentenced to serve only a term of proba-
7 tion, by the Assistant Director for the Of-
8 fice of Probation and Pretrial Services of
9 the Administrative Office of the United
10 States Courts on the date on which the in-
11 dividual is sentenced; or

12 (ii) in the case of any individual com-
13 mitted to the custody of the Bureau of
14 Prisons, by the Director of the Bureau of
15 Prisons, during the period beginning on
16 the date that is 6 months before such indi-
17 vidual is released and ending on the date
18 such individual is released from the cus-
19 tody of the Bureau of Prisons.

20 (B) MISDEMEANOR CONVICTION.—In the
21 case of such an individual who has been con-
22 victed of a misdemeanor, the notification re-
23 quired under paragraph (1) shall be given on
24 the date on which such individual is sentenced
25 by a court established by an Act of Congress.

1 **SEC. 50248. DEFINITIONS.**

2 For purposes of this part:

3 (1) CORRECTIONAL INSTITUTION OR FACIL-
4 ITY.—The term “correctional institution or facility”
5 means any prison, penitentiary, jail, or other institu-
6 tion or facility for the confinement of individuals
7 convicted of criminal offenses, whether publicly or
8 privately operated, except that such term does not
9 include any residential community treatment center
10 (or similar public or private facility).

11 (2) ELECTION.—The term “election” means—

12 (A) a general, special, primary, or runoff
13 election;

14 (B) a convention or caucus of a political
15 party held to nominate a candidate;

16 (C) a primary election held for the selec-
17 tion of delegates to a national nominating con-
18 vention of a political party; or

19 (D) a primary election held for the expres-
20 sion of a preference for the nomination of per-
21 sons for election to the office of President.

22 (3) FEDERAL OFFICE.—The term “Federal of-
23 fice” means the office of President or Vice President
24 of the United States, or of Senator or Representa-
25 tive in, or Delegate or Resident Commissioner to,
26 the Congress of the United States.

1 (4) PROBATION.—The term “probation” means
2 probation, imposed by a Federal, State, or local
3 court, with or without a condition on the individual
4 involved concerning—

5 (A) the individual’s freedom of movement;

6 (B) the payment of damages by the indi-
7 vidual;

8 (C) periodic reporting by the individual to
9 an officer of the court; or

10 (D) supervision of the individual by an of-
11 ficer of the court.

12 **SEC. 50249. RELATION TO OTHER LAWS.**

13 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
14 Nothing in this part be construed to prohibit the States
15 from enacting any State law which affords the right to
16 vote in any election for Federal office on terms less restric-
17 tive than those established by this part.

18 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
19 edies established by this part are in addition to all other
20 rights and remedies provided by law, and neither rights
21 and remedies established by this subtitle shall supersede,
22 restrict, or limit the application of the Voting Rights Act
23 of 1965 (52 U.S.C. 10301 et seq.) or the National Voter
24 Registration Act of 1993 (52 U.S.C. 20501 et seq.).

1 **SEC. 50250. FEDERAL PRISON FUNDS.**

2 No State, unit of local government, or other person
3 may receive or use, to construct or otherwise improve a
4 prison, jail, or other place of incarceration, any Federal
5 funds unless that person has in effect a program under
6 which each individual incarcerated in that person's juris-
7 diction who is a citizen of the United States is notified,
8 upon release from such incarceration, of that individual's
9 rights under section 50246.

10 **SEC. 50251. EFFECTIVE DATE.**

11 This part shall apply to citizens of the United States
12 voting in any election for Federal office held after the date
13 of the enactment of this Act.

14 **PART 6—PROMOTING ACCURACY, INTEGRITY,**
15 **AND SECURITY THROUGH VOTER-VERIFIED**
16 **PERMANENT PAPER BALLOT**

17 **SEC. 50252. SHORT TITLE.**

18 This part may be cited as the “Voter Confidence and
19 Increased Accessibility Act of 2020”.

20 **SEC. 50253. PAPER BALLOT AND MANUAL COUNTING RE-**
21 **QUIREMENTS.**

22 (a) IN GENERAL.—Section 301(a)(2) of the Help
23 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
24 amended to read as follows:

25 “(2) PAPER BALLOT REQUIREMENT.—

26 “(A) VOTER-VERIFIED PAPER BALLOTS.—

1 “(i) PAPER BALLOT REQUIREMENT.—

2 (I) The voting system shall require the use
3 of an individual, durable, voter-verified,
4 paper ballot of the voter’s vote that shall
5 be marked and made available for inspec-
6 tion and verification by the voter before
7 the voter’s vote is cast and counted, and
8 which shall be counted by hand or read by
9 an optical character recognition device or
10 other counting device. For purposes of this
11 subclause, the term ‘individual, durable,
12 voter-verified, paper ballot’ means a paper
13 ballot marked by the voter by hand or a
14 paper ballot marked through the use of a
15 nontabulating ballot marking device or sys-
16 tem, so long as the voter shall have the op-
17 tion to mark his or her ballot by hand.

18 “(II) The voting system shall provide
19 the voter with an opportunity to correct
20 any error on the paper ballot before the
21 permanent voter-verified paper ballot is
22 preserved in accordance with clause (ii).

23 “(III) The voting system shall not
24 preserve the voter-verified paper ballots in
25 any manner that makes it possible, at any

1 time after the ballot has been cast, to asso-
2 ciate a voter with the record of the voter's
3 vote without the voter's consent.

4 “(ii) PRESERVATION AS OFFICIAL
5 RECORD.—The individual, durable, voter-
6 verified, paper ballot used in accordance
7 with clause (i) shall constitute the official
8 ballot and shall be preserved and used as
9 the official ballot for purposes of any re-
10 count or audit conducted with respect to
11 any election for Federal office in which the
12 voting system is used.

13 “(iii) MANUAL COUNTING REQUIRE-
14 MENTS FOR RECOUNTS AND AUDITS.—(I)
15 Each paper ballot used pursuant to clause
16 (i) shall be suitable for a manual audit,
17 and shall be counted by hand in any re-
18 count or audit conducted with respect to
19 any election for Federal office.

20 “(II) In the event of any inconsist-
21 encies or irregularities between any elec-
22 tronic vote tallies and the vote tallies de-
23 termined by counting by hand the indi-
24 vidual, durable, voter-verified, paper ballots
25 used pursuant to clause (i), and subject to

1 subparagraph (B), the individual, durable,
2 voter-verified, paper ballots shall be the
3 true and correct record of the votes cast.

4 “(iv) APPLICATION TO ALL BAL-
5 LOTS.—The requirements of this subpara-
6 graph shall apply to all ballots cast in elec-
7 tions for Federal office, including ballots
8 cast by absent uniformed services voters
9 and overseas voters under the Uniformed
10 and Overseas Citizens Absentee Voting Act
11 and other absentee voters.

12 “(B) SPECIAL RULE FOR TREATMENT OF
13 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
14 SHOWN TO BE COMPROMISED.—

15 “(i) IN GENERAL.—In the event
16 that—

17 “(I) there is any inconsistency
18 between any electronic vote tallies and
19 the vote tallies determined by count-
20 ing by hand the individual, durable,
21 voter-verified, paper ballots used pur-
22 suant to subparagraph (A)(i) with re-
23 spect to any election for Federal of-
24 fice; and

1 “(II) it is demonstrated by clear
2 and convincing evidence (as deter-
3 mined in accordance with the applica-
4 ble standards in the jurisdiction in-
5 volved) in any recount, audit, or con-
6 test of the result of the election that
7 the paper ballots have been com-
8 promised (by damage or mischief or
9 otherwise) and that a sufficient num-
10 ber of the ballots have been so com-
11 promised that the result of the elec-
12 tion could be changed,
13 the determination of the appropriate rem-
14 edy with respect to the election shall be
15 made in accordance with applicable State
16 law, except that the electronic tally shall
17 not be used as the exclusive basis for de-
18 termining the official certified result.

19 “(ii) RULE FOR CONSIDERATION OF
20 BALLOTS ASSOCIATED WITH EACH VOTING
21 MACHINE.—For purposes of clause (i),
22 only the paper ballots deemed com-
23 promised, if any, shall be considered in the
24 calculation of whether or not the result of

1 the election could be changed due to the
2 compromised paper ballots.”.

3 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
4 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
5 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
6 is amended by inserting “(including the paper ballots re-
7 quired to be used under paragraph (2))” after “voting sys-
8 tem”.

9 (c) OTHER CONFORMING AMENDMENTS.—Section
10 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
11 ed—

12 (1) in subparagraph (A)(i), by striking “count-
13 ed” and inserting “counted, in accordance with
14 paragraphs (2) and (3)”;

15 (2) in subparagraph (A)(ii), by striking “count-
16 ed” and inserting “counted, in accordance with
17 paragraphs (2) and (3)”;

18 (3) in subparagraph (A)(iii), by striking “count-
19 ed” each place it appears and inserting “counted, in
20 accordance with paragraphs (2) and (3)”;

21 (4) in subparagraph (B)(ii), by striking “count-
22 ed” and inserting “counted, in accordance with
23 paragraphs (2) and (3)”.

1 **SEC. 50254. ACCESSIBILITY AND BALLOT VERIFICATION**
2 **FOR INDIVIDUALS WITH DISABILITIES.**

3 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is
5 amended to read as follows:

6 “(B)(i) ensure that individuals with dis-
7 abilities and others are given an equivalent op-
8 portunity to vote, including with privacy and
9 independence, in a manner that produces a
10 voter-verified paper ballot as for other voters;

11 “(ii) satisfy the requirement of subpara-
12 graph (A) through the use of at least one voting
13 system equipped for individuals with disabili-
14 ties, including nonvisual and enhanced visual
15 accessibility for the blind and visually impaired,
16 and nonmanual and enhanced manual accessi-
17 bility for the mobility and dexterity impaired, at
18 each polling place; and

19 “(iii) meet the requirements of subpara-
20 graph (A) and paragraph (2)(A) by using a sys-
21 tem that—

22 “(I) allows the voter to privately and
23 independently verify the permanent paper
24 ballot through the presentation, in acces-
25 sible form, of the printed or marked vote
26 selections from the same printed or

1 marked information that would be used for
2 any vote counting or auditing; and

3 “(II) allows the voter to privately and
4 independently verify and cast the perma-
5 nent paper ballot without requiring the
6 voter to manually handle the paper bal-
7 lot.”.

8 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
9 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
10 VERIFICATION MECHANISMS.—

11 (1) STUDY AND REPORTING.—Subtitle C of
12 title II of such Act (52 U.S.C. 21081 et seq.) is
13 amended—

14 (A) by redesignating section 247 as section
15 248; and

16 (B) by inserting after section 246 the fol-
17 lowing new section:

18 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
19 **BALLOT VERIFICATION MECHANISMS.**

20 “(a) STUDY AND REPORT.—The Director of the Na-
21 tional Science Foundation shall make grants to not fewer
22 than 3 eligible entities to study, test, and develop acces-
23 sible paper ballot voting, verification, and casting mecha-
24 nisms and devices and best practices to enhance the acces-
25 sibility of paper ballot voting and verification mechanisms

1 for individuals with disabilities, for voters whose primary
2 language is not English, and for voters with difficulties
3 in literacy, including best practices for the mechanisms
4 themselves and the processes through which the mecha-
5 nisms are used.

6 “(b) ELIGIBILITY.—An entity is eligible to receive a
7 grant under this part if it submits to the Director (at such
8 time and in such form as the Director may require) an
9 application containing—

10 “(1) certifications that the entity shall specifi-
11 cally investigate enhanced methods or devices, in-
12 cluding non-electronic devices, that will assist such
13 individuals and voters in marking voter-verified
14 paper ballots and presenting or transmitting the in-
15 formation printed or marked on such ballots back to
16 such individuals and voters, and casting such ballots;

17 “(2) a certification that the entity shall com-
18 plete the activities carried out with the grant not
19 later than December 31, 2022; and

20 “(3) such other information and certifications
21 as the Director may require.

22 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
23 nology developed with the grants made under this section
24 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-
 2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-
 4 NOLOGY IMPROVEMENTS.—The Director shall carry out
 5 this section so that the activities carried out with the
 6 grants made under subsection (a) are coordinated with the
 7 research conducted under the grant program carried out
 8 by the Commission under section 271, to the extent that
 9 the Director and Commission determine necessary to pro-
 10 vide for the advancement of accessible voting technology.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 12 is authorized to be appropriated to carry out subsection
 13 (a) \$5,000,000, to remain available until expended.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
 15 tents of such Act is amended—

16 (A) by redesignating the item relating to
 17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to
 19 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mecha-
 nisms.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
 21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
 22 adopting any voluntary guidance under subtitle B of title
 23 III of the Help America Vote Act with respect to the ac-
 24 cessibility of the paper ballot verification requirements for

1 individuals with disabilities, the Election Assistance Com-
2 mission shall include and apply the same accessibility
3 standards applicable under the voluntary guidance adopt-
4 ed for accessible voting systems under such subtitle.

5 (d) PERMITTING USE OF FUNDS FOR PROTECTION
6 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
7 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
8 tion 292(a) of the Help America Vote Act of 2002 (52
9 U.S.C. 21062(a)) is amended by striking “; except that”
10 and all that follows and inserting a period.

11 **SEC. 50255. DURABILITY AND READABILITY REQUIRE-**
12 **MENTS FOR BALLOTS.**

13 Section 301(a) of the Help America Vote Act of 2002
14 (52 U.S.C. 21081(a)) is amended by adding at the end
15 the following new paragraph:

16 “(7) DURABILITY AND READABILITY REQUIRE-
17 MENTS FOR BALLOTS.—

18 “(A) DURABILITY REQUIREMENTS FOR
19 PAPER BALLOTS.—

20 “(i) IN GENERAL.—All voter-verified
21 paper ballots required to be used under
22 this Act shall be marked or printed on du-
23 rable paper.

24 “(ii) DEFINITION.—For purposes of
25 this Act, paper is ‘durable’ if it is capable

1 of withstanding multiple counts and re-
2 counts by hand without compromising the
3 fundamental integrity of the ballots, and
4 capable of retaining the information
5 marked or printed on them for the full du-
6 ration of a retention and preservation pe-
7 riod of 22 months.

8 “(B) READABILITY REQUIREMENTS FOR
9 PAPER BALLOTS MARKED BY BALLOT MARKING
10 DEVICE.—All voter-verified paper ballots com-
11 pleted by the voter through the use of a ballot
12 marking device shall be clearly readable by the
13 voter without assistance (other than eyeglasses
14 or other personal vision enhancing devices) and
15 by an optical character recognition device or
16 other device equipped for individuals with dis-
17 abilities.”.

18 **SEC. 50256. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

19 Section 301(d) of the Help America Vote Act of 2002
20 (52 U.S.C. 21081(d)) is amended to read as follows:

21 “(d) EFFECTIVE DATE.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), each State and jurisdiction shall be re-
24 quired to comply with the requirements of this sec-
25 tion on and after January 1, 2008.

1 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
2 MENTS.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraphs (B) and (C), the requirements of
5 this section which are first imposed on a State
6 and jurisdiction pursuant to the amendments
7 made by the Voter Confidence and Increased
8 Accessibility Act of 2020 shall apply with re-
9 spect to voting systems used for any election for
10 Federal office held in 2026 or any succeeding
11 year.

12 “(B) DELAY FOR JURISDICTIONS USING
13 CERTAIN PAPER RECORD PRINTERS OR CERTAIN
14 SYSTEMS USING OR PRODUCING VOTER-
15 VERIFIABLE PAPER RECORDS IN 2022.—

16 “(i) DELAY.—In the case of a juris-
17 diction described in clause (ii), subpara-
18 graph (A) shall apply to a voting system in
19 the jurisdiction as if the reference in such
20 subparagraph to ‘2024’ were a reference to
21 ‘2028’, but only with respect to the fol-
22 lowing requirements of this section:

23 “(I) Paragraph (2)(A)(i)(I) of
24 subsection (a) (relating to the use of
25 voter-marked paper ballots).

1 “(II) Paragraph (3)(B)(ii)(I) and
2 (II) of subsection (a) (relating to ac-
3 cess to verification from and casting
4 of the durable paper ballot).

5 “(III) Paragraph (7) of sub-
6 section (a) (relating to durability and
7 readability requirements for ballots).

8 “(ii) JURISDICTIONS DESCRIBED.—A
9 jurisdiction described in this clause is a ju-
10 risdiction—

11 “(I) which used voter verifiable
12 paper record printers attached to di-
13 rect recording electronic voting ma-
14 chines, or which used other voting
15 systems that used or produced paper
16 records of the vote verifiable by voters
17 but that are not in compliance with
18 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)
19 and (II), and (7) of subsection (a) (as
20 amended or added by the Voter Con-
21 fidence and Increased Accessibility
22 Act of 2020), for the administration
23 of the regularly scheduled general
24 election for Federal office held in No-
25 vember 2024; and

1 “(II) which will continue to use
2 such printers or systems for the ad-
3 ministration of elections for Federal
4 office held in years before 2026.

5 “(iii) MANDATORY AVAILABILITY OF
6 PAPER BALLOTS AT POLLING PLACES
7 USING GRANDFATHERED PRINTERS AND
8 SYSTEMS.—

9 “(I) REQUIRING BALLOTS TO BE
10 OFFERED AND PROVIDED.—The ap-
11 propriate election official at each poll-
12 ing place that uses a printer or sys-
13 tem described in clause (ii)(I) for the
14 administration of elections for Federal
15 office shall offer each individual who
16 is eligible to cast a vote in the election
17 at the polling place the opportunity to
18 cast the vote using a blank pre-print-
19 ed paper ballot which the individual
20 may mark by hand and which is not
21 produced by the direct recording elec-
22 tronic voting machine or other such
23 system. The official shall provide the
24 individual with the ballot and the sup-
25 plies necessary to mark the ballot, and

1 shall ensure (to the greatest extent
2 practicable) that the waiting period
3 for the individual to cast a vote is the
4 lesser of 30 minutes or the average
5 waiting period for an individual who
6 does not agree to cast the vote using
7 such a paper ballot under this clause.

8 “(II) TREATMENT OF BALLOT.—

9 Any paper ballot which is cast by an
10 individual under this clause shall be
11 counted and otherwise treated as a
12 regular ballot for all purposes (includ-
13 ing by incorporating it into the final
14 unofficial vote count (as defined by
15 the State) for the precinct) and not as
16 a provisional ballot, unless the indi-
17 vidual casting the ballot would have
18 otherwise been required to cast a pro-
19 visional ballot.

20 “(III) POSTING OF NOTICE.—

21 The appropriate election official shall
22 ensure there is prominently displayed
23 at each polling place a notice that de-
24 scribes the obligation of the official to
25 offer individuals the opportunity to

1 cast votes using a pre-printed blank
2 paper ballot.

3 “(IV) TRAINING OF ELECTION
4 OFFICIALS.—The chief State election
5 official shall ensure that election offi-
6 cials at polling places in the State are
7 aware of the requirements of this
8 clause, including the requirement to
9 display a notice under subclause (III),
10 and are aware that it is a violation of
11 the requirements of this title for an
12 election official to fail to offer an indi-
13 vidual the opportunity to cast a vote
14 using a blank pre-printed paper ballot.

15 “(V) PERIOD OF APPLICA-
16 BILITY.—The requirements of this
17 clause apply only during the period in
18 which the delay is in effect under
19 clause (i).

20 “(C) SPECIAL RULE FOR JURISDICTIONS
21 USING CERTAIN NONTABULATING BALLOT
22 MARKING DEVICES.—In the case of a jurisdic-
23 tion which uses a nontabulating ballot marking
24 device which automatically deposits the ballot
25 into a privacy sleeve, subparagraph (A) shall

1 apply to a voting system in the jurisdiction as
 2 if the reference in such subparagraph to ‘any
 3 election for Federal office held in 2024 or any
 4 succeeding year’ were a reference to ‘elections
 5 for Federal office occurring held in 2028 or
 6 each succeeding year’, but only with respect to
 7 paragraph (3)(B)(iii)(II) of subsection (a) (re-
 8 lating to nonmanual casting of the durable
 9 paper ballot).”.

10 **SEC. 50257. CLARIFICATION OF ABILITY OF STATES TO USE**
 11 **ELECTION ADMINISTRATION PAYMENTS TO**
 12 **MEET REQUIREMENTS.**

13 Nothing in the amendments made by this part or in
 14 any provision of the Help America Vote Act of 2002 may
 15 be construed to prohibit a State from using any payment
 16 made under title I of such Act (52 U.S.C. 20901 et seq.)
 17 or part 1 of subtitle D of title II of such Act (52 U.S.C.
 18 21001 et seq.) to comply with the requirements of the
 19 amendments made by this part.

20 **PART 7—PROVISIONAL BALLOTS**

21 **SEC. 50258. REQUIREMENTS FOR COUNTING PROVISIONAL**
 22 **BALLOTS; ESTABLISHMENT OF UNIFORM AND**
 23 **NONDISCRIMINATORY STANDARDS.**

24 (a) IN GENERAL.—Section 302 of the Help America
 25 Vote Act of 2002 (52 U.S.C. 21082) is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (f); and

3 (2) by inserting after subsection (c) the fol-
4 lowing new subsections:

5 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
6 LOTS.—

7 “(1) IN GENERAL.—For purposes of subsection
8 (a)(4), notwithstanding the precinct or polling place
9 at which a provisional ballot is cast within the State,
10 the appropriate election official shall count each vote
11 on such ballot for each election in which the indi-
12 vidual who cast such ballot is eligible to vote.

13 “(2) EFFECTIVE DATE.—This subsection shall
14 apply with respect to elections held on or after Janu-
15 ary 1, 2022.

16 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
17 ARDS.—

18 “(1) IN GENERAL.—Consistent with the re-
19 quirements of this section, each State shall establish
20 uniform and nondiscriminatory standards for the
21 issuance, handling, and counting of provisional bal-
22 lots.

23 “(2) EFFECTIVE DATE.—This subsection shall
24 apply with respect to elections held on or after Janu-
25 ary 1, 2022.”.

1 (b) CONFORMING AMENDMENT.—Section 302(f) of
2 such Act (52 U.S.C. 21082(f)), as redesignated by sub-
3 section (a), is amended by striking “Each State” and in-
4 serting “Except as provided in subsections (d)(2) and
5 (e)(2), each State”.

6 **PART 8—EARLY VOTING**

7 **SEC. 50259. EARLY VOTING.**

8 (a) REQUIREMENTS.—Subtitle A of title III of the
9 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
10 as amended by the preceding provisions of this title, is
11 amended—

12 (1) by redesignating section 306 as section 307;

13 and

14 (2) by inserting after section 305 the following
15 new section:

16 **“SEC. 306. EARLY VOTING.**

17 **“(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-**
18 **TION.—**

19 **“(1) IN GENERAL.—**Each State shall allow indi-
20 viduals to vote in an election for Federal office dur-
21 ing an early voting period which occurs prior to the
22 date of the election, in the same manner as voting
23 is allowed on such date.

24 **“(2) LENGTH OF PERIOD.—**The early voting
25 period required under this subsection with respect to

1 an election shall consist of a period of consecutive
2 days (including weekends) which begins on the 15th
3 day before the date of the election (or, at the option
4 of the State, on a day prior to the 15th day before
5 the date of the election) and ends on the date of the
6 election.

7 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
8 Each polling place which allows voting during an early vot-
9 ing period under subsection (a) shall—

10 “(1) allow such voting for no less than 4 hours
11 on each day, except that the polling place may allow
12 such voting for fewer than 4 hours on Sundays; and

13 “(2) have uniform hours each day for which
14 such voting occurs.

15 “(c) LOCATION OF POLLING PLACES NEAR PUBLIC
16 TRANSPORTATION.—To the greatest extent practicable, a
17 State shall ensure that each polling place which allows vot-
18 ing during an early voting period under subsection (a) is
19 located within walking distance of a stop on a public trans-
20 portation route.

21 “(d) STANDARDS.—

22 “(1) IN GENERAL.—The Commission shall issue
23 standards for the administration of voting prior to
24 the day scheduled for a Federal election. Such
25 standards shall include the nondiscriminatory geo-

1 graphic placement of polling places at which such
2 voting occurs.

3 “(2) DEVIATION.—The standards described in
4 paragraph (1) shall permit States, upon providing
5 adequate public notice, to deviate from any require-
6 ment in the case of unforeseen circumstances such
7 as a natural disaster, terrorist attack, or a change
8 in voter turnout.

9 “(e) EFFECTIVE DATE.—This section shall apply
10 with respect to elections held on or after January 1,
11 2022.”.

12 (b) CONFORMING AMENDMENT RELATING TO
13 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
14 SISTANCE COMMISSION.—Section 311(b) of such Act (52
15 U.S.C. 21101(b)), as amended by section 50235(b), is
16 amended—

17 (1) by striking “and” at the end of paragraph
18 (3);

19 (2) by striking the period at the end of para-
20 graph (4) and inserting “; and”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(5) in the case of the recommendations with
24 respect to section 306, June 30, 2022.”.

1 (c) CLERICAL AMENDMENT.—The table of contents
 2 of such Act, as amended by the preceding provisions of
 3 this title, is amended—

4 (1) by redesignating the item relating to section
 5 306 as relating to section 307; and

6 (2) by inserting after the item relating to sec-
 7 tion 305 the following new item:

“Sec. 306. Early voting.”.

8 **PART 9—VOTING BY MAIL**

9 **SEC. 50260. VOTING BY MAIL.**

10 (a) REQUIREMENTS.—Subtitle A of title III of the
 11 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
 12 as amended by the preceding provisions of this title, is
 13 amended—

14 (1) by redesignating section 307 as section 308;
 15 and

16 (2) by inserting after section 306 the following
 17 new section:

18 **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY** 19 **MAIL.**

20 “(a) IN GENERAL.—If an individual in a State is eli-
 21 gible to cast a vote in an election for Federal office, the
 22 State may not impose any additional conditions or require-
 23 ments on the eligibility of the individual to cast the vote
 24 in such election by absentee ballot by mail, except as re-
 25 quired under subsection (b) and except to the extent that

1 the State imposes a deadline for requesting the ballot and
2 related voting materials from the appropriate State or
3 local election official and for returning the ballot to the
4 appropriate State or local election official.

5 “(b) REQUIRING SIGNATURE VERIFICATION.—A
6 State may not accept and process an absentee ballot sub-
7 mitted by any individual with respect to an election for
8 Federal office unless the State verifies the identification
9 of the individual by comparing the individual’s signature
10 on the absentee ballot with the individual’s signature on
11 the official list of registered voters in the State, in accord-
12 ance with such procedures as the State may adopt.

13 “(c) DEADLINE FOR PROVIDING BALLOTING MATE-
14 RIALS.—If an individual requests to vote by absentee bal-
15 lot in an election for Federal office, the appropriate State
16 or local election official shall ensure that the ballot and
17 relating voting materials are transmitted to the indi-
18 vidual—

19 “(1) not later than 2 weeks before the date of
20 the election; or

21 “(2) in the case of a State which imposes a
22 deadline for requesting an absentee ballot and re-
23 lated voting materials which is less than 2 weeks be-
24 fore the date of the election, as expeditiously as pos-
25 sible.

1 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
2 ABILITIES.—Consistent with section 305, the State shall
3 ensure that all absentee ballots and related voting mate-
4 rials in elections for Federal office are accessible to indi-
5 viduals with disabilities in a manner that provides the
6 same opportunity for access and participation (including
7 with privacy and independence) as for other voters.

8 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
9 MAILED BALLOTS.—If a ballot submitted by an individual
10 by mail with respect to an election for Federal office in
11 a State is postmarked on or before the date of the election,
12 the State may not refuse to accept or process the ballot
13 on the grounds that the individual did not meet a deadline
14 for returning the ballot to the appropriate State or local
15 election official.

16 “(f) NO EFFECT ON BALLOTS SUBMITTED BY AB-
17 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
18 this section may be construed to affect the treatment of
19 any ballot submitted by an individual who is entitled to
20 vote by absentee ballot under the Uniformed and Overseas
21 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

22 “(g) EFFECTIVE DATE.—This section shall apply
23 with respect to elections held on or after January 1,
24 2022.”.

1 (b) CONFORMING AMENDMENT RELATING TO
2 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
3 SISTANCE COMMISSION.—Section 311(b) of such Act (52
4 U.S.C. 21101(b)), as amended by section 50235(b) and
5 section 50259(b), is amended—

6 (1) by striking “and” at the end of paragraph
7 (4);

8 (2) by striking the period at the end of para-
9 graph (5) and inserting “; and”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(6) in the case of the recommendations with
13 respect to section 307, June 30, 2022.”.

14 (c) CLERICAL AMENDMENT.—The table of contents
15 of such Act, as amended by the preceding provisions of
16 this title, is amended—

17 (1) by redesignating the item relating to section
18 307 as relating to section 308; and

19 (2) by inserting after the item relating to sec-
20 tion 306 the following new item:

“Sec. 307. Promoting ability of voters to vote by mail.”.

1 **PART 10—ABSENT UNIFORMED SERVICES**

2 **VOTERS AND OVERSEAS VOTERS**

3 **SEC. 50261. EXTENDING GUARANTEE OF RESIDENCY FOR**
4 **VOTING PURPOSES TO FAMILY MEMBERS OF**
5 **ABSENT MILITARY PERSONNEL.**

6 Section 705 of the Servicemembers Civil Relief Act
7 (50 U.S.C. 4025) is amended—

8 (1) in the heading, by striking “**SPOUSES**” and
9 inserting “**FAMILY MEMBERS**”; and

10 (2) by amending subsection (b) to read as fol-
11 lows:

12 “(b) **FAMILY MEMBERS.**—For the purposes of voting
13 for in any election for any Federal office (as defined in
14 section 301 of the Federal Election Campaign Act of 1971
15 (52 U.S.C. 30101)) or any State or local office, a spouse,
16 domestic partner, or dependent of a person who is absent
17 from a State in compliance with military or naval orders
18 shall not, solely by reason of that person’s absence and
19 without regard to whether or not such family member is
20 accompanying that person—

21 “(1) be deemed to have lost a residence or
22 domicile in that State, without regard to whether or
23 not the person intends to return to that State;

24 “(2) be deemed to have acquired a residence or
25 domicile in any other State; or

1 “(3) be deemed to have become a resident in or
2 a resident of any other State.”.

3 **SEC. 50262. PRE-ELECTION REPORTS ON AVAILABILITY**
4 **AND TRANSMISSION OF ABSENTEE BALLOTS.**

5 Section 102(c) of the Uniformed and Overseas Citi-
6 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
7 ed to read as follows:

8 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
9 AND RECEIPT OF ABSENTEE BALLOTS.—

10 “(1) PRE-ELECTION REPORT ON ABSENTEE
11 BALLOT AVAILABILITY.—Not later than 55 days be-
12 fore any regularly scheduled general election for
13 Federal office, each State shall submit a report to
14 the Attorney General, the Election Assistance Com-
15 mission (hereafter in this subsection referred to as
16 the ‘Commission’), and the Presidential Designee,
17 and make that report publicly available that same
18 day, certifying that absentee ballots for the election
19 are or will be available for transmission to absent
20 uniformed services voters and overseas voters by not
21 later than 45 days before the election. The report
22 shall be in a form prescribed jointly by the Attorney
23 General and the Commission and shall require the
24 State to certify specific information about ballot

1 availability from each unit of local government which
2 will administer the election.

3 “(2) PRE-ELECTION REPORT ON ABSENTEE
4 BALLOT TRANSMISSION.—Not later than 43 days be-
5 fore any regularly scheduled general election for
6 Federal office, each State shall submit a report to
7 the Attorney General, the Commission, and the
8 Presidential Designee, and make that report publicly
9 available that same day, certifying whether all ab-
10 senteed ballots have been transmitted by not later
11 than 45 days before the election to all qualified ab-
12 sent uniformed services and overseas voters whose
13 requests were received at least 45 days before the
14 election. The report shall be in a form prescribed
15 jointly by the Attorney General and the Commission,
16 and shall require the State to certify specific infor-
17 mation about ballot transmission, including the total
18 numbers of ballot requests received and ballots
19 transmitted, from each unit of local government
20 which will administer the election.

21 “(3) POST-ELECTION REPORT ON NUMBER OF
22 ABSENTEE BALLOTS TRANSMITTED AND RE-
23 CEIVED.—Not later than 90 days after the date of
24 each regularly scheduled general election for Federal
25 office, each State and unit of local government

1 which administered the election shall (through the
2 State, in the case of a unit of local government) sub-
3 mit a report to the Attorney General, the Commis-
4 sion, and the Presidential Designee on the combined
5 number of absentee ballots transmitted to absent
6 uniformed services voters and overseas voters for the
7 election and the combined number of such ballots
8 which were returned by such voters and cast in the
9 election, and shall make such report available to the
10 general public that same day.”.

11 **SEC. 50263. ENFORCEMENT.**

12 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
13 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
14 and Overseas Citizens Absentee Voting Act (52 U.S.C.
15 20307) is amended to read as follows:

16 **“SEC. 105. ENFORCEMENT.**

17 “(a) ACTION BY ATTORNEY GENERAL.—

18 “(1) IN GENERAL.—The Attorney General may
19 bring civil action in an appropriate district court for
20 such declaratory or injunctive relief as may be nec-
21 essary to carry out this title.

22 “(2) PENALTY.—In a civil action brought under
23 paragraph (1), if the court finds that the State vio-
24 lated any provision of this title, it may, to vindicate

1 the public interest, assess a civil penalty against the
2 State—

3 “(A) in an amount not to exceed \$110,000
4 for each such violation, in the case of a first
5 violation; or

6 “(B) in an amount not to exceed \$220,000
7 for each such violation, for any subsequent vio-
8 lation.

9 “(3) REPORT TO CONGRESS.—Not later than
10 December 31 of each year, the Attorney General
11 shall submit to Congress an annual report on any
12 civil action brought under paragraph (1) during the
13 preceding year.

14 “(b) PRIVATE RIGHT OF ACTION.—A person who is
15 aggrieved by a State’s violation of this title may bring a
16 civil action in an appropriate district court for such declar-
17 atory or injunctive relief as may be necessary to carry out
18 this title.

19 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
20 any action brought under this section, the only necessary
21 party defendant is the State, and it shall not be a defense
22 to any such action that a local election official or a unit
23 of local government is not named as a defendant, notwith-
24 standing that a State has exercised the authority described
25 in section 576 of the Military and Overseas Voter Em-

1 powerment Act to delegate to another jurisdiction in the
2 State any duty or responsibility which is the subject of
3 an action brought under this section.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to violations alleged
6 to have occurred on or after the date of the enactment
7 of this Act.

8 **SEC. 50264. REVISIONS TO 45-DAY ABSENTEE BALLOT**
9 **TRANSMISSION RULE.**

10 (a) REPEAL OF WAIVER AUTHORITY.—

11 (1) IN GENERAL.—Section 102 of the Uni-
12 formed and Overseas Citizens Absentee Voting Act
13 (52 U.S.C. 20302) is amended by striking sub-
14 section (g).

15 (2) CONFORMING AMENDMENT.—Section
16 102(a)(8)(A) of such Act (52 U.S.C.
17 20302(a)(8)(A)) is amended by striking “except as
18 provided in subsection (g),”.

19 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE
20 OF FAILURE TO MEET REQUIREMENT.—Section 102 of
21 such Act (52 U.S.C. 20302), as amended by subsection
22 (a), is amended by inserting after subsection (f) the fol-
23 lowing new subsection:

1 “(g) REQUIRING USE OF EXPRESS DELIVERY IN
2 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN
3 DEADLINES.—

4 “(1) TRANSMISSION OF BALLOT BY EXPRESS
5 DELIVERY.—If a State fails to meet the requirement
6 of subsection (a)(8)(A) to transmit a validly re-
7 quested absentee ballot to an absent uniformed serv-
8 ices voter or overseas voter not later than 45 days
9 before the election (in the case in which the request
10 is received at least 45 days before the election)—

11 “(A) the State shall transmit the ballot to
12 the voter by express delivery; or

13 “(B) in the case of a voter who has des-
14 ignated that absentee ballots be transmitted
15 electronically in accordance with subsection
16 (f)(1), the State shall transmit the ballot to the
17 voter electronically.

18 “(2) SPECIAL RULE FOR TRANSMISSION FEWER
19 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-
20 rying out paragraph (1), a State transmits an ab-
21 sentee ballot to an absent uniformed services voter
22 or overseas voter fewer than 40 days before the elec-
23 tion, the State shall enable the ballot to be returned
24 by the voter by express delivery, except that in the
25 case of an absentee ballot of an absent uniformed

1 services voter for a regularly scheduled general elec-
2 tion for Federal office, the State may satisfy the re-
3 quirement of this paragraph by notifying the voter
4 of the procedures for the collection and delivery of
5 such ballots under section 103A.”.

6 (c) CLARIFICATION OF TREATMENT OF WEEK-
7 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.
8 20302(a)(8)(A)) is amended by striking “the election;”
9 and inserting the following: “the election (or, if the 45th
10 day preceding the election is a weekend or legal public hol-
11 iday, not later than the most recent weekday which pre-
12 cedes such 45th day and which is not a legal public holi-
13 day, but only if the request is received by at least such
14 most recent weekday);”.

15 **SEC. 50265. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
16 **TION FOR SUBSEQUENT ELECTIONS.**

17 (a) IN GENERAL.—Section 104 of the Uniformed and
18 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
19 is amended to read as follows:

20 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
21 **ELECTIONS.**

22 “(a) IN GENERAL.—If a State accepts and processes
23 an official post card form (prescribed under section 101)
24 submitted by an absent uniformed services voter or over-
25 seas voter for simultaneous voter registration and absen-

tee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

“(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State or is otherwise no longer eligible to vote in the State.

“(c) PROHIBITION OF REFUSAL OF APPLICATION ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or to process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter or overseas voter on the grounds that the voter submitted the application be-

1 fore the first date on which the State otherwise accepts
 2 or processes such applications for that election which are
 3 submitted by absentee voters who are not members of the
 4 uniformed services or overseas citizens.”.

5 (b) EFFECTIVE DATE.—The amendment made by
 6 subsection (a) shall apply with respect to voter registration
 7 and absentee ballot applications which are submitted to
 8 a State or local election official on or after the date of
 9 the enactment of this Act.

10 **SEC. 50266. EFFECTIVE DATE.**

11 The amendments made by this part shall apply with
 12 respect to elections occurring on or after January 1, 2022.

13 **PART 11—POLL WORKER RECRUITMENT AND**
 14 **TRAINING**

15 **SEC. 50267. LEAVE TO SERVE AS A POLL WORKER FOR FED-**
 16 **ERAL EMPLOYEES.**

17 (a) IN GENERAL.—Subchapter II of chapter 63 of
 18 title 5, United States Code, is amended by inserting after
 19 section 6329c the following:

20 **“§ 6329d. Absence in connection with serving as a**
 21 **poll worker**

22 “(a) IN GENERAL.—An employee in or under an Ex-
 23 ecutive agency is entitled to leave, without loss of or reduc-
 24 tion in pay, leave to which otherwise entitled, credit for

1 time or service, or performance or efficiency rating, not
 2 to exceed 6 days in a leave year, in order—

3 “(1) to provide election administration assist-
 4 ance to a State or unit of local government at a poll-
 5 ing place on the date of any election for public of-
 6 fice; or

7 “(2) to receive any training without which such
 8 employee would be ineligible to provide such assist-
 9 ance.

10 “(b) REGULATIONS.—The Director of the Office of
 11 Personnel Management may prescribe regulations for the
 12 administration of this section, including regulations set-
 13 ting forth the terms and conditions of the election admin-
 14 istration assistance an employee may provide for purposes
 15 of subsection (a).”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 for chapter 63 of title 5, United States Code, is amended
 18 by inserting after the item relating to section 6329c the
 19 following:

“6329d. Absence in connection with serving as a poll worker.”.

20 **SEC. 50268. GRANTS TO STATES FOR POLL WORKER RE-**
 21 **CRUITMENT AND TRAINING.**

22 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
 23 SION.—

24 (1) IN GENERAL.—The Election Assistance
 25 Commission (hereafter referred to as the “Commis-

1 sion”) shall make a grant to each eligible State for
2 recruiting and training individuals to serve as poll
3 workers on dates of elections for public office.

4 (2) USE OF COMMISSION MATERIALS.—In car-
5 rying out activities with a grant provided under this
6 section, the recipient of the grant shall use the man-
7 ual prepared by the Commission on successful prac-
8 tices for poll worker recruiting, training and reten-
9 tion as an interactive training tool, and shall develop
10 training programs with the participation and input
11 of experts in adult learning.

12 (b) REQUIREMENTS FOR ELIGIBILITY.—

13 (1) APPLICATION.—Each State that desires to
14 receive a payment under this section shall submit an
15 application for the payment to the Commission at
16 such time and in such manner and containing such
17 information as the Commission shall require.

18 (2) CONTENTS OF APPLICATION.—Each appli-
19 cation submitted under paragraph (1) shall—

20 (A) describe the activities for which assist-
21 ance under this section is sought;

22 (B) provide assurances that the funds pro-
23 vided under this section will be used to supple-
24 ment and not supplant other funds used to
25 carry out the activities;

1 (C) provide assurances that the State will
2 furnish the Commission with information on the
3 number of individuals who served as poll work-
4 ers after recruitment and training with the
5 funds provided under this section; and

6 (D) provide such additional information
7 and certifications as the Commission deter-
8 mines to be essential to ensure compliance with
9 the requirements of this section.

10 (c) AMOUNT OF GRANT.—

11 (1) IN GENERAL.—The amount of a grant
12 made to a State under this section shall be equal to
13 the product of—

14 (A) the aggregate amount made available
15 for grants to States under this section; and

16 (B) the voting age population percentage
17 for the State.

18 (2) VOTING AGE POPULATION PERCENTAGE DE-
19 FINED.—In paragraph (1), the “voting age popu-
20 lation percentage” for a State is the quotient of—

21 (A) the voting age population of the State
22 (as determined on the basis of the most recent
23 information available from the Bureau of the
24 Census); and

1 (B) the total voting age population of all
2 States (as determined on the basis of the most
3 recent information available from the Bureau of
4 the Census).

5 (d) REPORTS TO CONGRESS.—

6 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
7 later than 6 months after the date on which the
8 final grant is made under this section, each recipient
9 of a grant shall submit a report to the Commission
10 on the activities conducted with the funds provided
11 by the grant.

12 (2) REPORTS BY COMMISSION.—Not later than
13 1 year after the date on which the final grant is
14 made under this section, the Commission shall sub-
15 mit a report to Congress on the grants made under
16 this section and the activities carried out by recipi-
17 ents with the grants, and shall include in the report
18 such recommendations as the Commission considers
19 appropriate.

20 (e) FUNDING.—

21 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
22 PROPRIATED.—Any amount appropriated to carry
23 out this section shall remain available without fiscal
24 year limitation until expended.

1 (2) ADMINISTRATIVE EXPENSES.—Of the
2 amount appropriated for any fiscal year to carry out
3 this section, not more than 3 percent shall be avail-
4 able for administrative expenses of the Commission.

5 **SEC. 50269. MODEL POLL WORKER TRAINING PROGRAM.**

6 (a) DEVELOPMENT OF PROGRAM BY ELECTION AS-
7 SISTANCE COMMISSION.—Not later than 1 year after the
8 date of the enactment of this Act, the Election Assistance
9 Commission shall develop and provide to each State mate-
10 rials for a model poll worker training program which the
11 State may use to train individuals to serve as poll workers
12 in elections for Federal office.

13 (b) CONTENTS OF MATERIALS.—The materials for
14 the model poll worker training program developed under
15 this section shall include materials to provide training with
16 respect to the following:

17 (1) The relevant provisions of the Federal laws
18 which apply to the administration of elections for
19 Federal office in the State, including the Voting
20 Rights Act of 1965 and the Help America Vote Act
21 of 2002.

22 (2) The provision of access to voting to individ-
23 uals with disabilities in a manner which preserves
24 the dignity and privacy of such individuals.

1 (3) The provision of access to voting to individ-
2 uals with limited English language proficiency, and
3 to individuals who are members or racial or ethnic
4 minorities, consistent with the protections provided
5 for such individuals under relevant law, in a manner
6 which preserves the dignity of such individuals.

7 (4) Practical experience in the use of the voting
8 machines which will be used in the election involved,
9 including the accessibility features of such machines.

10 (5) Such other election administration subjects
11 as the Commission considers appropriate to ensure
12 that poll workers are able to effectively assist with
13 the administration of elections for Federal office.

14 **SEC. 50270. STATE DEFINED.**

15 In this part, the term “State” includes the District
16 of Columbia, the Commonwealth of Puerto Rico, Guam,
17 American Samoa, the United States Virgin Islands, and
18 the Commonwealth of the Northern Mariana Islands.

19 **PART 12—ENHANCEMENT OF ENFORCEMENT**

20 **SEC. 50271. ENHANCEMENT OF ENFORCEMENT OF HELP**
21 **AMERICA VOTE ACT OF 2002.**

22 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
23 OF ACTION.—Section 401 of the Help America Vote Act
24 of 2002 (52 U.S.C. 21111) is amended—

1 (1) by striking “The Attorney General” and in-
2 serting “(a) IN GENERAL.—The Attorney General”;
3 and

4 (2) by adding at the end the following new sub-
5 sections:

6 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
7 SONS.—

8 “(1) IN GENERAL.—A person who is aggrieved
9 by a violation of title III which has occurred, is oc-
10 curring, or is about to occur may file a written,
11 signed, notarized complaint with the Attorney Gen-
12 eral describing the violation and requesting the At-
13 torney General to take appropriate action under this
14 section. The Attorney General shall immediately pro-
15 vide a copy of a complaint filed under the previous
16 sentence to the entity responsible for administering
17 the State-based administrative complaint procedures
18 described in section 402(a) for the State involved.

19 “(2) RESPONSE BY ATTORNEY GENERAL.—The
20 Attorney General shall respond to each complaint
21 filed under paragraph (1), in accordance with proce-
22 dures established by the Attorney General that re-
23 quire responses and determinations to be made with-
24 in the same (or shorter) deadlines which apply to a
25 State under the State-based administrative com-

1 plaint procedures described in section 402(a)(2).

2 The Attorney General shall immediately provide a
3 copy of the response made under the previous sen-
4 tence to the entity responsible for administering the
5 State-based administrative complaint procedures de-
6 scribed in section 402(a) for the State involved.

7 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
8 TION.—Any person who is authorized to file a complaint
9 under subsection (b)(1) (including any individual who
10 seeks to enforce the individual’s right to a voter-verified
11 paper ballot, the right to have the voter-verified paper bal-
12 lot counted in accordance with this Act, or any other right
13 under title III) may file an action under section 1979 of
14 the Revised Statutes of the United States (42 U.S.C.
15 1983) to enforce the uniform and nondiscriminatory elec-
16 tion technology and administration requirements under
17 subtitle A of title III.

18 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
19 in this section may be construed to affect the availability
20 of the State-based administrative complaint procedures re-
21 quired under section 402 to any person filing a complaint
22 under this subsection.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to violations occurring

1 with respect to elections for Federal office held in 2022
 2 or any succeeding year.

3 **PART 13—FEDERAL ELECTION INTEGRITY**

4 **SEC. 50272. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
 5 **CHIEF STATE ELECTION ADMINISTRATION**
 6 **OFFICIALS.**

7 (a) IN GENERAL.—Title III of the Federal Election
 8 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
 9 amended by inserting after section 319 the following new
 10 section:

11 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
 12 ADMINISTRATION OFFICIALS

13 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
 14 for a chief State election administration official to take
 15 an active part in political management or in a political
 16 campaign with respect to any election for Federal office
 17 over which such official has supervisory authority.

18 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
 19 FICIAL.—The term ‘chief State election administration of-
 20 ficial’ means the highest State official with responsibility
 21 for the administration of Federal elections under State
 22 law.

23 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
 24 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
 25 litical management or in a political campaign’ means—

1 “(1) serving as a member of an authorized com-
2 mittee of a candidate for Federal office;

3 “(2) the use of official authority or influence
4 for the purpose of interfering with or affecting the
5 result of an election for Federal office;

6 “(3) the solicitation, acceptance, or receipt of a
7 contribution from any person on behalf of a can-
8 didate for Federal office; and

9 “(4) any other act which would be prohibited
10 under paragraph (2) or (3) of section 7323(b) of
11 title 5, United States Code, if taken by an individual
12 to whom such paragraph applies (other than any
13 prohibition on running for public office).

14 “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-
15 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR
16 IMMEDIATE FAMILY MEMBER.—

17 “(1) IN GENERAL.—This section does not apply
18 to a chief State election administration official with
19 respect to an election for Federal office in which the
20 official or an immediate family member of the offi-
21 cial is a candidate, but only if such official recuses
22 himself or herself from all of the official’s respon-
23 sibilities for the administration of such election.

24 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
25 In paragraph (1), the term ‘immediate family mem-

1 ber’ means, with respect to a candidate, a father,
 2 mother, son, daughter, brother, sister, husband,
 3 wife, father-in-law, or mother-in-law.”.

4 (b) EFFECTIVE DATE.—The amendments made by
 5 subsection (a) shall apply with respect to elections for
 6 Federal office held after December 2021.

7 **PART 14—GRANTS FOR RISK-LIMITING AUDITS**
 8 **OF RESULTS OF ELECTIONS**

9 **SEC. 50273. GRANTS TO STATES FOR CONDUCTING RISK-**
 10 **LIMITING AUDITS OF RESULTS OF ELEC-**
 11 **TIONS.**

12 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 13 II of the Help America Vote Act of 2002 (52 U.S.C.
 14 21001 et seq.) is amended by adding at the end the fol-
 15 lowing new part:

16 **“PART 7—GRANTS FOR CONDUCTING RISK-**
 17 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
 18 **“SEC. 297. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
 19 **DITS OF RESULTS OF ELECTIONS.**

20 “(a) AVAILABILITY OF GRANTS.—The Commission
 21 shall make a grant to each eligible State to conduct risk-
 22 limiting audits as described in subsection (b) with respect
 23 to the regularly scheduled general elections for Federal of-
 24 fice held in November 2022 and each succeeding election
 25 for Federal office.

1 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
2 part, a ‘risk-limiting audit’ is a post-election process—

3 “(1) which is conducted in accordance with
4 rules and procedures established by the chief State
5 election official of the State which meet the require-
6 ments of subsection (c); and

7 “(2) under which, if the reported outcome of
8 the election is incorrect, there is at least a predeter-
9 mined percentage chance that the audit will replace
10 the incorrect outcome with the correct outcome as
11 determined by a full, hand-to-eye tabulation of all
12 votes validly cast in that election that ascertains
13 voter intent manually and directly from voter-
14 verifiable paper records.

15 “(c) REQUIREMENTS FOR RULES AND PROCE-
16 DURES.—The rules and procedures established for con-
17 ducting a risk-limiting audit shall include the following
18 elements:

19 “(1) Rules for ensuring the security of ballots
20 and documenting that prescribed procedures were
21 followed.

22 “(2) Rules and procedures for ensuring the ac-
23 curacy of ballot manifests produced by election agen-
24 cies.

1 “(3) Rules and procedures for governing the
2 format of ballot manifests, cast vote records, and
3 other data involved in the audit.

4 “(4) Methods to ensure that any cast vote
5 records used in the audit are those used by the vot-
6 ing system to tally the election results sent to the
7 chief State election official and made public.

8 “(5) Procedures for the random selection of
9 ballots to be inspected manually during each audit.

10 “(6) Rules for the calculations and other meth-
11 ods to be used in the audit and to determine wheth-
12 er and when the audit of an election is complete.

13 “(7) Procedures and requirements for testing
14 any software used to conduct risk-limiting audits.

15 “(d) DEFINITIONS.—In this part, the following defi-
16 nitions apply:

17 “(1) The term ‘ballot manifest’ means a record
18 maintained by each election agency that meets each
19 of the following requirements:

20 “(A) The record is created without reliance
21 on any part of the voting system used to tab-
22 ulate votes.

23 “(B) The record functions as a sampling
24 frame for conducting a risk-limiting audit.

1 “(C) The record contains the following in-
2 formation with respect to the ballots cast and
3 counted in the election:

4 “(i) The total number of ballots cast
5 and counted by the agency (including
6 undervotes, overvotes, and other invalid
7 votes).

8 “(ii) The total number of ballots cast
9 in each election administered by the agency
10 (including undervotes, overvotes, and other
11 invalid votes).

12 “(iii) A precise description of the
13 manner in which the ballots are physically
14 stored, including the total number of phys-
15 ical groups of ballots, the numbering sys-
16 tem for each group, a unique label for each
17 group, and the number of ballots in each
18 such group.

19 “(2) The term ‘election agency’ means any com-
20 ponent of a State, or any component of a unit of
21 local government in a State, which is responsible for
22 the administration of elections for Federal office in
23 the State.

24 “(3) The term ‘incorrect outcome’ means an
25 outcome that differs from the outcome that would be

1 determined by a full tabulation of all votes validly
2 cast in the election, determining voter intent manu-
3 ally, directly from voter-verifiable paper records.

4 “(4) The term ‘outcome’ means the winner of
5 an election, whether a candidate or a position.

6 “(5) The term ‘reported outcome’ means the
7 outcome of an election which is determined accord-
8 ing to the canvass and which will become the official,
9 certified outcome unless it is revised by an audit, re-
10 count, or other legal process.

11 **“SEC. 297A. ELIGIBILITY OF STATES.**

12 “A State is eligible to receive a grant under this part
13 if the State submits to the Commission, at such time and
14 in such form as the Commission may require, an applica-
15 tion containing—

16 “(1) a certification that, not later than 5 years
17 after receiving the grant, the State will conduct risk-
18 limiting audits of the results of elections for Federal
19 office held in the State as described in section 297;

20 “(2) a certification that, not later than one year
21 after the date of the enactment of this section, the
22 chief State election official of the State has estab-
23 lished or will establish the rules and procedures for
24 conducting the audits which meet the requirements
25 of section 297(c);

1 “(3) a certification that the audit shall be com-
 2 pleted not later than the date on which the State
 3 certifies the results of the election;

4 “(4) a certification that, after completing the
 5 audit, the State shall publish a report on the results
 6 of the audit, together with such information as nec-
 7 essary to confirm that the audit was conducted prop-
 8 erly;

9 “(5) a certification that, if a risk-limiting audit
 10 conducted under this part leads to a full manual
 11 tally of an election, State law requires that the State
 12 or election agency shall use the results of the full
 13 manual tally as the official results of the election;
 14 and

15 “(6) such other information and assurances as
 16 the Commission may require.

17 **“SEC. 297B. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated for grants
 19 under this part \$20,000,000 for fiscal year 2021, to re-
 20 main available until expended.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
 22 of such Act is amended by adding at the end of the items
 23 relating to subtitle D of title II the following:

“PART 7—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
 OF ELECTIONS

“Sec. 297. Grants for conducting risk-limiting audits of results of elections.

“Sec. 297A. Eligibility of States.

“Sec. 297B. Authorization of appropriations.”.

1 **SEC. 50274. GAO ANALYSIS OF EFFECTS OF AUDITS.**

2 (a) ANALYSIS.—Not later than 6 months after the
3 first election for Federal office is held after grants are
4 first awarded to States for conducting risk-limiting under
5 part 7 of subtitle D of title II of the Help America Vote
6 Act of 2002 (as added by section 50273) for conducting
7 risk-limiting audits of elections for Federal office, the
8 Comptroller General of the United States shall conduct
9 an analysis of the extent to which such audits have im-
10 proved the administration of such elections and the secu-
11 rity of election infrastructure in the States receiving such
12 grants.

13 (b) REPORT.—The Comptroller General of the
14 United States shall submit a report on the analysis con-
15 ducted under subsection (a) to the appropriate congres-
16 sional committees.

17 (c) DEFINITIONS.—In this section—

18 (1) the term “appropriate congressional com-
19 mittees” means the Committees on Homeland Secu-
20 rity and House Administration of the House of Rep-
21 resentatives and the Committees on Homeland Secu-
22 rity and Governmental Affairs and Rules and Ad-
23 ministration of the Senate;

1 (2) the term “election agency” means any com-
2 ponent of a State, or any component of a unit of
3 local government in a State, which is responsible for
4 the administration of elections for Federal office in
5 the State; and

6 (3) the term “election infrastructure” means
7 storage facilities, polling places, and centralized vote
8 tabulation locations used to support the administra-
9 tion of elections for public office, as well as related
10 information and communications technology, includ-
11 ing voter registration databases, voting machines,
12 electronic mail and other communications systems
13 (including electronic mail and other systems of ven-
14 dors who have entered into contracts with election
15 agencies to support the administration of elections,
16 manage the election process, and report and display
17 election results), and other systems used to manage
18 the election process and to report and display elec-
19 tion results on behalf of an election agency.

1 **PART 15—PROMOTING VOTER ACCESS THROUGH**
2 **ELECTION ADMINISTRATION IMPROVEMENTS**
3 **Subpart A—Promoting Voter Access**

4 **SEC. 50275. TREATMENT OF UNIVERSITIES AS VOTER REG-**
5 **ISTRATION AGENCIES.**

6 (a) IN GENERAL.—Section 7(a) of the National Voter
7 Registration Act of 1993 (52 U.S.C. 20506(a)) is amend-
8 ed—

9 (1) in paragraph (2)—

10 (A) by striking “and” at the end of sub-
11 paragraph (A);

12 (B) by striking the period at the end of
13 subparagraph (B) and inserting “; and”; and

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

16 “(C) each institution of higher education
17 (as defined in section 101 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1001)) in the
19 State that receives Federal funds.”; and

20 (2) in paragraph (6)(A), by inserting “or, in
21 the case of an institution of higher education, with
22 each registration of a student for enrollment in a
23 course of study” after “assistance,”.

24 (b) AMENDMENT TO HIGHER EDUCATION ACT OF
25 1965.—Section 487(a) of the Higher Education Act of

1 1965 (20 U.S.C. 1094(a)) is amended by striking para-
2 graph (23).

3 (c) SENSE OF CONGRESS RELATING TO OPTION OF
4 STUDENTS TO REGISTER IN JURISDICTION OF INSTITU-
5 TION OF HIGHER EDUCATION OR JURISDICTION OF DOMI-
6 CILE.—It is the sense of Congress that, as provided under
7 existing law, students who attend an institution of higher
8 education and reside in the jurisdiction of the institution
9 while attending the institution should have the option of
10 registering to vote in elections for Federal office in that
11 jurisdiction or in the jurisdiction of their own domicile.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall apply with respect to elections held on
14 or after January 1, 2022.

15 **SEC. 50276. MINIMUM NOTIFICATION REQUIREMENTS FOR**
16 **VOTERS AFFECTED BY POLLING PLACE**
17 **CHANGES.**

18 (a) REQUIREMENTS.—Section 302 of the Help Amer-
19 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by
20 section 50258(a), is amended—

21 (1) by redesignating subsection (f) as sub-
22 section (g); and

23 (2) by inserting after subsection (e) the fol-
24 lowing new subsection:

1 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
2 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

3 “(1) IN GENERAL.—If a State assigns an indi-
4 vidual who is a registered voter in a State to a poll-
5 ing place with respect to an election for Federal of-
6 fice which is not the same polling place to which the
7 individual was previously assigned with respect to
8 the most recent election for Federal office in the
9 State in which the individual was eligible to vote—

10 “(A) the State shall notify the individual of
11 the location of the polling place not later than
12 7 days before the date of the election; or

13 “(B) if the State makes such an assign-
14 ment fewer than 7 days before the date of the
15 election and the individual appears on the date
16 of the election at the polling place to which the
17 individual was previously assigned, the State
18 shall make every reasonable effort to enable the
19 individual to vote on the date of the election.

20 “(2) EFFECTIVE DATE.—This subsection shall
21 apply with respect to elections held on or after Janu-
22 ary 1, 2022.”.

23 (b) CONFORMING AMENDMENT.—Section 302(g) of
24 such Act (52 U.S.C. 21082(g)), as redesignated by sub-
25 section (a) and as amended by section 50258(b), is amend-

1 ed by striking “(d)(2) and (e)(2)” and inserting “(d)(2),
2 (e)(2), and (f)(2)”.

3 **SEC. 50277. ELECTION DAY HOLIDAY.**

4 (a) TREATMENT OF ELECTION DAY IN SAME MAN-
5 NER AS LEGAL PUBLIC HOLIDAY FOR PURPOSES OF FED-
6 ERAL EMPLOYMENT.—For purposes of any law relating
7 to Federal employment, the Tuesday next after the first
8 Monday in November in 2020 and each even-numbered
9 year thereafter shall be treated in the same manner as
10 a legal public holiday described in section 6103 of title
11 5, United States Code.

12 (b) SENSE OF CONGRESS RELATING TO TREATMENT
13 OF DAY BY PRIVATE EMPLOYERS.—It is the sense of Con-
14 gress that private employers in the United States should
15 give their employees a day off on the Tuesday next after
16 the first Monday in November in 2020 and each even-
17 numbered year thereafter to enable the employees to cast
18 votes in the elections held on that day.

19 **SEC. 50278. PERMITTING USE OF SWORN WRITTEN STATE-**
20 **MENT TO MEET IDENTIFICATION REQUIRE-**
21 **MENTS FOR VOTING.**

22 (a) PERMITTING USE OF STATEMENT.—Title III of
23 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
24 seq.) is amended by inserting after section 303 the fol-
25 lowing new section:

1 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
2 **MENT TO MEET IDENTIFICATION REQUIRE-**
3 **MENTS.**

4 “(a) USE OF STATEMENT.—

5 “(1) IN GENERAL.—Except as provided in sub-
6 section (c), if a State has in effect a requirement
7 that an individual present identification as a condi-
8 tion of receiving and casting a ballot in an election
9 for Federal office, the State shall permit the indi-
10 vidual to meet the requirement—

11 “(A) in the case of an individual who de-
12 sires to vote in person, by presenting the appro-
13 priate State or local election official with a
14 sworn written statement, signed by the indi-
15 vidual under penalty of perjury, attesting to the
16 individual’s identification and attesting that the
17 individual is eligible to vote in the election; or

18 “(B) in the case of an individual who de-
19 sires to vote by mail, by submitting with the
20 ballot the statement described in subparagraph
21 (A).

22 “(2) PROVIDING PRE-PRINTED COPY OF STATE-
23 MENT.—A State which is subject to paragraph (1)
24 shall—

25 “(A) prepare a pre-printed version of the
26 statement described in paragraph (1)(A) which

1 includes a blank space for an individual to pro-
2 vide a name and signature;

3 “(B) make copies of the pre-printed
4 version available at polling places for election
5 officials to distribute to individuals who desire
6 to vote in person; and

7 “(C) include a copy of the pre-printed
8 version with each blank absentee or other ballot
9 transmitted to an individual who desires to vote
10 by mail.

11 “(b) REQUIRING USE OF REGULAR BALLOT.—An in-
12 dividual who presents or submits a sworn written state-
13 ment in accordance with subsection (a)(1) shall be per-
14 mitted to cast a regular ballot in the election in the same
15 manner as an individual who presents identification.

16 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
17 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
18 with respect to any individual described in paragraph (1)
19 of section 303(b) who is required to meet the requirements
20 of paragraph (2) of such section.”.

21 (b) REQUIRING STATES TO INCLUDE INFORMATION
22 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-
23 FORMATION MATERIAL POSTED AT POLLING PLACES.—
24 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),

1 as amended by section 50232(b) and section 50239(b), is
2 amended—

3 (1) by striking “and” at the end of subpara-
4 graph (G);

5 (2) by striking the period at the end of sub-
6 paragraph (H) and inserting “; and”; and

7 (3) by adding at the end the following new sub-
8 paragraph:

9 “(I) in the case of a State that has in ef-
10 fect a requirement that an individual present
11 identification as a condition of receiving and
12 casting a ballot in an election for Federal office,
13 information on how an individual may meet
14 such requirement by presenting a sworn written
15 statement in accordance with section 303A.”.

16 (c) CLERICAL AMENDMENT.—The table of contents
17 of such Act is amended by inserting after the item relating
18 to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement to meet identification
requirements.”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to elections occurring
21 on or after the date of the enactment of this Act.

22 **SEC. 50279. POSTAGE-FREE BALLOTS.**

23 (a) ABSENTEE BALLOTS CARRIED FREE OF POST-
24 AGE.—

1 (1) IN GENERAL.—Chapter 34 of title 39,
2 United States Code, is amended by adding after sec-
3 tion 3406 the following:

4 **“§ 3407. Absentee ballots carried free of postage**

5 “(a) Any absentee ballot for any election shall be car-
6 ried expeditiously and free of postage.

7 “(b) As used in this section, the term ‘absentee ballot’
8 does not include any ballot covered by section 3406.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions for chapter 34 of such title is amended by in-
11 serting after the item relating to section 3406 the
12 following:

“3407. Absentee ballots carried free of postage.”.

13 (3) REIMBURSEMENT.—Section 2401(c) of title
14 39, United States Code, is amended by striking
15 “3406” and inserting “3407”.

16 (b) USE BY STATES OF REQUIREMENTS PAYMENTS
17 UNDER HELP AMERICA VOTE ACT OF 2002 TO REIM-
18 BURSE POSTAL SERVICE.—

19 (1) AUTHORIZING USE OF PAYMENTS.—Section
20 251(b) of the Help America Vote Act of 2002 (52
21 U.S.C. 21001(b)) is amended—

22 (A) in paragraph (1), by striking “as pro-
23 vided in paragraphs (2) and (3)” and inserting
24 “as otherwise provided in this subsection”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(4) REIMBURSEMENT OF POSTAL SERVICE
4 FOR COSTS ASSOCIATED WITH ABSENTEE BAL-
5 LOTS.—A State shall use a requirements payment to
6 reimburse the United States Postal Service for the
7 revenue which the Postal Service would have ob-
8 tained as the result of the mailing of absentee bal-
9 lots in the State but for section 3407 of title 39,
10 United States Code.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall apply with respect to the re-
13 quirements payments made to a State under part 1
14 of subtitle D of title II of the Help America Vote
15 Act of 2002 (52 U.S.C. 21001 et seq.)—

16 (A) for fiscal year 2021 or any previous
17 fiscal year, but only to the extent that any such
18 payment remains unobligated or unexpended by
19 the State as of the date of the enactment of
20 this Act; and

21 (B) for fiscal year 2022 and each suc-
22 ceeding fiscal year.

1 **SEC. 50280. REIMBURSEMENT FOR COSTS INCURRED BY**
2 **STATES IN ESTABLISHING PROGRAM TO**
3 **TRACK AND CONFIRM RECEIPT OF ABSENTEE**
4 **BALLOTS.**

5 (a) REIMBURSEMENT.—Subtitle D of title II of the
6 Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.),
7 as amended by section 50273(a), is further amended by
8 adding at the end the following new part:

9 **“PART 8—PAYMENTS TO REIMBURSE STATES**
10 **FOR COSTS INCURRED IN ESTABLISHING**
11 **PROGRAM TO TRACK AND CONFIRM RE-**
12 **CEIPT OF ABSENTEE BALLOTS**

13 **“SEC. 298. PAYMENTS TO STATES.**

14 “(a) PAYMENTS FOR COSTS OF ESTABLISHING PRO-
15 GRAM.—In accordance with this section, the Commission
16 shall make a payment to a State to reimburse the State
17 for the costs incurred in establishing, if the State so choos-
18 es to establish, an absentee ballot tracking program with
19 respect to elections for Federal office held in the State
20 (including costs incurred prior to the date of the enact-
21 ment of this part).

22 “(b) ABSENTEE BALLOT TRACKING PROGRAM DE-
23 SCRIBED.—

24 “(1) PROGRAM DESCRIBED.—

25 “(A) IN GENERAL.—In this part, an ‘ab-
26 sentee ballot tracking program’ is a program to

1 track and confirm the receipt of absentee bal-
2 lots in an election for Federal office under
3 which the State or local election official respon-
4 sible for the receipt of voted absentee ballots in
5 the election carries out procedures to track and
6 confirm the receipt of such ballots, and makes
7 information on the receipt of such ballots avail-
8 able to the individual who cast the ballot, by
9 means of online access using the Internet site
10 of the official's office.

11 “(B) INFORMATION ON WHETHER VOTE
12 WAS COUNTED.—The information referred to
13 under subparagraph (A) with respect to the re-
14 ceipt of an absentee ballot shall include infor-
15 mation regarding whether the vote cast on the
16 ballot was counted, and, in the case of a vote
17 which was not counted, the reasons therefor.

18 “(2) USE OF TOLL-FREE TELEPHONE NUMBER
19 BY OFFICIALS WITHOUT INTERNET SITE.—A pro-
20 gram established by a State or local election official
21 whose office does not have an Internet site may
22 meet the description of a program under paragraph
23 (1) if the official has established a toll-free telephone
24 number that may be used by an individual who cast
25 an absentee ballot to obtain the information on the

1 receipt of the voted absentee ballot as provided
2 under such paragraph.

3 “(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

4 “(1) CERTIFICATION REQUIRED.—In order to
5 receive a payment under this section, a State shall
6 submit to the Commission a statement containing—

7 “(A) a certification that the State has es-
8 tablished an absentee ballot tracking program
9 with respect to elections for Federal office held
10 in the State; and

11 “(B) a statement of the costs incurred by
12 the State in establishing the program.

13 “(2) AMOUNT OF PAYMENT.—The amount of a
14 payment made to a State under this section shall be
15 equal to the costs incurred by the State in estab-
16 lishing the absentee ballot tracking program, as set
17 forth in the statement submitted under paragraph
18 (1), except that such amount may not exceed the
19 product of—

20 “(A) the number of jurisdictions in the
21 State which are responsible for operating the
22 program; and

23 “(B) \$3,000.

1 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
 2 CEIVED.—A State may not receive more than one
 3 payment under this part.

4 **“SEC. 298A. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) AUTHORIZATION.—There are authorized to be
 6 appropriated to the Commission for fiscal year 2022 and
 7 each succeeding fiscal year such sums as may be necessary
 8 for payments under this part.

9 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
 10 amounts appropriated pursuant to the authorization under
 11 this section shall remain available until expended.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
 13 of such Act, as amended by section 50273(b), is further
 14 amended by adding at the end of the items relating to
 15 subtitle D of title II the following:

“PART 8—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ES-
 TABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE
 BALLOTS

“Sec. 298. Payments to States.

“Sec. 298A. Authorization of appropriations.”.

16 **SEC. 50281. VOTER INFORMATION RESPONSE SYSTEMS AND**
 17 **HOTLINE.**

18 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS
 19 AND SERVICES.—

20 (1) STATE-BASED RESPONSE SYSTEMS.—The
 21 Attorney General shall coordinate the establishment
 22 of a State-based response system for responding to

1 questions and complaints from individuals voting or
2 seeking to vote, or registering to vote or seeking to
3 register to vote, in elections for Federal office. Such
4 system shall provide—

5 (A) State-specific, same-day, and imme-
6 diate assistance to such individuals, including
7 information on how to register to vote, the loca-
8 tion and hours of operation of polling places,
9 and how to obtain absentee ballots; and

10 (B) State-specific, same-day, and imme-
11 diate assistance to individuals encountering
12 problems with registering to vote or voting, in-
13 cluding individuals encountering intimidation or
14 deceptive practices.

15 (2) HOTLINE.—The Attorney General, in con-
16 sultation with State election officials, shall establish
17 and operate a toll-free telephone service, using a
18 telephone number that is accessible throughout the
19 United States and that uses easily identifiable nu-
20 merals, through which individuals throughout the
21 United States—

22 (A) may connect directly to the State-
23 based response system described in paragraph
24 (1) with respect to the State involved;

1 (B) may obtain information on voting in
2 elections for Federal office, including informa-
3 tion on how to register to vote in such elections,
4 the locations and hours of operation of polling
5 places, and how to obtain absentee ballots; and

6 (C) may report information to the Attor-
7 ney General on problems encountered in reg-
8 istering to vote or voting, including incidences
9 of voter intimidation or suppression.

10 (3) COLLABORATION WITH STATE AND LOCAL
11 ELECTION OFFICIALS.—

12 (A) COLLECTION OF INFORMATION FROM
13 STATES.—The Attorney General shall coordi-
14 nate the collection of information on State and
15 local election laws and policies, including infor-
16 mation on the statewide computerized voter reg-
17 istration lists maintained under title III of the
18 Help America Vote Act of 2002, so that indi-
19 viduals who contact the free telephone service
20 established under paragraph (2) on the date of
21 an election for Federal office may receive an
22 immediate response on that day.

23 (B) FORWARDING QUESTIONS AND COM-
24 PLAINTS TO STATES.—If an individual contacts
25 the free telephone service established under

1 paragraph (2) on the date of an election for
2 Federal office with a question or complaint with
3 respect to a particular State or jurisdiction
4 within a State, the Attorney General shall for-
5 ward the question or complaint immediately to
6 the appropriate election official of the State or
7 jurisdiction so that the official may answer the
8 question or remedy the complaint on that date.

9 (4) CONSULTATION REQUIREMENTS FOR DE-
10 VELOPMENT OF SYSTEMS AND SERVICES.—The At-
11 torney General shall ensure that the State-based re-
12 sponse system under paragraph (1) and the free
13 telephone service under paragraph (2) are each de-
14 veloped in consultation with civil rights organiza-
15 tions, voting rights groups, State and local election
16 officials, voter protection groups, and other inter-
17 ested community organizations, especially those that
18 have experience in the operation of similar systems
19 and services.

20 (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-
21 ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH
22 LANGUAGE PROFICIENCY.—The Attorney General shall
23 design and operate the telephone service established under
24 this section in a manner that ensures that individuals with
25 disabilities are fully able to use the service, and that as-

1 sistance is provided in any language in which the State
2 (or any jurisdiction in the State) is required to provide
3 election materials under section 203 of the Voting Rights
4 Act of 1965.

5 (c) VOTER HOTLINE TASK FORCE.—

6 (1) APPOINTMENT BY ATTORNEY GENERAL.—

7 The Attorney General shall appoint individuals (in
8 such number as the Attorney General considers ap-
9 propriate but in no event fewer than 3) to serve on
10 a Voter Hotline Task Force to provide ongoing anal-
11 ysis and assessment of the operation of the tele-
12 phone service established under this section, and
13 shall give special consideration in making appoint-
14 ments to the Task Force to individuals who rep-
15 resent civil rights organizations. At least one mem-
16 ber of the Task Force shall be a representative of
17 an organization promoting voting rights or civil
18 rights which has experience in the operation of simi-
19 lar telephone services or in protecting the rights of
20 individuals to vote, especially individuals who are
21 members of racial, ethnic, or linguistic minorities or
22 of communities who have been adversely affected by
23 efforts to suppress voting rights.

24 (2) ELIGIBILITY.—An individual shall be eligi-
25 ble to serve on the Task Force under this subsection

1 if the individual meets such criteria as the Attorney
2 General may establish, except that an individual may
3 not serve on the Task Force if the individual has
4 been convicted of any criminal offense relating to
5 voter intimidation or voter suppression.

6 (3) TERM OF SERVICE.—An individual ap-
7 pointed to the Task Force shall serve a single term
8 of 2 years, except that the initial terms of the mem-
9 bers first appointed to the Task Force shall be stag-
10 gered so that there are at least 3 individuals serving
11 on the Task Force during each year. A vacancy in
12 the membership of the Task Force shall be filled in
13 the same manner as the original appointment.

14 (4) NO COMPENSATION FOR SERVICE.—Mem-
15 bers of the Task Force shall serve without pay, but
16 shall receive travel expenses, including per diem in
17 lieu of subsistence, in accordance with applicable
18 provisions under subchapter I of chapter 57 of title
19 5, United States Code.

20 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later
21 than March 1 of each odd-numbered year, the Attorney
22 General shall submit a report to Congress on the operation
23 of the telephone service established under this section dur-
24 ing the previous 2 years, and shall include in the report—

1 (1) an enumeration of the number and type of
2 calls that were received by the service;

3 (2) a compilation and description of the reports
4 made to the service by individuals citing instances of
5 voter intimidation or suppression;

6 (3) an assessment of the effectiveness of the
7 service in making information available to all house-
8 holds in the United States with telephone service;

9 (4) any recommendations developed by the
10 Task Force established under subsection (c) with re-
11 spect to how voting systems may be maintained or
12 upgraded to better accommodate voters and better
13 ensure the integrity of elections, including but not
14 limited to identifying how to eliminate coordinated
15 voter suppression efforts and how to establish effec-
16 tive mechanisms for distributing updates on changes
17 to voting requirements; and

18 (5) any recommendations on best practices for
19 the State-based response systems established under
20 subsection (a)(1).

21 (e) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) AUTHORIZATION.—There are authorized to
23 be appropriated to the Attorney General for fiscal
24 year 2021 and each succeeding fiscal year such sums
25 as may be necessary to carry out this section.

1 (2) SET-ASIDE FOR OUTREACH.—Of the
 2 amounts appropriated to carry out this section for a
 3 fiscal year pursuant to the authorization under para-
 4 graph (1), not less than 15 percent shall be used for
 5 outreach activities to make the public aware of the
 6 availability of the telephone service established under
 7 this section, with an emphasis on outreach to indi-
 8 viduals with disabilities and individuals with limited
 9 proficiency in the English language.

10 **Subpart B—Improvements in Operation of Election**
 11 **Assistance Commission**

12 **SEC. 50282. REAUTHORIZATION OF ELECTION ASSISTANCE**
 13 **COMMISSION.**

14 Section 210 of the Help America Vote Act of 2002
 15 (52 U.S.C. 20930) is amended—

16 (1) by striking “for each of the fiscal years
 17 2003 through 2005” and inserting “for fiscal year
 18 2021 and each succeeding fiscal year”; and

19 (2) by striking “(but not to exceed \$10,000,000
 20 for each such year)”.

21 **SEC. 50283. REQUIRING STATES TO PARTICIPATE IN POST-**
 22 **GENERAL ELECTION SURVEYS.**

23 (a) REQUIREMENT.—Title III of the Help America
 24 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended

1 by section 50278(a), is further amended by inserting after
 2 section 303A the following new section:

3 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**
 4 **ELECTION SURVEYS.**

5 “(a) REQUIREMENT.—Each State shall furnish to the
 6 Commission such information as the Commission may re-
 7 quest for purposes of conducting any post-election survey
 8 of the States with respect to the administration of a regu-
 9 larly scheduled general election for Federal office.

10 “(b) EFFECTIVE DATE.—This section shall apply
 11 with respect to the regularly scheduled general election for
 12 Federal office held in November 2022 and any succeeding
 13 election.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
 15 of such Act, as amended by section 50278(c), is further
 16 amended by inserting after the item relating to section
 17 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

18 **SEC. 50284. REPORTS BY NATIONAL INSTITUTE OF STAND-**
 19 **ARDS AND TECHNOLOGY ON USE OF FUNDS**
 20 **TRANSFERRED FROM ELECTION ASSISTANCE**
 21 **COMMISSION.**

22 (a) REQUIRING REPORTS ON USE OF FUNDS AS
 23 CONDITION OF RECEIPT.—Section 231 of the Help Amer-
 24 ica Vote Act of 2002 (52 U.S.C. 20971) is amended by
 25 adding at the end the following new subsection:

1 “(e) REPORT ON USE OF FUNDS TRANSFERRED
2 FROM COMMISSION.—To the extent that funds are trans-
3 ferred from the Commission to the Director of the Na-
4 tional Institute of Standards and Technology for purposes
5 of carrying out this section during any fiscal year, the Di-
6 rector may not use such funds unless the Director certifies
7 at the time of transfer that the Director will submit a re-
8 port to the Commission not later than 90 days after the
9 end of the fiscal year detailing how the Director used such
10 funds during the year.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to fiscal year 2022
13 and each succeeding fiscal year.

14 **SEC. 50285. RECOMMENDATIONS TO IMPROVE OPERATIONS**
15 **OF ELECTION ASSISTANCE COMMISSION.**

16 (a) ASSESSMENT OF INFORMATION TECHNOLOGY
17 AND CYBERSECURITY.—Not later than December 31,
18 2021, the Election Assistance Commission shall carry out
19 an assessment of the security and effectiveness of the
20 Commission’s information technology systems, including
21 the cybersecurity of such systems.

22 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
23 PROCEDURES.—

24 (1) REVIEW OF PROCEDURES.—The Election
25 Assistance Commission shall carry out a review of

1 the effectiveness and efficiency of the State-based
2 administrative complaint procedures established and
3 maintained under section 402 of the Help America
4 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
5 tigation and resolution of allegations of violations of
6 title III of such Act.

7 (2) RECOMMENDATIONS TO STREAMLINE PRO-
8 CEDURES.—Not later than December 31, 2021, the
9 Commission shall submit to Congress a report on
10 the review carried out under paragraph (1), and
11 shall include in the report such recommendations as
12 the Commission considers appropriate to streamline
13 and improve the procedures which are the subject of
14 the review.

15 **SEC. 50286. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
16 **ANCE COMMISSION FROM CERTAIN GOVERN-**
17 **MENT CONTRACTING REQUIREMENTS.**

18 (a) IN GENERAL.—Section 205 of the Help America
19 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
20 ing subsection (e).

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply with respect to contracts entered
23 into by the Election Assistance Commission on or after
24 the date of the enactment of this Act.

Subpart C—Miscellaneous Provisions

**SEC. 50287. APPLICATION OF LAWS TO COMMONWEALTH OF
NORTHERN MARIANA ISLANDS.**

(a) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 3(4) of the National Voter Registration Act of 1993 (52 U.S.C. 20502(4)) is amended by striking “States and the District of Columbia” and inserting “States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands”.

(b) HELP AMERICA VOTE ACT OF 2002.—

(1) COVERAGE OF COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended by striking “and the United States Virgin Islands” and inserting “the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands”.

(2) CONFORMING AMENDMENTS TO HELP AMERICA VOTE ACT OF 2002.—Such Act is further amended as follows:

(A) The second sentence of section 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

1 (B) Section 252(c)(2) (52 U.S.C.
2 21002(c)(2)) is amended by striking “or the
3 United States Virgin Islands” and inserting
4 “the United States Virgin Islands, or the Com-
5 monwealth of the Northern Mariana Islands”.

6 (3) CONFORMING AMENDMENT RELATING TO
7 CONSULTATION OF HELP AMERICA VOTE FOUNDA-
8 TION WITH LOCAL ELECTION OFFICIALS.—Section
9 90102(c) of title 36, United States Code, is amend-
10 ed by striking “and the United States Virgin Is-
11 lands” and inserting “the United States Virgin Is-
12 lands, and the Commonwealth of the Northern Mar-
13 iana Islands”.

14 **SEC. 50288. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
15 **ANCE COMMISSION FROM CERTAIN GOVERN-**
16 **MENT CONTRACTING REQUIREMENTS.**

17 (a) IN GENERAL.—Section 205 of the Help America
18 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
19 ing subsection (e).

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to contracts entered
22 into by the Election Assistance Commission on or after
23 the date of the enactment of this Act.

1 **SEC. 50289. NO EFFECT ON OTHER LAWS.**

2 (a) IN GENERAL.—Except as specifically provided,
3 nothing in this subtitle may be construed to authorize or
4 require conduct prohibited under any of the following laws,
5 or to supersede, restrict, or limit the application of such
6 laws:

7 (1) The Voting Rights Act of 1965 (52 U.S.C.
8 10301 et seq.).

9 (2) The Voting Accessibility for the Elderly and
10 Handicapped Act (52 U.S.C. 20101 et seq.).

11 (3) The Uniformed and Overseas Citizens Ab-
12 sentee Voting Act (52 U.S.C. 20301 et seq.).

13 (4) The National Voter Registration Act of
14 1993 (52 U.S.C. 20501 et seq.).

15 (5) The Americans with Disabilities Act of
16 1990 (42 U.S.C. 12101 et seq.).

17 (6) The Rehabilitation Act of 1973 (29 U.S.C.
18 701 et seq.).

19 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
20 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
21 proval by any person of a payment or grant application
22 under this subtitle, or any other action taken by any per-
23 son under this subtitle, shall not be considered to have
24 any effect on requirements for preclearance under section
25 5 of the Voting Rights Act of 1965 (52 U.S.C. 10304)
26 or any other requirements of such Act.

PART 16—SEVERABILITY**SEC. 50290. SEVERABILITY.**

If any provision of this subtitle or amendment made by this subtitle, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this subtitle and amendments made by this subtitle, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

Subtitle C—Same Day Registration**SEC. 50301. SHORT TITLE.**

This subtitle may be cited as the “Same Day Registration Act of 2020”.

SEC. 50302. SAME DAY REGISTRATION.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

(1) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(2) by inserting after section 303 the following new section:

“SEC. 304. SAME DAY REGISTRATION.

“(a) IN GENERAL.—

“(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall permit any eligible individual on the day of a Fed-

1 eral election and on any day when voting, including
2 early voting, is permitted for a Federal election—

3 “(A) to register to vote in such election at
4 the polling place using a form that meets the
5 requirements under section 9(b) of the National
6 Voter Registration Act of 1993 (or, if the indi-
7 vidual is already registered to vote, to revise
8 any of the individual’s voter registration infor-
9 mation); and

10 “(B) to cast a vote in such election.

11 “(2) EXCEPTION.—The requirements under
12 paragraph (1) shall not apply to a State in which,
13 under a State law in effect continuously on and after
14 the date of the enactment of this section, there is no
15 voter registration requirement for individuals in the
16 State with respect to elections for Federal office.

17 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
18 section, the term ‘eligible individual’ means, with respect
19 to any election for Federal office, an individual who is oth-
20 erwise qualified to vote in that election.

21 “(c) EFFECTIVE DATE.—Each State shall be re-
22 quired to comply with the requirements of subsection (a)
23 for the regularly scheduled general election for Federal of-
24 fice occurring in November 2020 and for any subsequent
25 election for Federal office.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 401 of such Act (52 U.S.C. 21111)
 3 is amended by striking “and 303” and inserting
 4 “303, and 304”.

5 (2) The table of contents of such Act is amend-
 6 ed—

7 (A) by redesignating the items relating to
 8 sections 304 and 305 as relating to sections
 9 305 and 306, respectively; and

10 (B) by inserting after the item relating to
 11 section 303 the following new item:

“Sec. 304. Same day registration.”.

12 **Subtitle D—Equal Access to**
 13 **Support Youth Voting**

14 **SEC. 50401. SHORT TITLE.**

15 This subtitle may be cited as the “Equal Access to
 16 Support Youth Voting Act” or the “EASY Voting Act”.

17 **SEC. 50402. REQUIRING STATES TO ACCEPT STUDENT IDEN-**
 18 **TIFICATIONS FOR PURPOSES OF MEETING**
 19 **VOTER IDENTIFICATION REQUIREMENTS.**

20 (a) ACCEPTANCE OF STUDENT IDENTIFICATIONS.—
 21 Title III of the Help America Vote Act of 2002 (42 U.S.C.
 22 15481 et seq.) is amended by inserting after section 303
 23 the following new section:

1 **“SEC. 303A. REQUIRING ACCEPTANCE OF STUDENT PHOTO**
2 **IDENTIFICATION AS CURRENT AND VALID**
3 **PHOTO IDENTIFICATION.**

4 “(a) ACCEPTANCE OF STUDENT IDENTIFICATIONS.—
5 A State or local election official shall accept a current and
6 valid student photo identification issued by an institution
7 of higher education to a student attending such institution
8 of higher education as a current and valid photo identifica-
9 tion for purposes of section 303(b)(2) or of any State or
10 local law which requires an individual to produce a current
11 and valid photo identification to obtain a ballot or vote
12 in an election for Federal office.

13 “(b) DEFINITION.—In this section, the term ‘institu-
14 tion of higher education’ has the meaning given such term
15 in section 101 of the Higher Education Act of 1965 (20
16 U.S.C. 1001), except that such term includes a propri-
17 etary institution of higher education described in section
18 102(b) of such Act (20 U.S.C. 1002(b)).”.

19 (b) ENFORCEMENT.—Section 401 of such Act (42
20 U.S.C. 15511) is amended by striking “and 303” and in-
21 serting “303, and 303A”.

22 (c) CLERICAL AMENDMENT.—The table of contents
23 of such Act is amended by inserting after the item relating
24 to section 303 the following new item:

 “Sec. 303A. Requiring acceptance of student photo identification as current
 and valid photo identification.”.

1 (d) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply with respect to elections occurring
 3 on or after the date of the enactment of this Act.

4 **Subtitle E—Restoring Confidence**
 5 **in America’s Elections**

6 **SECTION 50501. SHORT TITLE.**

7 This subtitle may be cited as the “Restoring Con-
 8 fidence in America’s Elections Act”.

9 **PART 1—INTEGRITY OF VOTING SYSTEMS AND**
 10 **BALLOTS**

11 **Subpart A—Promoting Accuracy, Integrity, and Se-**
 12 **curity Through Voter-Verified Permanent Paper**
 13 **Ballot**

14 **SEC. 505101. MORATORIUM ON ACQUISITION OF CERTAIN**
 15 **DIRECT RECORDING ELECTRONIC VOTING**
 16 **SYSTEMS AND CERTAIN OTHER VOTING SYS-**
 17 **TEMS.**

18 Section 301 of the Help America Vote Act of 2002
 19 (52 U.S.C. 21081) is amended—

20 (1) by redesignating subsections (c) and (d) as
 21 subsections (d) and (e); and

22 (2) by inserting after subsection (b) the fol-
 23 lowing new subsection:

24 “(c) MORATORIUM ON ACQUISITION OF CERTAIN DI-
 25 RECT RECORDING ELECTRONIC VOTING SYSTEMS AND

1 CERTAIN OTHER VOTING SYSTEMS.—Beginning on the
 2 date of the enactment of the Restoring Confidence in
 3 America’s Elections Act, no State or jurisdiction may pur-
 4 chase or otherwise acquire for use in an election for Fed-
 5 eral office a direct recording electronic voting system or
 6 other electronic voting system that does not produce a
 7 voter-verified paper record as required by section
 8 301(a)(2) (as amended by such Act).”.

9 **SEC. 505102. PAPER BALLOT AND MANUAL COUNTING RE-**
 10 **QUIREMENTS.**

11 (a) IN GENERAL.—Section 301(a)(2) of the Help
 12 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
 13 amended to read as follows:

14 “(2) PAPER BALLOT REQUIREMENT.—

15 “(A) VOTER-VERIFIED PAPER BALLOTS.—

16 “(i) PAPER BALLOT REQUIREMENT.—

17 (I) The voting system shall require the use
 18 of an individual, durable, voter-verified,
 19 paper ballot of the voter’s vote that shall
 20 be marked and made available for inspec-
 21 tion and verification by the voter before
 22 the voter’s vote is cast and counted, and
 23 which shall be counted by hand or read by
 24 an optical character recognition device or
 25 other counting device. For purposes of this

1 subclause, the term ‘individual, durable,
2 voter-verified, paper ballot’ means a paper
3 ballot marked by the voter by hand or a
4 paper ballot marked through the use of a
5 nontabulating ballot marking device or sys-
6 tem, so long as the voter shall have the op-
7 tion to mark his or her ballot by hand.

8 “(II) The voting system shall provide
9 the voter with an opportunity to correct
10 any error on the paper ballot before the
11 permanent voter-verified paper ballot is
12 preserved in accordance with clause (ii).

13 “(III) The voting system shall not
14 preserve the voter-verified paper ballots in
15 any manner that makes it possible, at any
16 time after the ballot has been cast, to asso-
17 ciate a voter with the record of the voter’s
18 vote without the voter’s consent.

19 “(ii) PRESERVATION AS OFFICIAL
20 RECORD.—The individual, durable, voter-
21 verified, paper ballot used in accordance
22 with clause (i) shall constitute the official
23 ballot and shall be preserved and used as
24 the official ballot for purposes of any re-
25 count or audit conducted with respect to

1 any election for Federal office in which the
2 voting system is used.

3 “(iii) MANUAL COUNTING REQUIRE-
4 MENTS FOR RECOUNTS AND AUDITS.—(I)
5 Each paper ballot used pursuant to clause
6 (i) shall be suitable for a manual audit,
7 and shall be counted by hand in any re-
8 count or audit conducted with respect to
9 any election for Federal office.

10 “(II) In the event of any inconsist-
11 encies or irregularities between any elec-
12 tronic vote tallies and the vote tallies de-
13 termined by counting by hand the indi-
14 vidual, durable, voter-verified, paper ballots
15 used pursuant to clause (i), and subject to
16 subparagraph (B), the individual, durable,
17 voter-verified, paper ballots shall be the
18 true and correct record of the votes cast.

19 “(iv) APPLICATION TO ALL BAL-
20 LOTS.—The requirements of this subpara-
21 graph shall apply to all ballots cast in elec-
22 tions for Federal office, including ballots
23 cast by absent uniformed services voters
24 and overseas voters under the Uniformed

1 and Overseas Citizens Absentee Voting Act
2 and other absentee voters.

3 “(B) SPECIAL RULE FOR TREATMENT OF
4 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
5 SHOWN TO BE COMPROMISED.—

6 “(i) IN GENERAL.—In the event
7 that—

8 “(I) there is any inconsistency
9 between any electronic vote tallies and
10 the vote tallies determined by count-
11 ing by hand the individual, durable,
12 voter-verified, paper ballots used pur-
13 suant to subparagraph (A)(i) with re-
14 spect to any election for Federal of-
15 fice; and

16 “(II) it is demonstrated by clear
17 and convincing evidence (as deter-
18 mined in accordance with the applica-
19 ble standards in the jurisdiction in-
20 volved) in any recount, audit, or con-
21 test of the result of the election that
22 the paper ballots have been com-
23 promised (by damage or mischief or
24 otherwise) and that a sufficient num-
25 ber of the ballots have been so com-

1 promised that the result of the elec-
2 tion could be changed,
3 the determination of the appropriate rem-
4 edy with respect to the election shall be
5 made in accordance with applicable State
6 law, except that the electronic tally shall
7 not be used as the exclusive basis for de-
8 termining the official certified result.

9 “(ii) RULE FOR CONSIDERATION OF
10 BALLOTS ASSOCIATED WITH EACH VOTING
11 MACHINE.—For purposes of clause (i),
12 only the paper ballots deemed com-
13 promised, if any, shall be considered in the
14 calculation of whether or not the result of
15 the election could be changed due to the
16 compromised paper ballots.”.

17 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
18 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
19 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
20 is amended by inserting “(including the paper ballots re-
21 quired to be used under paragraph (2))” after “voting sys-
22 tem”.

23 (c) OTHER CONFORMING AMENDMENTS.—Section
24 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
25 ed—

1 (1) in subparagraph (A)(i), by striking “count-
2 ed” and inserting “counted, in accordance with
3 paragraphs (2) and (3)”;

4 (2) in subparagraph (A)(ii), by striking “count-
5 ed” and inserting “counted, in accordance with
6 paragraphs (2) and (3)”;

7 (3) in subparagraph (A)(iii), by striking “count-
8 ed” each place it appears and inserting “counted, in
9 accordance with paragraphs (2) and (3)”;

10 (4) in subparagraph (B)(ii), by striking “count-
11 ed” and inserting “counted, in accordance with
12 paragraphs (2) and (3)”.

13 **SEC. 505103. ACCESSIBILITY AND BALLOT VERIFICATION**
14 **FOR INDIVIDUALS WITH DISABILITIES.**

15 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help
16 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is
17 amended to read as follows:

18 “(B)(i) satisfy the requirement of subpara-
19 graph (A) through the use of at least one voting
20 system equipped for individuals with disabili-
21 ties, including nonvisual and enhanced visual
22 accessibility for the blind and visually impaired,
23 and nonmanual and enhanced manual accessi-
24 bility for the mobility and dexterity impaired, at
25 each polling place; and

1 “(ii) meet the requirements of subpara-
2 graph (A) and paragraph (2)(A) by using a sys-
3 tem that—

4 “(I) allows the voter to privately and
5 independently verify the permanent paper
6 ballot through the presentation, in acces-
7 sible form, of the printed or marked vote
8 selections from the same printed or
9 marked information that would be used for
10 any vote counting or auditing; and

11 “(II) allows the voter to privately and
12 independently verify and cast the perma-
13 nent paper ballot without requiring the
14 voter to manually handle the paper ballot;
15 and”.

16 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
17 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
18 VERIFICATION MECHANISMS.—

19 (1) STUDY AND REPORTING.—Subtitle C of
20 title II of such Act (52 U.S.C. 21081 et seq.) is
21 amended—

22 (A) by redesignating section 247 as section
23 248; and

24 (B) by inserting after section 246 the fol-
25 lowing new section:

1 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
2 **BALLOT VERIFICATION MECHANISMS.**

3 “(a) STUDY AND REPORT.—The Director of the Na-
4 tional Science Foundation shall make grants to not fewer
5 than 3 eligible entities to study, test, and develop acces-
6 sible paper ballot voting, verification, and casting mecha-
7 nisms and devices and best practices to enhance the acces-
8 sibility of paper ballot voting and verification mechanisms
9 for individuals with disabilities, for voters whose primary
10 language is not English, and for voters with difficulties
11 in literacy, including best practices for the mechanisms
12 themselves and the processes through which the mecha-
13 nisms are used.

14 “(b) ELIGIBILITY.—An entity is eligible to receive a
15 grant under this part if it submits to the Director (at such
16 time and in such form as the Director may require) an
17 application containing—

18 “(1) certifications that the entity shall specifi-
19 cally investigate enhanced methods or devices, in-
20 cluding nonelectronic devices, that will assist such
21 individuals and voters in marking voter-verified
22 paper ballots and presenting or transmitting the in-
23 formation printed or marked on such ballots back to
24 such individuals and voters, and casting such ballots;

1 “(2) a certification that the entity shall com-
2 plete the activities carried out with the grant not
3 later than December 31, 2021; and

4 “(3) such other information and certifications
5 as the Director may require.

6 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
7 nology developed with the grants made under this section
8 shall be treated as nonproprietary and shall be made avail-
9 able to the public, including to manufacturers of voting
10 systems.

11 “(d) COORDINATION WITH GRANTS FOR TECH-
12 NOLOGY IMPROVEMENTS.—The Director shall carry out
13 this section so that the activities carried out with the
14 grants made under subsection (a) are coordinated with the
15 research conducted under the grant program carried out
16 by the Commission under section 271, to the extent that
17 the Director and Commission determine necessary to pro-
18 vide for the advancement of accessible voting technology.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out subsection
21 (a) \$5,000,000, to remain available until expended.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents of such Act is amended—

24 (A) by redesignating the item relating to
25 section 247 as relating to section 248; and

1 (B) by inserting after the item relating to
 2 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mechanisms.”.

3 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
 4 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
 5 adopting any voluntary guidance under subtitle B of title
 6 III of the Help America Vote Act of 2002 with respect
 7 to the accessibility of the paper ballot verification require-
 8 ments for individuals with disabilities, the Election Assist-
 9 ance Commission shall include and apply the same accessi-
 10 bility standards applicable under the voluntary guidance
 11 adopted for accessible voting systems under such subtitle.

12 (d) PERMITTING USE OF FUNDS FOR PROTECTION
 13 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
 14 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
 15 tion 292(a) of the Help America Vote Act of 2002 (52
 16 U.S.C. 21062(a)) is amended by striking “; except that”
 17 and all that follows and inserting a period.

18 **Subpart B—Additional Voting System Requirements**
 19 **SEC. 505111. ADDITIONAL VOTING SYSTEM REQUIREMENTS.**

20 (a) REQUIREMENTS DESCRIBED.—Section 301(a) of
 21 the Help America Vote Act of 2002 (52 U.S.C. 21081(a))
 22 is amended by adding at the end the following new para-
 23 graphs:

1 “(7) REQUIRING AVAILABILITY OF PAPER BAL-
2 LOTS IN CASE OF EMERGENCY.—

3 “(A) IN GENERAL.—In the event of a fail-
4 ure of voting equipment or other circumstance
5 at a polling place in an election for Federal of-
6 fice that causes an unreasonable delay, the ap-
7 propriate election official at the polling place
8 shall—

9 “(i) immediately advise any individual
10 who is waiting at the polling place to cast
11 a ballot in the election at the time of the
12 failure that the individual has the right to
13 use an emergency paper ballot; and

14 “(ii) upon the individual’s request,
15 provide the individual with an emergency
16 paper ballot for the election and the sup-
17 plies necessary to mark the ballot.

18 “(B) TREATMENT OF BALLOTS.—Any
19 paper ballot which is cast by an individual
20 under this clause shall be counted and other-
21 wise treated as a regular ballot for all purposes
22 (including by incorporating it into the final un-
23 official vote count (as defined by the State) for
24 the precinct) and not as a provisional ballot,
25 unless the individual casting the ballot would

1 have otherwise been required to cast a provi-
2 sional ballot.

3 “(8) PROHIBITING USE OF UNCERTIFIED ELEC-
4 TION-DEDICATED VOTING SYSTEM TECHNOLOGIES;
5 DISCLOSURE REQUIREMENTS.—

6 “(A) IN GENERAL.—A voting system used
7 in an election for Federal office in a State may
8 not at any time during the election contain or
9 use any election-dedicated voting system tech-
10 nology—

11 “(i) which has not been certified by
12 the State for use in the election; and

13 “(ii) which has not been deposited
14 with an accredited laboratory described in
15 section 231 to be held in escrow and dis-
16 closed in accordance with this section.

17 “(B) REQUIREMENT FOR DISCLOSURE AND
18 LIMITATION ON RESTRICTING DISCLOSURE.—

19 An accredited laboratory under section 231
20 with whom an election-dedicated voting system
21 technology has been deposited shall—

22 “(i) hold the technology in escrow;
23 and

1 “(ii) disclose technology and informa-
2 tion regarding the technology to another
3 person if—

4 “(I) the person is a qualified per-
5 son described in subparagraph (C)
6 who has entered into a nondisclosure
7 agreement with respect to the tech-
8 nology which meets the requirements
9 of subparagraph (D); or

10 “(II) the laboratory is permitted
11 or required to disclose the technology
12 to the person under State law, in ac-
13 cordance with the terms and condi-
14 tions applicable under such law.

15 “(C) QUALIFIED PERSONS DESCRIBED.—

16 With respect to the disclosure of election-dedi-
17 cated voting system technology by a laboratory
18 under subparagraph (B)(ii)(I), a ‘qualified per-
19 son’ is any of the following:

20 “(i) A governmental entity with re-
21 sponsibility for the administration of vot-
22 ing and election-related matters for pur-
23 poses of reviewing, analyzing, or reporting
24 on the technology.

1 “(ii) A party to pre- or postelection
2 litigation challenging the result of an elec-
3 tion or the administration or use of the
4 technology used in an election, including
5 but not limited to election contests or chal-
6 lenges to the certification of the tech-
7 nology, or an expert for a party to such
8 litigation, for purposes of reviewing or ana-
9 lyzing the technology to support or oppose
10 the litigation, and all parties to the litiga-
11 tion shall have access to the technology for
12 such purposes.

13 “(iii) A person not described in clause
14 (i) or (ii) who reviews, analyzes, or reports
15 on the technology solely for an academic,
16 scientific, technological, or other investiga-
17 tion or inquiry concerning the accuracy or
18 integrity of the technology.

19 “(D) REQUIREMENTS FOR NONDISCLO-
20 SURE AGREEMENTS.—A nondisclosure agree-
21 ment entered into with respect to an election-
22 dedicated voting system technology meets the
23 requirements of this subparagraph if the agree-
24 ment—

1 “(i) is limited in scope to coverage of
2 the technology disclosed under subpara-
3 graph (B) and any trade secrets and intel-
4 lectual property rights related thereto;

5 “(ii) does not prohibit a signatory
6 from entering into other nondisclosure
7 agreements to review other technologies
8 under this paragraph;

9 “(iii) exempts from coverage any in-
10 formation the signatory lawfully obtained
11 from another source or any information in
12 the public domain;

13 “(iv) remains in effect for not longer
14 than the life of any trade secret or other
15 intellectual property right related thereto;

16 “(v) prohibits the use of injunctions
17 barring a signatory from carrying out any
18 activity authorized under subparagraph
19 (C), including injunctions limited to the
20 period prior to a trial involving the tech-
21 nology;

22 “(vi) is silent as to damages awarded
23 for breach of the agreement, other than a
24 reference to damages available under appli-
25 cable law;

1 “(vii) allows disclosure of evidence of
2 crime, including in response to a subpoena
3 or warrant;

4 “(viii) allows the signatory to perform
5 analyses on the technology (including by
6 executing the technology), disclose reports
7 and analyses that describe operational
8 issues pertaining to the technology (includ-
9 ing vulnerabilities to tampering, errors,
10 risks associated with use, failures as a re-
11 sult of use, and other problems), and de-
12 scribe or explain why or how a voting sys-
13 tem failed or otherwise did not perform as
14 intended; and

15 “(ix) provides that the agreement
16 shall be governed by the trade secret laws
17 of the applicable State.

18 “(E) ELECTION-DEDICATED VOTING SYS-
19 TEM TECHNOLOGY DEFINED.—For purposes of
20 this paragraph:

21 “(i) IN GENERAL.—The term ‘elec-
22 tion-dedicated voting system technology’
23 means the following:

24 “(I) The source code used for the
25 trusted build and its file signatures.

1 “(II) A complete disk image of
2 the prebuild, build environment, and
3 any file signatures to validate that it
4 is unmodified.

5 “(III) A complete disk image of
6 the postbuild, build environment, and
7 any file signatures to validate that it
8 is unmodified.

9 “(IV) All executable code pro-
10 duced by the trusted build and any
11 file signatures to validate that it is
12 unmodified.

13 “(V) Installation devices and
14 software file signatures.

15 “(ii) EXCLUSION.—Such term does
16 not include ‘commercial-off-the-shelf’ soft-
17 ware and hardware defined under the 2015
18 voluntary voting system guidelines adopted
19 by the Commission under section 222.

20 “(9) PROHIBITION OF USE OF WIRELESS COM-
21 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—
22 No system or device upon which ballots are marked
23 or votes are cast or tabulated shall contain, use, or
24 be accessible by any wireless, powerline, or concealed
25 communication device, except that enclosed infrared

1 communications devices which are certified for use
2 in such device by the State and which cannot be
3 used for any remote or wide area communications or
4 used without the knowledge of poll workers shall be
5 permitted.

6 “(10) PROHIBITING CONNECTION OF SYSTEM
7 TO THE INTERNET.—

8 “(A) IN GENERAL.—No system or device
9 upon which ballots are programmed or votes are
10 cast or tabulated shall be connected to the
11 Internet at any time.

12 “(B) PROHIBITING ACCEPTANCE OF BAL-
13 LOTS TRANSMITTED ONLINE.—The voting sys-
14 tem may not accept any voted ballot which is
15 transmitted to an election official online.

16 “(C) RULE OF CONSTRUCTION.—Nothing
17 contained in this paragraph shall be deemed to
18 prohibit the Commission from conducting the
19 studies under section 242 or to conduct other
20 similar studies under any other provision of law
21 in a manner consistent with this paragraph.

22 “(11) SECURITY STANDARDS FOR VOTING SYS-
23 TEMS USED IN FEDERAL ELECTIONS.—

24 “(A) IN GENERAL.—No voting system may
25 be used in an election for Federal office unless

1 the manufacturer of such system and the elec-
2 tion officials using such system meet the appli-
3 cable requirements described in subparagraph
4 (B).

5 “(B) REQUIREMENTS DESCRIBED.—The
6 requirements described in this subparagraph
7 are as follows:

8 “(i) The manufacturer and the elec-
9 tion officials shall document the secure
10 chain of custody for the handling of all
11 software, hardware, vote storage media,
12 blank ballots, and completed ballots used
13 in connection with voting systems, and
14 shall make the information available upon
15 request to the Commission.

16 “(ii) The manufacturer shall disclose
17 to an accredited laboratory under section
18 231 and to the appropriate election official
19 any information required to be disclosed
20 under paragraph (8).

21 “(iii) After the appropriate election
22 official has certified the election-dedicated
23 and other voting system software for use in
24 an election, the manufacturer may not—

25 “(I) alter such software; or

1 “(II) insert or use in the voting
2 system any software, software patch,
3 or other software modification not cer-
4 tified by the State for use in the elec-
5 tion.

6 “(iv) At the request of the Commis-
7 sion—

8 “(I) the appropriate election offi-
9 cial shall submit information to the
10 Commission regarding the State’s
11 compliance with this subparagraph;
12 and

13 “(II) the manufacturer shall sub-
14 mit information to the Commission re-
15 garding the manufacturer’s compli-
16 ance with this subparagraph.

17 “(C) DEVELOPMENT AND PUBLICATION OF
18 BEST PRACTICES OF SECURE CHAIN OF CUS-
19 TODY.—Not later than August 1, 2021, the
20 Commission shall develop and make publicly
21 available best practices regarding the require-
22 ment of subparagraphs (B)(i) and (B)(iii), and
23 in the case of subparagraph (B)(iii), shall in-
24 clude best practices for certifying software

1 patches and minor software modifications under
2 short deadlines.

3 “(D) DISCLOSURE OF SECURE CHAIN OF
4 CUSTODY.—The Commission shall make infor-
5 mation provided to the Commission under sub-
6 paragraph (B)(i) available to any person upon
7 request.

8 “(12) DURABILITY AND READABILITY REQUIRE-
9 MENTS FOR BALLOTS.—

10 “(A) DURABILITY REQUIREMENTS FOR
11 PAPER BALLOTS.—

12 “(i) IN GENERAL.—All voter-verified
13 paper ballots required to be used under
14 this Act shall be marked or printed on du-
15 rable paper.

16 “(ii) DEFINITION.—For purposes of
17 this Act, paper is ‘durable’ if it is capable
18 of withstanding multiple counts and re-
19 counts by hand without compromising the
20 fundamental integrity of the ballots, and
21 capable of retaining the information
22 marked or printed on them for the full du-
23 ration of a retention and preservation pe-
24 riod of 22 months.

1 “(B) READABILITY REQUIREMENTS FOR
2 PAPER BALLOTS MARKED BY BALLOT MARKING
3 DEVICE.—All voter-verified paper ballots com-
4 pleted by the voter through the use of a ballot
5 marking device shall be clearly readable by the
6 voter without assistance (other than eyeglasses
7 or other personal vision-enhancing devices) and
8 by an optical character recognition device or
9 other device equipped for individuals with dis-
10 abilities.

11 “(13) REQUIREMENTS FOR PUBLICATION OF
12 POLL TAPES.—

13 “(A) REQUIREMENTS.—Each State shall
14 meet the following requirements:

15 “(i) Upon the closing of the polls at
16 each polling place, the appropriate election
17 official, under the observation of the cer-
18 tified tabulation observers admitted to the
19 polling place under subparagraph (E) (if
20 any), shall announce the vote orally, post a
21 copy of the poll tape reflecting the totals
22 from each voting machine upon which
23 votes were cast in the election at the poll-
24 ing place, and prepare and post a state-
25 ment of the total number of individuals

1 who appeared at the polling place to cast
2 ballots, determined by reference to the
3 number of signatures in a sign-in book or
4 other similar independent count. Such offi-
5 cials shall ensure that each of the certified
6 tabulation observers admitted to the poll-
7 ing place has full access to observe the
8 process by which the poll tapes and state-
9 ment are produced and a reasonable period
10 of time to review the poll tapes and state-
11 ment before the polling place is closed, and
12 (if feasible) shall provide such observers
13 with identical duplicate copies of the poll
14 tapes and statement.

15 “(ii) As soon as practicable, but in no
16 event later than noon of the day following
17 the date of the election, the appropriate
18 election official shall display (at a promi-
19 nent location accessible to the public dur-
20 ing regular business hours and in or within
21 reasonable proximity to the polling place) a
22 copy of each poll tape and statement pre-
23 pared under clause (i), and the information
24 shall be displayed on the official public
25 Web sites of the applicable local election

1 official and chief State election official, to-
2 gether with the name of the designated
3 voting official who entered the information
4 and the date and time the information was
5 entered.

6 “(iii) Each Web site on which infor-
7 mation is posted under clause (ii) shall in-
8 clude information on the procedures by
9 which discrepancies shall be reported to
10 election officials. If any discrepancy exists
11 between the posted information and the
12 relevant poll tape or statement, the appro-
13 priate election official shall display infor-
14 mation on the discrepancy on the Web site
15 on which the information is posted under
16 clause (ii) not later than 24 hours after
17 the official is made aware of the discrep-
18 ancy, and shall maintain the information
19 on the discrepancy and its resolution (if
20 applicable) on such website during the en-
21 tire period for which results of the election
22 are typically maintained on such Web site.

23 “(iv) The appropriate election official
24 shall preserve archived copies of the poll
25 tapes and statements prepared under

1 clause (i) and reports of discrepancies filed
2 by certified tabulation observers for the pe-
3 riod of time during which records and pa-
4 pers are required to be retained and pre-
5 served pursuant to title III of the Civil
6 Rights Act of 1960 (42 U.S.C. 1974 et
7 seq.) or for the same duration for which
8 archived copies of other records of the elec-
9 tion are required to be preserved under ap-
10 plicable State law, whichever is longer.

11 “(B) TREATMENT OF BALLOTS CAST AT
12 EARLY VOTING SITES.—

13 “(i) APPLICATION.—The requirements
14 of this subparagraph shall apply with re-
15 spect to poll tapes and statements of the
16 number of voters who voted in person at
17 designated sites prior to the date of the
18 election.

19 “(ii) DAILY COUNT OF VOTERS.—At
20 the close of business on each day on which
21 ballots described in clause (i) may be cast
22 prior to the date of the election, the appro-
23 priate election official at each such site
24 shall—

1 “(I) under the observation of cer-
2 tified tabulation observers admitted to
3 the site under subparagraph (E) (if
4 any), prepare and post a statement of
5 the total number of individuals who
6 appeared at the site to cast ballots,
7 determined by reference to the num-
8 ber of signatures in a sign-in book or
9 other similar independent count, and
10 the total number of ballots cast (ex-
11 cluding information on the votes re-
12 ceived by individual candidates), and
13 shall ensure that each of the certified
14 tabulation observers admitted to the
15 site has full access to observe the
16 process by which the statement is pro-
17 duced and a reasonable period of time
18 to review the statement before the site
19 is closed; and

20 “(II) display at the site during
21 regular business hours for the dura-
22 tion of the early voting period a paper
23 copy of the statement prepared under
24 subclause (I).

1 “(iii) APPLICATION OF GENERAL RE-
2 QUIREMENTS FOR POLL TAPES AND
3 STATEMENTS.—Upon the closing of the
4 polls on the date of the election, the appro-
5 priate election official at each designated
6 site described in this subparagraph shall
7 meet the requirements of subparagraph
8 (A) (including requirements relating to the
9 role of certified tabulation observers) in
10 the same manner as an election official at
11 a polling place.

12 “(C) TREATMENT OF ABSENTEE BAL-
13 LOTS.—

14 “(i) DAILY COUNT OF BALLOTS
15 MAILED AND RECEIVED.—At the close of
16 each business day on which a State mails
17 or accepts absentee ballots cast in an elec-
18 tion for Federal office prior to the date of
19 the election, the appropriate election offi-
20 cial shall—

21 “(I) under the observation of cer-
22 tified tabulation observers admitted
23 under subparagraph (E) to the site at
24 which the ballots are mailed and re-
25 ceived (if any), prepare and post a

1 statement of the total number of ab-
2 sentee ballots mailed and received by
3 the official during that day and a sep-
4 arate count of the number of absentee
5 ballots received but rejected (sepa-
6 rated into categories of the reasons
7 for rejection), and ensure that each of
8 the certified tabulation observers ad-
9 mitted to the site has full access to
10 observe the process by which the
11 statement is produced and a reason-
12 able period of time to review the
13 statement before the site is closed;
14 and

15 “(II) display at the site during
16 regular business hours for the dura-
17 tion of the period during which absen-
18 tee ballots are processed a paper copy
19 of the statement prepared under sub-
20 clause (I).

21 “(ii) APPLICATION OF GENERAL RE-
22 QUIREMENTS FOR POLL TAPES AND
23 STATEMENTS.—At the close of business on
24 the last day on which absentee ballots are
25 counted prior to the certification of the

1 election, the appropriate election official at
2 the site at which absentee ballots are re-
3 ceived and counted shall meet the require-
4 ments of subparagraph (A) (including re-
5 quirements relating to the role of certified
6 tabulation observers) in the same manner
7 as an election official at a polling place.

8 “(D) DAILY COUNT OF PROVISIONAL BAL-
9 LOTS.—At the close of business on the day on
10 which the appropriate election official deter-
11 mines whether or not provisional ballots cast in
12 an election for Federal office will be counted as
13 votes in the election (as described in section
14 302(a)(4)), the official shall—

15 “(i) under the observation of certified
16 tabulation observers admitted under sub-
17 paragraph (E) to the site at which the de-
18 termination is made (if any), prepare and
19 post a statement of the number of such
20 ballots for which a determination was
21 made, the number of ballots counted, and
22 the number of ballots rejected (separated
23 into categories of the reason for the rejec-
24 tion), and ensure that each of the certified
25 tabulation observers admitted to the site

1 has full access to observe the process by
2 which the statement is produced and a rea-
3 sonable period of time to review the state-
4 ment before the site is closed; and

5 “(ii) display at the site during regular
6 business hours for the duration of the pe-
7 riod during which provisional ballots are
8 processed a paper copy of the statement
9 prepared under clause (i).

10 “(E) ADMISSION OF CERTIFIED TABULA-
11 TION OBSERVERS.—

12 “(i) CERTIFIED TABULATION OB-
13 SERVER DEFINED.—In this paragraph, a
14 ‘certified tabulation observer’ is an indi-
15 vidual who is certified by an appropriate
16 election official as authorized to carry out
17 the responsibilities of a certified tabulation
18 observer under this paragraph.

19 “(ii) SELECTION.—In determining
20 which individuals to certify as tabulation
21 observers and admit to a polling place or
22 other location to serve as certified tabula-
23 tion observers with respect to an election
24 for Federal office, the election official shall
25 give preference to individuals who are af-

1 filiated with a candidate in the election, ex-
2 cept that—

3 “(I) the number of individuals
4 admitted who are affiliated with the
5 same candidate for Federal office may
6 not exceed one; and

7 “(II) the maximum number of in-
8 dividuals who may be admitted shall
9 equal the number of candidates in the
10 election plus 3, or such greater num-
11 ber as may be authorized under State
12 law.

13 “(iii) NO EFFECT ON ADMISSION OF
14 OTHER OBSERVERS.—Nothing in this sub-
15 paragraph may be construed to limit or
16 otherwise affect the authority of other indi-
17 viduals to enter and observe polling place
18 operations under any other law, including
19 international observers authorized under
20 any treaty or observers of the Federal Gov-
21 ernment authorized under the Voting
22 Rights Act of 1965.

23 “(F) NO EFFECT ON OTHER TABULATION
24 REQUIREMENTS.—Nothing in this Act may be
25 construed to supersede any requirement that an

1 election official at a polling place report vote to-
2 tals to a central tabulation facility and address
3 discrepancies the official finds in the aggrega-
4 tion of those totals with other vote totals.”.

5 (b) REQUIRING LABORATORIES TO MEET STAND-
6 ARDS PROHIBITING CONFLICTS OF INTEREST AS CONDI-
7 TION OF ACCREDITATION FOR TESTING OF VOTING SYS-
8 TEM HARDWARE AND SOFTWARE.—

9 (1) IN GENERAL.—Section 231(b) of such Act
10 (52 U.S.C. 20971(b)) is amended by adding at the
11 end the following new paragraphs:

12 “(3) PROHIBITING CONFLICTS OF INTEREST;
13 ENSURING AVAILABILITY OF RESULTS.—

14 “(A) IN GENERAL.—A laboratory may not
15 be accredited by the Commission for purposes
16 of this section unless—

17 “(i) the laboratory certifies that the
18 only compensation it receives for the test-
19 ing carried out in connection with the cer-
20 tification, decertification, and recertifi-
21 cation of the manufacturer’s voting system
22 hardware and software is the payment
23 made from the Testing Escrow Account
24 under paragraph (4);

1 “(ii) the laboratory meets such stand-
2 ards as the Commission shall establish
3 (after notice and opportunity for public
4 comment) to prevent the existence or ap-
5 pearance of any conflict of interest in the
6 testing carried out by the laboratory under
7 this section, including standards to ensure
8 that the laboratory does not have a finan-
9 cial interest in the manufacture, sale, and
10 distribution of voting system hardware and
11 software, and is sufficiently independent
12 from other persons with such an interest;

13 “(iii) the laboratory certifies that it
14 will permit an expert designated by the
15 Commission or by the State requiring cer-
16 tification of the system being tested to ob-
17 serve any testing the laboratory carries out
18 under this section; and

19 “(iv) the laboratory, upon completion
20 of any testing carried out under this sec-
21 tion, discloses the test protocols, results,
22 and all communication between the labora-
23 tory and the manufacturer to the Commis-
24 sion.

1 “(B) AVAILABILITY OF RESULTS.—Upon
2 receipt of information under subparagraph (A),
3 the Commission shall make the information
4 available promptly to election officials and the
5 public.

6 “(4) PROCEDURES FOR CONDUCTING TESTING;
7 PAYMENT OF USER FEES FOR COMPENSATION OF
8 ACCREDITED LABORATORIES.—

9 “(A) ESTABLISHMENT OF ESCROW AC-
10 COUNT.—The Commission shall establish an es-
11 crow account (to be known as the Testing Es-
12 crow Account) for making payments to accred-
13 ited laboratories for the costs of the testing car-
14 ried out in connection with the certification, de-
15 certification, and recertification of voting sys-
16 tem hardware and software.

17 “(B) SCHEDULE OF FEES.—In consulta-
18 tion with the accredited laboratories, the Com-
19 mission shall establish and regularly update a
20 schedule of fees for the testing carried out in
21 connection with the certification, decertification,
22 and recertification of voting system hardware
23 and software, based on the reasonable costs ex-
24 pected to be incurred by the accredited labora-

1 tories in carrying out the testing for various
2 types of hardware and software.

3 “(C) REQUESTS AND PAYMENTS BY MANU-
4 FACTURERS.—A manufacturer of voting system
5 hardware and software may not have the hard-
6 ware or software tested by an accredited labora-
7 tory under this section unless—

8 “(i) the manufacturer submits a de-
9 tailed request for the testing to the Com-
10 mission; and

11 “(ii) the manufacturer pays to the
12 Commission, for deposit into the Testing
13 Escrow Account established under sub-
14 paragraph (A), the applicable fee under the
15 schedule established and in effect under
16 subparagraph (B).

17 “(D) SELECTION OF LABORATORY.—Upon
18 receiving a request for testing and the payment
19 from a manufacturer required under subpara-
20 graph (C), the Commission shall select, from all
21 laboratories which are accredited under this
22 section to carry out the specific testing re-
23 quested by the manufacturer, an accredited lab-
24 oratory to carry out the testing.

1 “(E) PAYMENTS TO LABORATORIES.—

2 Upon receiving a certification from a laboratory
3 selected to carry out testing pursuant to sub-
4 paragraph (D) that the testing is completed,
5 along with a copy of the results of the test as
6 required under paragraph (3)(A)(iv), the Com-
7 mission shall make a payment to the laboratory
8 from the Testing Escrow Account established
9 under subparagraph (A) in an amount equal to
10 the applicable fee paid by the manufacturer
11 under subparagraph (C)(ii).

12 “(5) DISSEMINATION OF ADDITIONAL INFORMA-
13 TION ON ACCREDITED LABORATORIES.—

14 “(A) INFORMATION ON TESTING.—Upon
15 completion of the testing of a voting system
16 under this section, the Commission shall
17 promptly disseminate to the public the identi-
18 fication of the laboratory which carried out the
19 testing.

20 “(B) INFORMATION ON STATUS OF LAB-
21 ORATORIES.—The Commission shall promptly
22 notify Congress, the chief State election official
23 of each State, and the public whenever—

1 “(i) the Commission revokes, termi-
2 nates, or suspends the accreditation of a
3 laboratory under this section;

4 “(ii) the Commission restores the ac-
5 creditation of a laboratory under this sec-
6 tion which has been revoked, terminated,
7 or suspended; or

8 “(iii) the Commission has credible evi-
9 dence of significant security failure at an
10 accredited laboratory.”.

11 (2) CONFORMING AMENDMENTS.—Section 231
12 of such Act (52 U.S.C. 20971) is further amended—

13 (A) in subsection (a)(1), by striking “test-
14 ing, certification,” and all that follows and in-
15 serting the following: “testing of voting system
16 hardware and software by accredited labora-
17 tories in connection with the certification, de-
18 certification, and recertification of the hardware
19 and software for purposes of this Act.”;

20 (B) in subsection (a)(2), by striking “test-
21 ing, certification,” and all that follows and in-
22 serting the following: “testing of its voting sys-
23 tem hardware and software by the laboratories
24 accredited by the Commission under this section

1 in connection with certifying, decertifying, and
2 recertifying the hardware and software.”;

3 (C) in subsection (b)(1), by striking “test-
4 ing, certification, decertification, and recertifi-
5 cation” and inserting “testing”; and

6 (D) in subsection (d), by striking “testing,
7 certification, decertification, and recertification”
8 each place it appears and inserting “testing”.

9 (3) DEADLINE FOR ESTABLISHMENT OF
10 STANDARDS, ESCROW ACCOUNT, AND SCHEDULE OF
11 FEES.—The Election Assistance Commission shall
12 establish the standards described in section
13 231(b)(3) of the Help America Vote Act of 2002
14 and the Testing Escrow Account and schedule of
15 fees described in section 231(b)(4) of such Act (as
16 added by paragraph (1)) not later than January 1,
17 2021.

18 (4) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to the Elec-
20 tion Assistance Commission such sums as may be
21 necessary to carry out the Commission’s duties
22 under paragraphs (3) and (4) of section 231 of the
23 Help America Vote Act of 2002 (as added by para-
24 graph (1)).

1 (c) GRANTS FOR RESEARCH ON DEVELOPMENT OF
2 ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.—

3 (1) IN GENERAL.—Subtitle D of title II of the
4 Help America Vote Act of 2002 (52 U.S.C. 21001
5 et seq.) is amended by adding at the end the fol-
6 lowing new part:

7 **“PART 7—GRANTS FOR RESEARCH ON DEVELOP-**
8 **MENT OF ELECTION-DEDICATED VOTING**
9 **SYSTEM SOFTWARE**

10 **“SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF**
11 **ELECTION-DEDICATED VOTING SYSTEM**
12 **SOFTWARE.**

13 “(a) IN GENERAL.—The Director of the National
14 Science Foundation (hereafter in this part referred to as
15 the ‘Director’) shall make grants to not fewer than 3 eligi-
16 ble entities to conduct research on the development of elec-
17 tion-dedicated voting system software.

18 “(b) ELIGIBILITY.—An entity is eligible to receive a
19 grant under this part if it submits to the Director (at such
20 time and in such form as the Director may require) an
21 application containing—

22 “(1) certifications regarding the benefits of op-
23 erating voting systems on election-dedicated software
24 which is easily understandable and which is written
25 exclusively for the purpose of conducting elections;

1 “(2) certifications that the entity will use the
 2 funds provided under the grant to carry out research
 3 on how to develop voting systems that run on elec-
 4 tion-dedicated software and that will meet the appli-
 5 cable requirements for voting systems under title III;
 6 and

7 “(3) such other information and certifications
 8 as the Director may require.

9 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
 10 nology developed with the grants made under this section
 11 shall be treated as nonproprietary and shall be made avail-
 12 able to the public, including to manufacturers of voting
 13 systems.

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 15 is authorized to be appropriated for grants under this sec-
 16 tion \$1,500,000 for each of fiscal years 2020 and 2021,
 17 to remain available until expended.”.

18 (2) CLERICAL AMENDMENT.—The table of con-
 19 tents of such Act is amended by adding at the end
 20 of the items relating to subtitle D of title II the fol-
 21 lowing:

“PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-
 DEDICATED VOTING SYSTEM SOFTWARE

“Sec. 297. Grants for research on development of election-dedicated voting sys-
 tem software.”.

Subpart C—Funding

**SEC. 505121. AVAILABILITY OF ADDITIONAL FUNDING TO
ENABLE STATES TO MEET COSTS OF REVISED
REQUIREMENTS.**

(a) EXTENSION OF REQUIREMENTS PAYMENTS FOR
MEETING REVISED REQUIREMENTS.—Section 257(a) of
the Help America Vote Act of 2002 (52 U.S.C. 21007(a))
is amended by adding at the end the following new para-
graph:

“(5) For each of the fiscal years 2020 and
2021, \$600,000,000, except that any funds provided
under the authorization made by this paragraph
shall be used by a State only to meet the require-
ments of title III which are first imposed on the
State pursuant to the amendments made by title I
of the Restoring Confidence in America’s Elections
Act, or to otherwise modify or replace its voting sys-
tems in response to such amendments.”.

(b) USE OF REVISED FORMULA FOR ALLOCATION OF
FUNDS.—Section 252(b) of such Act (52 U.S.C.
21002(b)) is amended to read as follows:

“(b) STATE ALLOCATION PERCENTAGE DEFINED.—

“(1) IN GENERAL.—Except as provided in para-
graph (2), the ‘State allocation percentage’ for a
State is the amount (expressed as a percentage)
equal to the quotient of—

1 “(A) the voting age population of the State
2 (as reported in the most recent decennial cen-
3 sus); and

4 “(B) the total voting age population of all
5 States (as reported in the most recent decennial
6 census).

7 “(2) SPECIAL RULE FOR PAYMENTS USED TO
8 MEET REQUIREMENTS IMPOSED UNDER RESTORING
9 CONFIDENCE IN AMERICA’S ELECTIONS ACT.—

10 “(A) IN GENERAL.—In the case of the re-
11 quirements payment made to a State under the
12 authorization made by section 257(a)(5) for fis-
13 cal year 2020 or 2021, the ‘State allocation
14 percentage’ for a State is the amount (ex-
15 pressed as a percentage) equal to the quotient
16 of—

17 “(i) the sum of the number of non-
18 compliant precincts in the State and 50
19 percent of the number of partially non-
20 compliant precincts in the State; and

21 “(ii) the sum of the number of non-
22 compliant precincts in all States and 50
23 percent of the number of partially non-
24 compliant precincts in all States.

1 “(B) NONCOMPLIANT PRECINCT DE-
2 FINED.—In this paragraph, a ‘noncompliant
3 precinct’ means any precinct (or equivalent lo-
4 cation) within a State for which the voting sys-
5 tem used to administer the regularly scheduled
6 general election for Federal office held in No-
7 vember 2020 did not meet either of the require-
8 ments described in subparagraph (D).

9 “(C) PARTIALLY NONCOMPLIANT PRE-
10 CINCT DEFINED.—In this paragraph, a ‘par-
11 tially noncompliant precinct’ means any pre-
12 cinct (or equivalent location) within a State for
13 which the voting system used to administer the
14 regularly scheduled general election for Federal
15 office held in November 2020 met only one of
16 the requirements described in subparagraph
17 (D).

18 “(D) REQUIREMENTS DESCRIBED.—The
19 requirements described in this subparagraph
20 with respect to a voting system are as follows:

21 “(i) The primary voting system re-
22 quired the use of durable paper ballots (as
23 described in sections 301(a)(2)(A)(i)(I)
24 and 301(a)(12)(A), as amended or added

1 by the Restoring Confidence in America’s
2 Elections Act) for every vote cast.

3 “(ii) The voting system allowed the
4 voter to privately and independently verify
5 the permanent paper ballot through the
6 presentation of the same printed or
7 marked information used for vote counting
8 and auditing and to privately and inde-
9 pendently cast the permanent paper ballot
10 without handling the ballot manually.”.

11 (c) REVISED CONDITIONS FOR RECEIPT OF
12 FUNDS.—Section 253 of such Act (52 U.S.C. 21003) is
13 amended—

14 (1) in subsection (a), by striking “A State is el-
15 igible” and inserting “Except as provided in sub-
16 section (f), a State is eligible”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(f) SPECIAL RULE FOR PAYMENTS USED TO MEET
20 REQUIREMENTS IMPOSED UNDER RESTORING CON-
21 FIDENCE IN AMERICA’S ELECTIONS ACT.—

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of this part, a State is eligible to receive
24 a requirements payment under the authorization
25 made by section 257(a)(5) for fiscal year 2020 or

1 2021 if, not later than 90 days after the date of the
2 enactment of the Restoring Confidence in America’s
3 Elections Act, the chief executive officer of the
4 State, or designee, in consultation and coordination
5 with the chief State election official—

6 “(A) certifies to the Commission the num-
7 ber of noncompliant and partially noncompliant
8 precincts in the State (as defined in section
9 252(b)(2));

10 “(B) certifies to the Commission that the
11 State will reimburse each unit of local govern-
12 ment in the State for any costs the unit incurs
13 in carrying out the activities for which the pay-
14 ment may be used; and

15 “(C) files a statement with the Commis-
16 sion describing the State’s need for the pay-
17 ment and how the State will use the payment
18 to meet the requirements of title III (in accord-
19 ance with the limitations applicable to the use
20 of the payment under section 257(a)(5)).

21 “(2) CERTIFICATIONS BY STATES THAT RE-
22 QUIRE CHANGES TO STATE LAW.—In the case of a
23 State that requires State legislation to carry out any
24 activity covered by any certification submitted under
25 this subsection, the State shall be permitted to make

1 the certification notwithstanding that the legislation
2 has not been enacted at the time the certification is
3 submitted and such State shall submit an additional
4 certification once such legislation is enacted.”.

5 (d) PERMITTING USE OF FUNDS FOR REIMBURSE-
6 MENT FOR COSTS PREVIOUSLY INCURRED.—Section
7 251(c)(1) of such Act (52 U.S.C. 21001(c)(1)) is amended
8 by striking the period at the end and inserting the fol-
9 lowing: “, or as a reimbursement for any costs incurred
10 after November 2018 in meeting the requirements of title
11 III which are imposed pursuant to the amendments made
12 by title I of the Restoring Confidence in America’s Elec-
13 tions Act or in otherwise upgrading or replacing voting
14 systems in a manner consistent with such amendments (so
15 long as the voting systems meet any of the requirements
16 that apply with respect to elections for Federal office held
17 in 2022 and each succeeding year).”.

18 (e) RULE OF CONSTRUCTION REGARDING STATES
19 RECEIVING OTHER FUNDS FOR REPLACING PUNCH
20 CARD, LEVER, OR OTHER VOTING MACHINES.—Nothing
21 in the amendments made by this section or in any other
22 provision of the Help America Vote Act of 2002 may be
23 construed to prohibit a State which received or was au-
24 thorized to receive a payment under title I or II of such
25 Act for replacing punch card, lever, or other voting ma-

1 chines from receiving or using any funds which are made
2 available under the amendments made by this section.

3 (f) RULE OF CONSTRUCTION REGARDING USE OF
4 FUNDS RECEIVED IN PRIOR YEARS.—

5 (1) IN GENERAL.—Nothing contained in this
6 subtitle or the Help America Vote Act of 2002 may
7 be construed to prohibit a State from using funds
8 received under title I or II of the Help America Vote
9 Act of 2002 to purchase or acquire by other means
10 a voting system that meets the requirements of sec-
11 tion 301 of the Help America Vote Act of 2002 (as
12 amended by this subtitle) in order to replace voting
13 systems purchased with funds received under the
14 Help America Vote Act of 2002 that do not meet
15 such requirements.

16 (2) WAIVER OF NOTICE AND COMMENT RE-
17 QUIREMENTS.—The requirements of subparagraphs
18 (A), (B), and (C) of section 254(a)(11) of the Help
19 America Vote Act of 2002 shall not apply to any
20 State using funds received under such Act for the
21 purposes described in paragraph (1).

22 **SEC. 505122. GRANTS FOR DEVELOPMENT OF COMPLIANT**
23 **SYSTEMS.**

24 (a) ESTABLISHMENT OF GRANT PROGRAM.—

1 (1) GRANTS TO DEVELOP VOTING SYSTEMS.—

2 The Election Assistance Commission (hereafter re-
3 ferred to as the “Commission”) shall establish and
4 operate a program under which the Commission
5 shall award grants to eligible entities for the devel-
6 opment of voting systems that meet the require-
7 ments of paragraph (2) and that may be used by
8 States and units of local government to administer
9 elections for Federal office.

10 (2) REQUIREMENTS FOR VOTING SYSTEMS.—

11 The requirements of this paragraph with respect to
12 voting systems are as follows:

13 (A) The system produces a voter-verified
14 paper record of each vote cast on the system.

15 (B) The system is demonstrably compat-
16 ible with commodity accessibility devices.

17 (C) The system is fully accessible for the
18 use of individuals with disabilities.

19 (b) ELIGIBILITY REQUIREMENTS FOR RECIPI-
20 ENTS.—An entity is eligible to receive a grant under the
21 program under this section if the entity submits to the
22 Commission, at such time and in such form as the Com-
23 mission may require, an application containing—

24 (1) a certification that any voting system devel-
25 oped with the funds provided under this section shall

1 meet the requirements of paragraph (2) of sub-
2 section (a); and

3 (2) such other information and assurances as
4 the Commission may require.

5 (c) APPLICABILITY OF REGULATIONS GOVERNING
6 PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL
7 ASSISTANCE.—Any invention made by the recipient of a
8 grant under this section using funds provided under this
9 section shall be subject to chapter 18 of title 35, United
10 States Code (relating to patent rights in inventions made
11 with Federal assistance).

12 (d) REPORT.—

13 (1) IN GENERAL.—Each entity which receives a
14 grant under this section shall submit to the Commis-
15 sion a report describing the activities carried out
16 with the funds provided under the grant.

17 (2) DEADLINE.—An entity shall submit a re-
18 port required under paragraph (1) not later than 60
19 days after the end of the fiscal year for which the
20 entity received the grant which is the subject of the
21 report.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated for grants under this section
25 \$60,000,000 for fiscal year 2021.

1 (2) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to the authorization under this
3 subsection shall remain available, without fiscal year
4 limitation, until expended.

5 **Subpart D—Effective Date**

6 **SEC. 505131. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

7 Section 301(d) of the Help America Vote Act of 2002
8 (52 U.S.C. 21081(d)) is amended to read as follows:

9 “(d) EFFECTIVE DATE.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), each State and jurisdiction shall be re-
12 quired to comply with the requirements of this sec-
13 tion on and after January 1, 2008.

14 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
15 MENTS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraphs (B) and (C), the requirements of
18 this section which are first imposed on a State
19 and jurisdiction pursuant to the amendments
20 made by title I of the Restoring Confidence in
21 America’s Elections Act shall apply with respect
22 to voting systems used for the regularly sched-
23 uled general election for Federal office held in
24 2022 and each succeeding election for Federal
25 office.

1 “(B) 2-YEAR DELAY FOR JURISDICTIONS
2 USING CERTAIN PAPER RECORD PRINTERS OR
3 CERTAIN SYSTEMS USING OR PRODUCING
4 VOTER-VERIFIABLE PAPER RECORDS IN 2018.—

5 “(i) DELAY.—In the case of a juris-
6 diction described in clause (ii), subpara-
7 graph (A) shall apply to a voting system in
8 the jurisdiction as if the reference in such
9 subparagraph to ‘2020’ were a reference to
10 ‘2024’, but only with respect to the fol-
11 lowing requirements of this section:

12 “(I) Paragraph (2)(A)(i)(I) of
13 subsection (a) (relating to the use of
14 voter-marked paper ballots).

15 “(II) Paragraph (3)(B)(ii)(I) and
16 (II) of subsection (a) (relating to ac-
17 cess to verification from and casting
18 of the durable paper ballot).

19 “(III) Paragraph (12) of sub-
20 section (a) (relating to durability and
21 readability requirements for ballots).

22 “(ii) JURISDICTIONS DESCRIBED.—A
23 jurisdiction described in this clause is a ju-
24 risdiction—

1 “(I) which used voter verifiable
2 paper record printers attached to di-
3 rect recording electronic voting ma-
4 chines, or which used other voting
5 systems that used or produced paper
6 records of the vote verifiable by voters
7 but that are not in compliance with
8 paragraphs (2)(A)(i)(I), (3)(B)(ii)(I)
9 and (II), and (12) of subsection (a)
10 (as amended or added by the Restor-
11 ing Confidence in America’s Elections
12 Act), for the administration of the
13 regularly scheduled general election
14 for Federal office held in November
15 2020; and

16 “(II) which will continue to use
17 such printers or systems for the ad-
18 ministration of elections for Federal
19 office held prior to the regularly
20 scheduled general election for Federal
21 office held in 2022.

22 “(iii) MANDATORY AVAILABILITY OF
23 PAPER BALLOTS AT POLLING PLACES
24 USING GRANDFATHERED PRINTERS AND
25 SYSTEMS.—

1 “(I) REQUIRING BALLOTS TO BE
2 OFFERED AND PROVIDED.—The ap-
3 propriate election official at each poll-
4 ing place that uses a printer or sys-
5 tem described in clause (ii)(I) for the
6 administration of elections for Federal
7 office shall offer each individual who
8 is eligible to cast a vote in the election
9 at the polling place the opportunity to
10 cast the vote using a blank preprinted
11 paper ballot which the individual may
12 mark by hand and which is not pro-
13 duced by the direct recording elec-
14 tronic voting machine or other such
15 system. The official shall provide the
16 individual with the ballot and the sup-
17 plies necessary to mark the ballot, and
18 shall ensure (to the greatest extent
19 practicable) that the waiting period
20 for the individual to cast a vote is the
21 lesser of 30 minutes or the average
22 waiting period for an individual who
23 does not agree to cast the vote using
24 such a paper ballot under this clause.

1 “(II) TREATMENT OF BALLOT.—

2 Any paper ballot which is cast by an
3 individual under this clause shall be
4 counted and otherwise treated as a
5 regular ballot for all purposes (includ-
6 ing by incorporating it into the final
7 unofficial vote count (as defined by
8 the State) for the precinct) and not as
9 a provisional ballot, unless the indi-
10 vidual casting the ballot would have
11 otherwise been required to cast a pro-
12 visional ballot.

13 “(III) POSTING OF NOTICE.—

14 The appropriate election official shall
15 ensure there is prominently displayed
16 at each polling place a notice that de-
17 scribes the obligation of the official to
18 offer individuals the opportunity to
19 cast votes using a preprinted blank
20 paper ballot.

21 “(IV) TRAINING OF ELECTION

22 OFFICIALS.—The chief State election
23 official shall ensure that election offi-
24 cials at polling places in the State are
25 aware of the requirements of this

1 clause, including the requirement to
2 display a notice under subclause (III),
3 and are aware that it is a violation of
4 the requirements of this title for an
5 election official to fail to offer an indi-
6 vidual the opportunity to cast a vote
7 using a blank preprinted paper ballot.

8 “(V) PERIOD OF APPLICA-
9 BILITY.—The requirements of this
10 clause apply only during the period in
11 which the delay is in effect under
12 clause (i).

13 “(C) SPECIAL RULE FOR JURISDICTIONS
14 USING CERTAIN NONTABULATING BALLOT
15 MARKING DEVICES.—In the case of a jurisdic-
16 tion which uses a nontabulating ballot marking
17 device, subparagraph (A) shall apply to a voting
18 system in the jurisdiction as if the reference in
19 such subparagraph to ‘the regularly scheduled
20 general election for Federal office held in 2022’
21 were a reference to ‘the first election for Fed-
22 eral office held in 2024’, but only with respect
23 to paragraph (3)(B)(ii)(II) of subsection (a)
24 (relating to nonmanual casting of the durable
25 paper ballot).”.

1 **PART 2—REQUIREMENT FOR MANDATORY**

2 **MANUAL AUDITS BY HAND COUNT**

3 **SEC. 505201. MANDATORY MANUAL AUDITS.**

4 Title III of the Help America Vote Act of 2002 (52
5 U.S.C. 21081 et seq.) is amended by adding at the end
6 the following new subtitle:

7 **“Subtitle C—Mandatory Manual**
8 **Audits**

9 **“SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

10 “(a) REQUIRING AUDITS.—

11 “(1) IN GENERAL.—In accordance with this
12 subtitle, each State shall administer, without ad-
13 vance notice to the precincts or alternative audit
14 units selected, audits of the results of all elections
15 for Federal office held in the State (and, at the op-
16 tion of the State or jurisdiction involved, of elections
17 for State and local office held at the same time as
18 such election) consisting of random hand counts of
19 the voter-verified paper ballots required to be used
20 and preserved pursuant to section 301(a)(2).

21 “(2) EXCEPTION FOR CERTAIN ELECTIONS.—A
22 State shall not be required to administer an audit of
23 the results of an election for Federal office under
24 this subtitle if the winning candidate in the elec-
25 tion—

26 “(A) had no opposition on the ballot; or

1 “(B) received 80 percent or more of the
2 total number of votes cast in the election, as de-
3 termined on the basis of the final unofficial vote
4 count.

5 “(b) DETERMINATION OF ENTITY CONDUCTING AU-
6 DITS; APPLICATION OF GAO INDEPENDENCE STAND-
7 ARDS.—The State shall administer audits under this sub-
8 title through an entity selected for such purpose by the
9 State in accordance with such criteria as the State con-
10 siders appropriate consistent with the requirements of this
11 subtitle, except that the entity must meet the general
12 standards established by the Comptroller General and as
13 set forth in the Comptroller General’s Government Audit-
14 ing Standards to ensure the independence (including, ex-
15 cept as provided under section 323(b), the organizational
16 independence) of entities performing financial audits, at-
17 testation engagements, and performance audits.

18 “(c) REFERENCES TO ELECTION AUDITOR.—In this
19 subtitle, the term ‘Election Auditor’ means, with respect
20 to a State, the entity selected by the State under sub-
21 section (b).

22 **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

23 “(a) IN GENERAL.—Except as provided in subsection
24 (b), the number of voter-verified paper ballots which will
25 be subject to a hand count administered by the Election

1 Auditor of a State under this subtitle with respect to an
2 election shall be determined as follows:

3 “(1) In the event that the unofficial count as
4 described in section 323(a)(1) reveals that the mar-
5 gin of victory between the two candidates receiving
6 the largest number of votes in the election is less
7 than 1 percent of the total votes cast in that elec-
8 tion, the hand counts of the voter-verified paper bal-
9 lots shall occur in at least 10 percent of all precincts
10 or equivalent locations (or alternative audit units
11 used in accordance with the method provided for
12 under subsection (b)) in the congressional district
13 involved (in the case of an election for the House of
14 Representatives) or the State (in the case of any
15 other election for Federal office).

16 “(2) In the event that the unofficial count as
17 described in section 323(a)(1) reveals that the mar-
18 gin of victory between the two candidates receiving
19 the largest number of votes in the election is greater
20 than or equal to 1 percent but less than 2 percent
21 of the total votes cast in that election, the hand
22 counts of the voter-verified paper ballots shall occur
23 in at least 5 percent of all precincts or equivalent lo-
24 cations (or alternative audit units used in accord-
25 ance with the method provided for under subsection

1 (b)) in the congressional district involved (in the
2 case of an election for the House of Representatives)
3 or the State (in the case of any other election for
4 Federal office).

5 “(3) In the event that the unofficial count as
6 described in section 323(a)(1) reveals that the mar-
7 gin of victory between the two candidates receiving
8 the largest number of votes in the election is equal
9 to or greater than 2 percent of the total votes cast
10 in that election, the hand counts of the voter-verified
11 paper ballots shall occur in at least 3 percent of all
12 precincts or equivalent locations (or alternative audit
13 units used in accordance with the method provided
14 for under subsection (b)) in the congressional dis-
15 trict involved (in the case of an election for the
16 House of Representatives) or the State (in the case
17 of any other election for Federal office).

18 “(b) USE OF ALTERNATIVE MECHANISM.—

19 “(1) PERMITTING USE OF ALTERNATIVE MECH-
20 ANISM.—Notwithstanding subsection (a), a State
21 may adopt and apply an alternative mechanism to
22 determine the number of voter-verified paper ballots
23 which will be subject to the hand counts required
24 under this subtitle with respect to an election, so
25 long as the alternative mechanism uses the voter-

1 verified paper ballots to conduct the audit and the
2 National Institute of Standards and Technology de-
3 termines that the alternative mechanism is in ac-
4 cordance with the principles set forth in paragraph
5 (2).

6 “(2) PRINCIPLES FOR APPROVAL.—In approv-
7 ing an alternative mechanism under paragraph (1),
8 the National Institute of Standards and Technology
9 shall ensure that the audit procedure will have the
10 property that for each election—

11 “(A) the alternative mechanism will be at
12 least as statistically effective in ensuring the ac-
13 curacy of the election results as the procedures
14 under this subtitle; or

15 “(B) the alternative mechanism will
16 achieve at least a 95 percent confidence interval
17 (as determined in accordance with criteria set
18 forth by the National Institute of Standards
19 and Technology) with respect to the outcome of
20 the election.

21 “(3) DEADLINE FOR RESPONSE.—The Director
22 of the National Institute of Standards and Tech-
23 nology shall make a determination regarding a
24 State’s request to approve an alternative mechanism

1 under paragraph (1) not later than 30 days after re-
2 ceiving the State's request.

3 **“SEC. 323. PROCESS FOR ADMINISTERING AUDITS.**

4 “(a) IN GENERAL.—The Election Auditor of a State
5 shall administer an audit under this section of the results
6 of an election in accordance with the following procedures:

7 “(1) Within 24 hours after the State announces
8 the final unofficial vote count (as defined by the
9 State) in each precinct in the State, the Election
10 Auditor shall—

11 “(A) determine and then announce the
12 precincts or equivalent locations (or alternative
13 audit units used in accordance with the method
14 provided under section 322(b)) in the State in
15 which it will administer the audits; and

16 “(B) with respect to votes cast at the pre-
17 cinct or equivalent location on or before the
18 date of the election (other than provisional bal-
19 lots described in paragraph (2)), begin to ad-
20 minister the hand count of the votes on the
21 voter-verified paper ballots required to be used
22 and preserved under section 301(a)(2)(A) and
23 the comparison of the count of the votes on
24 those ballots with the final unofficial count of
25 such votes as announced by the State.

1 “(2) With respect to votes cast other than at
2 the precinct on the date of the election (other than
3 votes cast by provisional ballot on the date of the
4 election which are certified and counted by the State
5 on or after the date of the election), including votes
6 cast by absent uniformed services voters and over-
7 seas voters under the Uniformed and Overseas Citi-
8 zens Absentee Voting Act, the Election Auditor shall
9 administer the hand count of the votes on the appli-
10 cable voter-verified paper ballots required to be pro-
11 duced and preserved under section 301(a)(2)(A) and
12 the comparison of the count of the votes on those
13 ballots with the final unofficial count of such votes
14 as announced by the State.

15 “(b) USE OF PERSONNEL.—In administering the au-
16 dits, the Election Auditor may utilize the services of the
17 personnel of the State or jurisdiction, including election
18 administration personnel and poll workers, without regard
19 to whether or not the personnel have professional auditing
20 experience.

21 “(c) LOCATION.—The Election Auditor shall admin-
22 ister an audit of an election—

23 “(1) at the location where the ballots cast in
24 the election are stored and counted after the date of
25 the election or such other appropriate and secure lo-

1 cation agreed upon by the Election Auditor and the
2 individual that is responsible under State law for the
3 custody of the ballots; and

4 “(2) in the presence of the personnel who under
5 State law are responsible for the custody of the bal-
6 lots.

7 “(d) SPECIAL RULE IN CASE OF DELAY IN REPORT-
8 ING ABSENTEE VOTE COUNT.—In the case of a State in
9 which the final count of absentee and provisional votes is
10 not announced until after the date of the election, the
11 Election Auditor shall initiate the process described in
12 subsection (a) for administering the audit not later than
13 24 hours after the State announces the final unofficial
14 vote count for the votes cast at the precinct or equivalent
15 location on or before the date of the election, and shall
16 initiate the administration of the audit of the absentee and
17 provisional votes pursuant to subsection (a)(2) not later
18 than 24 hours after the State announces the final unoffi-
19 cial count of such votes.

20 “(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—

21 “(1) IN GENERAL.—If the Election Auditor
22 finds that any of the hand counts administered
23 under this section do not match the final unofficial
24 tally of the results of an election, the Election Audi-
25 tor shall administer hand counts under this section

1 of such additional precincts (or alternative audit
2 units) as the Election Auditor considers appropriate
3 to resolve any concerns resulting from the audit and
4 ensure the accuracy of the election results.

5 “(2) ESTABLISHMENT AND PUBLICATION OF
6 PROCEDURES GOVERNING ADDITIONAL AUDITS.—
7 Not later than August 1, 2022, each State shall es-
8 tablish and publish procedures for carrying out the
9 additional audits under this subsection, including the
10 means by which the State shall resolve any concerns
11 resulting from the audit with finality and ensure the
12 accuracy of the election results.

13 “(f) PUBLIC OBSERVATION OF AUDITS.—Each audit
14 conducted under this section shall be conducted in a man-
15 ner that allows public observation of the entire process.

16 **“SEC. 324. SELECTION OF PRECINCTS.**

17 “(a) IN GENERAL.—Except as provided in subsection
18 (c), the selection of the precincts or alternative audit units
19 in the State in which the Election Auditor of the State
20 shall administer the hand counts under this subtitle shall
21 be made by the Election Auditor on a random basis, in
22 accordance with procedures adopted by the National Insti-
23 tute of Standards and Technology, except that at least one
24 precinct shall be selected at random in each county, with

1 additional precincts selected by the Election Auditor at the
2 Auditor’s discretion.

3 “(b) PUBLIC SELECTION.—The random selection of
4 precincts under subsection (a) shall be conducted in pub-
5 lic, at a time and place announced in advance.

6 “(c) MANDATORY SELECTION OF PRECINCTS ESTAB-
7 LISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a
8 State does not sort absentee ballots by precinct and in-
9 clude those ballots in the hand count with respect to that
10 precinct, the State shall create absentee ballot precincts
11 or audit units which are of similar size to the average pre-
12 cinct or audit unit in the jurisdiction being audited, and
13 shall include those absentee precincts or audit units
14 among the precincts in the State in which the Election
15 Auditor shall administer the hand counts under this sub-
16 title.

17 “(d) DEADLINE FOR ADOPTION OF PROCEDURES BY
18 COMMISSION.—The National Institute of Standards and
19 Technology shall adopt the procedures described in sub-
20 section (a) not later than March 31, 2022, and shall pub-
21 lish them in the Federal Register upon adoption.

22 **“SEC. 325. PUBLICATION OF RESULTS.**

23 “(a) SUBMISSION TO COMMISSION.—As soon as prac-
24 ticable after the completion of an audit under this subtitle,
25 the Election Auditor of a State shall submit to the Com-

1 mission the results of the audit, and shall include in the
2 submission a comparison of the results of the election in
3 the precinct as determined by the Election Auditor under
4 the audit and the final unofficial vote count in the precinct
5 as announced by the State and all undervotes, overvotes,
6 blank ballots, and spoiled, voided, or cancelled ballots, as
7 well as a list of any discrepancies discovered between the
8 initial, subsequent, and final hand counts administered by
9 the Election Auditor and such final unofficial vote count
10 and any explanation for such discrepancies, broken down
11 by the categories of votes described in paragraphs (1)(B)
12 and (2) of section 323(a).

13 “(b) PUBLICATION BY COMMISSION.—Immediately
14 after receiving the submission of the results of an audit
15 from the Election Auditor of a State under subsection (a),
16 the Commission shall publicly announce and publish the
17 information contained in the submission.

18 “(c) DELAY IN CERTIFICATION OF RESULTS BY
19 STATE.—

20 “(1) PROHIBITING CERTIFICATION UNTIL COM-
21 PLETION OF AUDITS.—No State may certify the re-
22 sults of any election which is subject to an audit
23 under this subtitle prior to—

24 “(A) the completion of the audit (and, if
25 required, any additional audit conducted under

1 section 323(e)(1)) and the announcement and
2 submission of the results of each such audit to
3 the Commission for publication of the informa-
4 tion required under this section; and

5 “(B) the completion of any procedure es-
6 tablished by the State pursuant to section
7 323(e)(2) to resolve discrepancies and ensure
8 the accuracy of results.

9 “(2) DEADLINE FOR COMPLETION OF AUDITS
10 OF PRESIDENTIAL ELECTIONS.—In the case of an
11 election for electors for President and Vice President
12 which is subject to an audit under this subtitle, the
13 State shall complete the audits and announce and
14 submit the results to the Commission for publication
15 of the information required under this section in
16 time for the State to certify the results of the elec-
17 tion and provide for the final determination of any
18 controversy or contest concerning the appointment
19 of such electors prior to the deadline described in
20 section 6 of title 3, United States Code.

21 **“SEC. 326. PAYMENTS TO STATES.**

22 “(a) PAYMENTS FOR COSTS OF CONDUCTING AU-
23 DITS.—In accordance with the requirements and proce-
24 dures of this section, the Commission shall make a pay-
25 ment to a State to cover the costs incurred by the State

1 in carrying out this subtitle with respect to the elections
2 that are the subject of the audits conducted under this
3 subtitle.

4 “(b) CERTIFICATION OF COMPLIANCE AND ANTICI-
5 PATED COSTS.—

6 “(1) CERTIFICATION REQUIRED.—In order to
7 receive a payment under this section, a State shall
8 submit to the Commission, in such form as the Com-
9 mission may require, a statement containing—

10 “(A) a certification that the State will con-
11 duct the audits required under this subtitle in
12 accordance with all of the requirements of this
13 subtitle;

14 “(B) a notice of the reasonable costs in-
15 curred or the reasonable costs anticipated to be
16 incurred by the State in carrying out this sub-
17 title with respect to the elections involved; and

18 “(C) such other information and assur-
19 ances as the Commission may require.

20 “(2) AMOUNT OF PAYMENT.—The amount of a
21 payment made to a State under this section shall be
22 equal to the reasonable costs incurred or the reason-
23 able costs anticipated to be incurred by the State in
24 carrying out this subtitle with respect to the elec-

1 tions involved, as set forth in the statement sub-
2 mitted under paragraph (1).

3 “(3) TIMING OF NOTICE.—The State may not
4 submit a notice under paragraph (1) until can-
5 didates have been selected to appear on the ballot
6 for all of the elections for Federal office which will
7 be the subject of the audits involved.

8 “(c) TIMING OF PAYMENTS.—The Commission shall
9 make the payment required under this section to a State
10 not later than 30 days after receiving the notice submitted
11 by the State under subsection (b).

12 “(d) RECOUPMENT OF OVERPAYMENTS.—No pay-
13 ment may be made to a State under this section unless
14 the State agrees to repay to the Commission the excess
15 (if any) of—

16 “(1) the amount of the payment received by the
17 State under this section with respect to the elections
18 involved; over

19 “(2) the actual costs incurred by the State in
20 carrying out this subtitle with respect to the elec-
21 tions involved.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to the Commission for
24 fiscal year 2022 and each succeeding fiscal year
25 \$100,000,000 for payments under this section.

1 **“SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RE-**
2 **COUNT UNDER STATE LAW PRIOR TO CER-**
3 **TIFICATION.**

4 “(a) EXCEPTION.—This subtitle does not apply to
5 any election for which a recount under State law will com-
6 mence prior to the certification of the results of the elec-
7 tion, including but not limited to a recount required auto-
8 matically because of the margin of victory between the 2
9 candidates receiving the largest number of votes in the
10 election, but only if each of the following applies to the
11 recount:

12 “(1) The recount commences prior to the deter-
13 mination and announcement by the Election Auditor
14 under section 323(a)(1) of the precincts in the State
15 in which it will administer the audits under this sub-
16 title.

17 “(2) If the recount would apply to fewer than
18 100 percent of the ballots cast in the election—

19 “(A) the number of ballots counted will be
20 at least as many as would be counted if an
21 audit were conducted with respect to the elec-
22 tion in accordance with this subtitle; and

23 “(B) the selection of the precincts in which
24 the recount will be conducted will be made in
25 accordance with the random selection proce-
26 dures applicable under section 324.

1 “(3) The recount for the election meets the re-
2 quirements of section 323(f) (relating to public ob-
3 servation).

4 “(4) The State meets the requirements of sec-
5 tion 325 (relating to the publication of results and
6 the delay in the certification of results) with respect
7 to the recount.

8 “(b) CLARIFICATION OF EFFECT ON OTHER RE-
9 QUIREMENTS.—Nothing in this section may be construed
10 to waive the application of any other provision of this Act
11 to any election (including the requirement set forth in sec-
12 tion 301(a)(2) that the voter-verified paper ballots serve
13 as the vote of record and shall be counted by hand in all
14 audits and recounts, including audits and recounts de-
15 scribed in this subtitle).

16 **“SEC. 328. EFFECTIVE DATE.**

17 “This subtitle shall apply with respect to elections for
18 Federal office held in 2022 or any succeeding year.”.

19 **SEC. 505202. AVAILABILITY OF ENFORCEMENT UNDER**
20 **HELP AMERICA VOTE ACT OF 2002.**

21 Section 401 of the Help America Vote Act of 2002
22 (52 U.S.C. 21111) is amended by striking “sections 301,
23 302, and 303” and inserting “title III”.

1 **SEC. 505203. GUIDANCE ON BEST PRACTICES FOR ALTER-**
 2 **NATIVE AUDIT MECHANISMS.**

3 (a) IN GENERAL.—Not later than May 1, 2022, the
 4 Director of the National Institute for Standards and Tech-
 5 nology shall establish guidance for States that wish to es-
 6 tablish alternative audit mechanisms under section 322(b)
 7 of the Help America Vote Act of 2002 (as added by section
 8 505201). Such guidance shall be based upon scientifically
 9 and statistically reasonable assumptions for the purpose
 10 of creating an alternative audit mechanism that will be
 11 consistent with the principles for approval described in
 12 section 322(b)(2) of such Act (as so added).

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 14 authorized to be appropriated to carry out subsection (a)
 15 \$100,000, to remain available until expended.

16 **SEC. 505204. CLERICAL AMENDMENT.**

17 The table of contents of the Help America Vote Act
 18 of 2002 is amended by adding at the end of the items
 19 relating to title III the following:

“Subtitle C—Mandatory Manual Audits

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to
 certification.

“Sec. 328. Effective date.”.

1 **PART 3—OTHER REFORMS TO PROMOTE**

2 **INTEGRITY OF ELECTIONS**

3 **Subpart A—Integrity of Election Administration**

4 **SEC. 505301. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
5 **CHIEF STATE ELECTION ADMINISTRATION**
6 **OFFICIALS.**

7 (a) IN GENERAL.—Title III of the Federal Election
8 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
9 amended by inserting after section 319 the following new
10 section:

11 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
12 ADMINISTRATION OFFICIALS

13 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
14 for a chief State election administration official to take
15 an active part in political management or in a political
16 campaign with respect to any election for Federal office
17 over which such official has supervisory authority.

18 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
19 FICIAL.—The term ‘chief State election administration of-
20 ficial’ means the highest State official with responsibility
21 for the administration of Federal elections under State
22 law.

23 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
24 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
25 litical management or in a political campaign’ means—

1 “(1) serving as a member of an authorized com-
2 mittee of a candidate for Federal office;

3 “(2) the use of official authority or influence
4 for the purpose of interfering with or affecting the
5 result of an election for Federal office;

6 “(3) the solicitation, acceptance, or receipt of a
7 contribution from any person on behalf of a can-
8 didate for Federal office; and

9 “(4) any other act which would be prohibited
10 under paragraph (2) or (3) of section 7323(b) of
11 title 5, United States Code, if taken by an individual
12 to whom such paragraph applies (other than any
13 prohibition on running for public office).

14 “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR
15 IMMEDIATE FAMILY MEMBERS.—

16 “(1) IN GENERAL.—This section does not apply
17 to a chief State election administration official with
18 respect to an election for Federal office in which the
19 official or an immediate family member of the offi-
20 cial is a candidate.

21 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
22 In paragraph (1), the term ‘immediate family mem-
23 ber’ means, with respect to a candidate, a father,
24 mother, son, daughter, brother, sister, husband,
25 wife, father-in-law, or mother-in-law.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to elections for
3 Federal office held after December 2020.

4 **SEC. 505302. MANDATORY TRAINING FOR POLL WORKERS.**

5 (a) IN GENERAL.—Title III of the Help America
6 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

7 (1) by redesignating sections 304 and 305 as
8 sections 305 and 306; and

9 (2) by inserting after section 303 the following
10 new section:

11 **“SEC. 304. MANDATORY TRAINING FOR POLL WORKERS.**

12 “(a) TRAINING IN APPLICABLE ELECTION LAWS AND
13 PROCEDURES REQUIRED FOR ALL POLL WORKERS.—A
14 State may not assign an individual to serve as an election
15 official at a polling place for an election for Federal office,
16 including a location serving as a polling place on a day
17 other than the date of the election, unless the State cer-
18 tifies to the Commission that the individual has received
19 training in the election administration laws and proce-
20 dures applicable in the jurisdiction in which the polling
21 place is located.

22 “(b) EFFECTIVE DATE.—Each State shall be re-
23 quired to comply with the requirements of subsection (a)
24 for the regularly scheduled general election for Federal of-

1 fice occurring in November 2020 and for any subsequent
 2 election for Federal office.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
 4 of such Act is amended—

5 (1) by redesignating the items relating to sec-
 6 tions 304 and 305 as relating to sections 305 and
 7 306; and

8 (2) by inserting after the item relating to sec-
 9 tion 303 the following new item:

“Sec. 304. Mandatory training for poll workers.”.

10 **SEC. 505303. DUE PROCESS REQUIREMENTS FOR INDIVID-**
 11 **UALS PROPOSED TO BE REMOVED FROM LIST**
 12 **OF ELIGIBLE VOTERS.**

13 (a) INTERNET POSTING OF LIST OF INDIVIDUALS
 14 PROPOSED TO BE REMOVED FROM LIST.—Section 8 of
 15 the National Voter Registration Act of 1993 (52 U.S.C.
 16 20507) is amended—

17 (1) by redesignating subsection (j) as sub-
 18 section (k); and

19 (2) by inserting after subsection (i) the fol-
 20 lowing new subsection:

21 “(j) ADDITIONAL DUE PROCESS REQUIREMENTS
 22 FOR INDIVIDUALS PROPOSED TO BE REMOVED FROM
 23 LIST OF ELIGIBLE VOTERS.—

24 “(1) INTERNET POSTING OF NAMES.—On an
 25 ongoing basis, the chief State election official shall

1 post on the Internet a list showing the name and ad-
2 dress of each individual whom the State intends to
3 remove from the official list of eligible voters in elec-
4 tions for Federal office in the State, together with
5 instructions on how an individual may challenge the
6 proposed removal of the individual's name from the
7 list.

8 “(2) REQUIRING OPPORTUNITY TO CORRECT
9 RECORD.—The State may not remove any individual
10 from the official list of eligible voters in elections for
11 Federal office in the State until the expiration of the
12 60-day period which begins on the date the chief
13 State election official posts the individual's name
14 and address on the Internet under paragraph (1).

15 “(3) PUBLICIZING INFORMATION ON DUE PROC-
16 ESS REQUIREMENTS.—The chief State election offi-
17 cial shall disseminate information to the general
18 public regarding the Internet posting of names and
19 addresses under paragraph (1) and the opportunity
20 for individuals to correct records under paragraph
21 (2), including by sending information to media out-
22 lets in the State and by preparing information for
23 distribution and display by offices of the State motor
24 vehicle authority.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to elections for
3 Federal office held during 2022 or any succeeding year.

4 **SEC. 505304. MANDATORY RESPONSE BY ATTORNEY GEN-**
5 **ERAL TO ALLEGATIONS OF VOTER INTIMIDA-**
6 **TION OR SUPPRESSION BY LAW ENFORCE-**
7 **MENT OFFICERS AND OTHER GOVERNMENT**
8 **OFFICIALS.**

9 (a) MANDATORY RESPONSE TO ALLEGATIONS.—

10 (1) IN GENERAL.—Not later than 30 days after
11 receiving an allegation described in subsection (b)
12 from any person, the Attorney General shall—

13 (A) initiate an investigation of the allega-
14 tion; or

15 (B) provide the person with a written
16 statement that the Attorney General will not in-
17 vestigate the allegation, and include in the
18 statement the Attorney General's reasons for
19 not investigating the allegation.

20 (2) SPECIAL RULE FOR ALLEGATIONS RE-
21 CEIVED WITHIN 30 DAYS OF ELECTION.—If the At-
22 torney General receives an allegation described in
23 subsection (b) during the 30-day period which ends
24 on the date of an election for Federal office, the At-
25 torney General shall meet the requirements of para-

1 graph (1) not later than 48 hours after receiving the
2 allegation.

3 (b) ALLEGATIONS DESCRIBED.—An allegation de-
4 scribed in this subsection is—

5 (1) an allegation that a law enforcement officer
6 or other official of a State or local government has
7 intimidated, threatened, or coerced, or attempted to
8 intimidate, threaten, or coerce, any individual for
9 voting, or for attempting to vote, in an election for
10 Federal office; or

11 (2) an allegation that an election official of a
12 State or local government has engaged or has at-
13 tempted to engage in voter suppression activity.

14 **Subpart B—Removing Barriers to Voting**

15 **SEC. 505311. REQUIREMENTS FOR COUNTING PROVISIONAL**
16 **BALLOTS; ESTABLISHMENT OF UNIFORM AND**
17 **NONDISCRIMINATORY STANDARDS.**

18 (a) IN GENERAL.—Section 302 of the Help America
19 Vote Act of 2002 (52 U.S.C. 21082) is amended—

20 (1) by redesignating subsection (d) as sub-
21 section (f); and

22 (2) by inserting after subsection (c) the fol-
23 lowing new subsections:

24 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
25 LOTS.—

1 “(1) IN GENERAL.—For purposes of subsection
2 (a)(4), notwithstanding the precinct or polling place
3 at which a provisional ballot is cast within the State,
4 the appropriate election official shall count each vote
5 on such ballot for each election in which the indi-
6 vidual who cast such ballot is eligible to vote.

7 “(2) EFFECTIVE DATE.—This subsection shall
8 apply with respect to elections held on or after Janu-
9 ary 1, 2020.

10 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
11 ARDS.—

12 “(1) ESTABLISHMENT OF STANDARDS BY COM-
13 MISSION.—The Commission shall establish uniform
14 and nondiscriminatory standards for the issuance,
15 handling, and counting of provisional ballots, con-
16 sistent with the requirements of this section.

17 “(2) COMPLIANCE WITH STANDARDS.—Each
18 State shall comply with the standards established by
19 the Commission under this subsection.

20 “(3) EFFECTIVE DATE.—This subsection shall
21 apply with respect to elections held on or after Janu-
22 ary 1, 2020.”.

23 (b) CONFORMING AMENDMENT RELATING TO EF-
24 FECTIVE DATE.—Section 302(f) of such Act (52 U.S.C.
25 21082(f)), as redesignated by subsection (a), is amended

1 by striking “Each State” and inserting “Except as pro-
2 vided in subsections (d)(2) and (e)(3), each State”.

3 **SEC. 505312. PROHIBITING IMPOSITION OF CONDITIONS ON**
4 **VOTING BY MAIL.**

5 (a) PROHIBITION.—Title III of the Help America
6 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
7 by section 505201, is amended by adding at the end the
8 following new subtitle:

9 **“Subtitle D—Other Requirements**
10 **To Remove Barriers to Voting**

11 **“SEC. 331. PROHIBITING IMPOSITION OF CONDITIONS ON**
12 **VOTING BY MAIL.**

13 “(a) IN GENERAL.—If an individual in a State is eli-
14 gible to cast a vote in an election for Federal office, the
15 State may not impose any additional conditions or require-
16 ments on the eligibility of the individual to cast the vote
17 in such election by mail (including by absentee ballot), ex-
18 cept as required under subsection (b) and except to the
19 extent that the State imposes a deadline for requesting
20 the ballot and related voting materials from the appro-
21 priate State or local election official and for returning the
22 ballot to the appropriate State or local election official.

23 “(b) REQUIRING SIGNATURE VERIFICATION.—A
24 State may not accept and process an absentee ballot sub-
25 mitted by any individual with respect to an election for

1 Federal office unless the State verifies the identification
2 of the individual by comparing the individual's signature
3 on the absentee ballot with the individual's signature on
4 the official list of registered voters in the State, in accord-
5 ance with such procedures as the State may adopt.

6 “(c) EFFECTIVE DATE.—This section shall apply
7 with respect to elections held on or after January 1,
8 2021.”.

9 (b) CONFORMING AMENDMENTS RELATING TO
10 ADOPTION OF VOLUNTARY GUIDANCE BY ELECTION AS-
11 SISTANCE COMMISSION.—

12 (1) APPLICABILITY OF VOLUNTARY GUID-
13 ANCE.—Section 311(a) of such Act (52 U.S.C.
14 21101(a)) is amended by striking “subtitle A” and
15 inserting “subtitle A and subtitle D”.

16 (2) DEADLINE FOR ADOPTION.—Section 311(b)
17 of such Act (52 U.S.C. 21101(b)) is amended—

18 (A) by striking “and” at the end of para-
19 graph (2);

20 (B) by striking the period at the end of
21 paragraph (3) and inserting “; and”; and

22 (C) by adding at the end the following new
23 paragraph:

24 “(4) in the case of the recommendations with
25 respect to subtitle D, June 30, 2020.”.

1 (c) CLERICAL AMENDMENT.—The table of contents
 2 of such Act is amended by adding at the end of the items
 3 relating to title III the following:

“Subtitle D—Other Requirements To Remove Barriers to Voting
 “Sec. 331. Prohibiting imposition of conditions on voting by mail.”.

4 **SEC. 505313. MANDATORY AVAILABILITY OF EARLY VOTING.**

5 (a) MANDATORY AVAILABILITY.—Subtitle D of title
 6 III of the Help America Vote Act of 2002, as added by
 7 section 505312(a), is amended by adding at the end the
 8 following new section:

9 **“SEC. 332. MANDATORY AVAILABILITY OF EARLY VOTING.**

10 “(a) REQUIRING AVAILABILITY OF VOTING PRIOR TO
 11 DATE OF ELECTION.—

12 “(1) IN GENERAL.—Each State shall allow indi-
 13 viduals to vote in an election for Federal office dur-
 14 ing an early voting period which occurs prior to the
 15 date of the election.

16 “(2) LENGTH OF PERIOD.—The early voting
 17 period required under this subsection with respect to
 18 an election shall consist of a period of not fewer
 19 than 14 consecutive days (including weekends) which
 20 begins on the 17th day before the date of the elec-
 21 tion (or, at the option of the State, on a day prior
 22 to the 17th day before the date of the election) and
 23 ends on the date of the election.

1 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

2 Each polling place which allows voting during an early vot-
3 ing period under subsection (a) shall—

4 “(1) allow such voting for no less than 12 hours
5 on each day, except that the polling place may allow
6 such voting for fewer than 12 hours on Sundays;
7 and

8 “(2) have uniform hours each day for which
9 such voting occurs.

10 “(c) LOCATION OF POLLING PLACES NEAR PUBLIC
11 TRANSPORTATION.—To the greatest extent practicable, a
12 State shall ensure that each polling place which allows vot-
13 ing during an early voting period under subsection (a) is
14 located within walking distance of a stop on a public trans-
15 portation route.

16 “(d) STANDARDS.—

17 “(1) IN GENERAL.—The Commission shall issue
18 standards for the administration of voting prior to
19 the day scheduled for a Federal election. Such
20 standards shall include the nondiscriminatory geo-
21 graphic placement of polling places at which such
22 voting occurs.

23 “(2) DEVIATION.—The standards described in
24 paragraph (1) shall permit States, upon providing
25 adequate public notice, to deviate from any require-

1 ment in the case of unforeseen circumstances such
2 as a natural disaster, terrorist attack, or a change
3 in voter turnout.

4 “(e) EFFECTIVE DATE.—This section shall apply
5 with respect to elections held on or after January 1,
6 2021.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 of such Act, as amended by section 505312(c), is amended
9 by adding at the end of the items relating to subtitle D
10 of title III the following:

“Sec. 332. Mandatory availability of early voting.”.

11 **SEC. 505314. REQUIREMENTS FOR AVAILABILITY OF SUFFI-**
12 **CIENT POLLING PLACES, EQUIPMENT, AND**
13 **RESOURCES.**

14 (a) REQUIRING STATES TO MEET REQUIRE-
15 MENTS.—Subtitle D of title III of the Help America Vote
16 Act of 2002, as added by section 505312(a) and as
17 amended by section 505313(a), is amended by adding at
18 the end the following new section:

19 **“SEC. 333. AVAILABILITY OF SUFFICIENT POLLING PLACES,**
20 **EQUIPMENT, AND RESOURCES.**

21 “(a) IN GENERAL.—In accordance with the stand-
22 ards established under subsection (b), each State shall
23 provide for—

24 “(1) an appropriate number and geographic
25 distribution of voting sites on the day of any election

1 for Federal office and on any days during which
2 such State allows early voting in such elections; and

3 “(2) the minimum required number of voting
4 systems and other election resources (including all
5 other voting equipment and supplies) for each such
6 voting site.

7 “(b) STANDARDS.—

8 “(1) IN GENERAL.—Not later than June 30,
9 2020, the Commission shall conduct a study and, on
10 the basis of the findings of the study, issue stand-
11 ards for States to follow in establishing an appro-
12 priate number and geographic distribution of voting
13 sites in elections for Federal office on the day of any
14 Federal election and on any days during which the
15 State allows early voting in such elections, and in
16 providing for the minimum number of voting sys-
17 tems and other election resources (including all
18 other voting equipment and supplies) for each such
19 voting site.

20 “(2) DISTRIBUTION.—

21 “(A) IN GENERAL.—The standards de-
22 scribed in paragraph (1) shall provide for a uni-
23 form and nondiscriminatory distribution of such
24 sites, systems, and other resources, and, to the

1 extent possible, shall take into account, among
2 other factors, the following:

3 “(i) The voting age population.

4 “(ii) Voter turnout in past elections.

5 “(iii) The number of voters registered.

6 “(iv) The number of voters who have
7 registered since the most recent Federal
8 election.

9 “(v) Census data for the population
10 served by each voting site.

11 “(vi) The educational levels and socio-
12 economic factors of the population served
13 by each voting site.

14 “(vii) The needs and numbers of vot-
15 ers with disabilities and voters with limited
16 English proficiency.

17 “(viii) The type of voting systems
18 used.

19 “(B) NO FACTOR DISPOSITIVE.—The
20 standards shall provide that the distribution of
21 voting sites, systems, and resources should take
22 into account the totality of all relevant factors,
23 and no single factor shall be dispositive under
24 the standards.

1 “(C) PURPOSE.—To the extent possible,
2 the standards shall provide for a distribution of
3 voting sites, systems, and resources with the
4 goals of—

5 “(i) ensuring a fair and equitable
6 waiting time for all voters in the State;
7 and

8 “(ii) preventing a waiting time of over
9 1 hour at any voting site.

10 “(3) DEVIATION.—The standards described in
11 paragraph (1) shall permit States, upon giving rea-
12 sonable public notice, to deviate from any allocation
13 requirements in the case of unforeseen cir-
14 cumstances such as a natural disaster or terrorist
15 attack.

16 “(c) EFFECTIVE DATE.—This section shall apply
17 with respect to elections held on or after January 1,
18 2021.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 of such Act, as amended by section 505312(c) and section
21 505313(b), is amended by adding at the end of the items
22 relating to subtitle D of title III the following:

 “Sec. 333. Availability of sufficient polling places, equipment, and resources.”.

1 **PART 4—RULEMAKING AUTHORITY OF ELECTION**

2 **ASSISTANCE COMMISSION**

3 **SEC. 505401. PERMITTING ELECTION ASSISTANCE COMMIS-**

4 **SION TO EXERCISE RULEMAKING AUTHOR-**

5 **ITY.**

6 (a) RULEMAKING AUTHORITY.—The Help America
7 Vote Act of 2002 is amended by striking section 209 (52
8 U.S.C. 20929).

9 (b) CLERICAL AMENDMENT.—The table of contents
10 of such Act is amended by striking the item relating to
11 section 209.

12 **Subtitle F—Redistricting and Voter**
13 **Protection**

14 **SEC. 50601. SHORT TITLE.**

15 This subtitle may be cited as the “Redistricting and
16 Voter Protection Act of 2020”.

17 **SEC. 50602. REQUIRING DECLARATORY JUDGMENT OR**

18 **PRECLEARANCE AS PREREQUISITE FOR MUL-**

19 **TIPLE CONGRESSIONAL REDISTRICTING**

20 **PLANS ENACTED PURSUANT TO SAME DE-**

21 **CENNIAL CENSUS AND APPORTIONMENT OF**

22 **REPRESENTATIVES.**

23 (a) DECLARATORY JUDGMENT THAT PLAN DOES
24 NOT DENY OR ABRIDGE RIGHT TO VOTE ON ACCOUNT
25 OF RACE OR COLOR.—Except as provided in subsection
26 (b), after a State enacts a Congressional redistricting plan

1 in the manner provided by law after an apportionment of
2 Representatives under section 22(a) of the Act entitled
3 “An Act to provide for the fifteenth and subsequent decen-
4 nial censuses and to provide for an apportionment of Rep-
5 resentatives in Congress”, approved June 18, 1929 (2
6 U.S.C. 2a), any subsequent Congressional redistricting
7 plan enacted by the State prior to the next apportionment
8 of Representatives under such section shall not take effect
9 unless and until—

10 (1) the State commences a civil action in the
11 United States District Court for the District of Co-
12 lumbia for a declaratory judgment that such subse-
13 quent plan neither has the purpose nor will have the
14 effect of denying or abridging the right to vote on
15 account of race or color, or in contravention of the
16 guarantees set forth in section 4(f)(2) of the Voting
17 Rights Act of 1965 (52 U.S.C. 10303(f)(2)); and

18 (2) the court enters such a declaratory judg-
19 ment.

20 (b) PRECLEARANCE.—A subsequent Congressional
21 redistricting plan described in subsection (a) may take ef-
22 fect if—

23 (1) the chief legal officer or other appropriate
24 official of the State involved submits the plan to the
25 Attorney General and the Attorney General has not

1 interposed an objection within 60 days of such sub-
2 mission; or

3 (2) upon good cause shown, to facilitate an ex-
4 pedited approval within 60 days of such submission,
5 the Attorney General has affirmatively indicated
6 that such objection will not be made.

7 (c) APPLICATION OF VOTING RIGHTS ACT OF
8 1965.—For purposes of the Voting Rights Act of 1965,
9 a declaratory judgment under subsection (a) or a
10 preclearance under subsection (b), and the proceedings re-
11 lated to such judgment or preclearance, shall be treated
12 as a declaratory judgment or preclearance under section
13 5 of such Act (52 U.S.C. 10304).

14 **SEC. 50603. NO EFFECT ON REDISTRICTING PLANS EN-**
15 **ACTED PURSUANT TO COURT ORDER.**

16 Section 50601 does not apply with respect to any
17 subsequent Congressional redistricting plan described in
18 section 50601(a) if the plan is enacted by a State pursu-
19 ant to a court order in order to comply with the Constitu-
20 tion or to enforce the Voting Rights Act of 1965 (52
21 U.S.C. 10301 et seq.).

22 **Subtitle G—Democracy Restoration**

23 **SEC. 50701. SHORT TITLE.**

24 This subtitle may be cited as the “Democracy Res-
25 toration Act of 2020”.

1 **SEC. 50702. FINDINGS.**

2 Congress makes the following findings:

3 (1) The right to vote is the most basic constitu-
4 tive act of citizenship. Regaining the right to vote
5 reintegrates individuals with criminal convictions
6 into free society, helping to enhance public safety.

7 (2) Article I, section 4, of the Constitution
8 grants Congress ultimate supervisory power over
9 Federal elections, an authority which has repeatedly
10 been upheld by the United States Supreme Court.

11 (3) Basic constitutional principles of fairness
12 and equal protection require an equal opportunity
13 for citizens of the United States to vote in Federal
14 elections. The right to vote may not be abridged or
15 denied by the United States or by any State on ac-
16 count of race, color, gender, or previous condition of
17 servitude. The 13th, 14th, 15th, 19th, 24th, and
18 26th Amendments to the Constitution empower Con-
19 gress to enact measures to protect the right to vote
20 in Federal elections. The 8th Amendment to the
21 Constitution provides for no excessive bail to be re-
22 quired, nor excessive fines imposed, nor cruel and
23 unusual punishments inflicted.

24 (4) There are 3 areas in which discrepancies in
25 State laws regarding criminal convictions lead to un-
26 fairness in Federal elections—

1 (A) the lack of a uniform standard for vot-
2 ing in Federal elections leads to an unfair dis-
3 parity and unequal participation in Federal
4 elections based solely on where a person lives;

5 (B) laws governing the restoration of vot-
6 ing rights after a criminal conviction vary
7 throughout the country and persons in some
8 States can easily regain their voting rights
9 while in other States persons effectively lose
10 their right to vote permanently; and

11 (C) State disenfranchisement laws dis-
12 proportionately impact racial and ethnic minori-
13 ties.

14 (5) State disenfranchisement laws vary widely.
15 Two States do not disenfranchise individuals with
16 criminal convictions at all. In 34 States, individuals
17 with convictions may not vote while they are on pa-
18 role and 30 of those States disenfranchise individ-
19 uals on felony probation as well. In 12 States, a con-
20 viction can result in lifetime disenfranchisement.

21 (6) Several States deny the right to vote to in-
22 dividuals convicted of certain misdemeanors.

23 (7) In 2016, an estimated 6,100,000 citizens of
24 the United States, or about 1 in 40 adults in the
25 United States, could not vote as a result of a felony

1 conviction. Of the 6,100,000 citizens barred from
2 voting then, only 22 percent were in prison. By con-
3 trast, 77 percent of persons disenfranchised then re-
4 sided in their communities while on probation or pa-
5 role or after having completed their sentences. Ap-
6 proximately 3,100,000 citizens who had completed
7 their sentences were disenfranchised due to restric-
8 tive State laws. As of November 2018, the lifetime
9 ban for persons with certain felony convictions was
10 eliminated through a Florida ballot initiative. As a
11 result, as many as 1,400,000 people are now eligible
12 to have their voting rights restored. In 6 States—
13 Alabama, Florida, Kentucky, Mississippi, Tennessee,
14 and Virginia—more than 7 percent of the total pop-
15 ulation is disenfranchised.

16 (8) In those States that disenfranchise individ-
17 uals post-sentence, the right to vote can be regained
18 in theory, but in practice this possibility is often
19 granted in a non-uniform and potentially discrimina-
20 tory manner. Disenfranchised individuals sometimes
21 must either obtain a pardon or an order from the
22 Governor or an action by the parole or pardon
23 board, depending on the offense and State. Individ-
24 uals convicted of a Federal offense often have addi-
25 tional barriers to regaining voting rights.

1 (9) State disenfranchisement laws dispropor-
2 tionately impact racial and ethnic minorities. As of
3 2016, more than 7 percent of the voting-age Afri-
4 can-American population, or 2,200,000 African-
5 Americans, were disenfranchised. One out of every
6 13 African-Americans were unable to vote because of
7 felony disenfranchisement, which is a rate more than
8 4 times greater than non-African-Americans. 7.4
9 percent of African-Americans were disenfranchised
10 whereas 1.8 percent of non-African-Americans were.
11 In 2016, in 4 States—Florida (23 percent), Ken-
12 tucky (22 percent), Tennessee (21 percent), and Vir-
13 ginia (20 percent)—more than 1 in 5 African-Ameri-
14 cans were unable to vote because of prior convic-
15 tions.

16 (10) Latino citizens are also disproportionately
17 disenfranchised based upon their disproportionate
18 representation in the criminal justice system. If cur-
19 rent incarceration trends hold, the lifetime likelihood
20 of incarceration for males born in 2001 is 17 per-
21 cent for Latinos, in contrast to less than 6 percent
22 for non-Latino White men. When analyzing the data
23 across 10 States, Latinos generally have dispropor-
24 tionately higher rates of disenfranchisement com-
25 pared to their presence in the voting age population.

1 In 6 out of 10 States studied in 2003, Latinos con-
2 stituted more than 10 percent of the total number
3 of persons disenfranchised by State felony laws. In
4 4 States (California, 37 percent; New York, 34 per-
5 cent; Texas, 30 percent; and Arizona, 27 percent),
6 Latinos were disenfranchised by a rate of more than
7 25 percent.

8 (11) Disenfranchising citizens who have been
9 convicted of a criminal offense and who are living
10 and working in the community serves no compelling
11 State interest and hinders their rehabilitation and
12 reintegration into society.

13 (12) State disenfranchisement laws can sup-
14 press electoral participation among eligible voters by
15 discouraging voting among family and community
16 members of disenfranchised persons. Future elec-
17 toral participation by the children of disenfranchised
18 parents may be impacted as well.

19 (13) The United States is the only Western de-
20 mocracy that permits the permanent denial of voting
21 rights for individuals with felony convictions.

22 **SEC. 50703. RIGHTS OF CITIZENS.**

23 The right of an individual who is a citizen of the
24 United States to vote in any election for Federal office
25 shall not be denied or abridged because that individual has

1 been convicted of a criminal offense unless such individual
2 is serving a felony sentence in a correctional institution
3 or facility at the time of the election.

4 **SEC. 50704. ENFORCEMENT.**

5 (a) ATTORNEY GENERAL.—The Attorney General
6 may, in a civil action, obtain such declaratory or injunctive
7 relief as is necessary to remedy a violation of this subtitle.

8 (b) PRIVATE RIGHT OF ACTION.—

9 (1) IN GENERAL.—A person who is aggrieved
10 by a violation of this subtitle may provide written
11 notice of the violation to the chief election official of
12 the State involved.

13 (2) RELIEF.—Except as provided in paragraph
14 (3), if the violation is not corrected within 90 days
15 after receipt of a notice under paragraph (1), or
16 within 20 days after receipt of the notice if the viola-
17 tion occurred within 120 days before the date of an
18 election for Federal office, the aggrieved person
19 may, in a civil action, obtain declaratory or injunc-
20 tive relief with respect to the violation.

21 (3) EXCEPTION.—If the violation occurred
22 within 30 days before the date of an election for
23 Federal office, the aggrieved person need not provide
24 notice to the chief election official of the State under
25 paragraph (1) before bringing a civil action to obtain

1 declaratory or injunctive relief with respect to the
2 violation.

3 **SEC. 50705. NOTIFICATION OF RESTORATION OF VOTING**
4 **RIGHTS.**

5 (a) STATE NOTIFICATION.—

6 (1) NOTIFICATION.—On the date determined
7 under paragraph (2), each State shall notify in writ-
8 ing any individual who has been convicted of a
9 criminal offense under the law of that State that
10 such individual has the right to vote in an election
11 for Federal office pursuant to the Democracy Res-
12 toration Act of 2019 and may register to vote in any
13 such election and provide such individuals with any
14 materials that are necessary to register to vote in
15 any such election.

16 (2) DATE OF NOTIFICATION.—

17 (A) FELONY CONVICTION.—In the case of
18 such an individual who has been convicted of a
19 felony, the notification required under para-
20 graph (1) shall be given on the date on which
21 the individual—

22 (i) is sentenced to serve only a term
23 of probation; or

24 (ii) is released from the custody of
25 that State (other than to the custody of

1 another State or the Federal Government
2 to serve a term of imprisonment for a fel-
3 ony conviction).

4 (B) MISDEMEANOR CONVICTION.—In the
5 case of such an individual who has been con-
6 victed of a misdemeanor, the notification re-
7 quired under paragraph (1) shall be given on
8 the date on which such individual is sentenced
9 by a State court.

10 (b) FEDERAL NOTIFICATION.—

11 (1) NOTIFICATION.—Any individual who has
12 been convicted of a criminal offense under Federal
13 law shall be notified in accordance with paragraph
14 (2) that such individual has the right to vote in an
15 election for Federal office pursuant to the Democ-
16 racy Restoration Act of 2019 and may register to
17 vote in any such election.

18 (2) DATE OF NOTIFICATION.—

19 (A) FELONY CONVICTION.—In the case of
20 such an individual who has been convicted of a
21 felony, the notification required under para-
22 graph (1) shall be given—

23 (i) in the case of an individual who is
24 sentenced to serve only a term of proba-
25 tion, by the Assistant Director for the Of-

1 fice of Probation and Pretrial Services of
2 the Administrative Office of the United
3 States Courts on the date on which the in-
4 dividual is sentenced; or

5 (ii) in the case of any individual com-
6 mitted to the custody of the Bureau of
7 Prisons, by the Director of the Bureau of
8 Prisons, during the period beginning on
9 the date that is 6 months before such indi-
10 vidual is released and ending on the date
11 such individual is released from the cus-
12 tody of the Bureau of Prisons.

13 (B) MISDEMEANOR CONVICTION.—In the
14 case of such an individual who has been con-
15 victed of a misdemeanor, the notification re-
16 quired under paragraph (1) shall be given on
17 the date on which such individual is sentenced
18 by a court established by an Act of Congress.

19 **SEC. 50706. DEFINITIONS.**

20 For purposes of this subtitle:

21 (1) CORRECTIONAL INSTITUTION OR FACIL-
22 ITY.—The term “correctional institution or facility”
23 means any prison, penitentiary, jail, or other institu-
24 tion or facility for the confinement of individuals
25 convicted of criminal offenses, whether publicly or

1 privately operated, except that such term does not
2 include any residential community treatment center
3 (or similar public or private facility).

4 (2) ELECTION.—The term “election” means—

5 (A) a general, special, primary, or runoff
6 election;

7 (B) a convention or caucus of a political
8 party held to nominate a candidate;

9 (C) a primary election held for the selec-
10 tion of delegates to a national nominating con-
11 vention of a political party; or

12 (D) a primary election held for the expres-
13 sion of a preference for the nomination of per-
14 sons for election to the office of President.

15 (3) FEDERAL OFFICE.—The term “Federal of-
16 fice” means the office of President or Vice President
17 of the United States, or of Senator or Representa-
18 tive in, or Delegate or Resident Commissioner to,
19 the Congress of the United States.

20 (4) PROBATION.—The term “probation” means
21 probation, imposed by a Federal, State, or local
22 court, with or without a condition on the individual
23 involved concerning—

24 (A) the individual’s freedom of movement;

1 (B) the payment of damages by the indi-
2 vidual;

3 (C) periodic reporting by the individual to
4 an officer of the court; or

5 (D) supervision of the individual by an of-
6 ficer of the court.

7 **SEC. 50707. RELATION TO OTHER LAWS.**

8 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
9 Nothing in this subtitle shall be construed to prohibit the
10 States from enacting any State law which affords the right
11 to vote in any election for Federal office on terms less
12 restrictive than those established by this subtitle.

13 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
14 edies established by this subtitle are in addition to all
15 other rights and remedies provided by law, and neither
16 rights and remedies established by this subtitle shall su-
17 perse, restrict, or limit the application of the Voting
18 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the Na-
19 tional Voter Registration Act (52 U.S.C. 20501), or the
20 Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.).

21 **SEC. 50708. FEDERAL PRISON FUNDS.**

22 No State, unit of local government, or other person
23 may receive or use, to construct or otherwise improve a
24 prison, jail, or other place of incarceration, any Federal

1 funds unless that State, unit of local government, or per-
2 son—

3 (1) is in compliance with section 50703; and

4 (2) has in effect a program under which each
5 individual incarcerated in that person’s jurisdiction
6 who is a citizen of the United States is notified,
7 upon release from such incarceration, of that indi-
8 vidual’s rights under section 50703.

9 **SEC. 50709. EFFECTIVE DATE.**

10 This subtitle shall apply to citizens of the United
11 States voting in any election for Federal office held on
12 or after the date of the enactment of this Act.

13 **Subtitle H—Securing and Height-**
14 **ening the Integrity of Our Elec-**
15 **tions and Lawful Democracy**

16 **SEC. 50801. SHORT TITLE.**

17 This subtitle may be cited as the “Securing and
18 Heightening the Integrity of our Elections and Lawful De-
19 mocracy Act”.

20 **SEC. 50802. ELECTION INTEGRITY.**

21 Subsection (d) of section 201 of the Homeland Secu-
22 rity Act of 2002 (6 U.S.C. 121) is amended by adding
23 at the end the following new paragraph:

1 “(27)(A) To coordinate cybersecurity efforts be-
2 tween the Department and political campaign com-
3 mittees in order to—

4 “(i) develop a program to update computer
5 security at political campaign committees;

6 “(ii) share information on cybersecurity
7 risks with such committees;

8 “(iii) provide guest lecturer programs in
9 which professional computer security experts in-
10 struct campaign professionals on how best to
11 defend against cybersecurity risks; and

12 “(iv) establish an Election Security Board
13 of Advisors to make recommendations about se-
14 curing elections against cybersecurity risks.

15 “(B) In this paragraph—

16 “(i) the term ‘cybersecurity risk’ has the
17 meaning given such term in section 227; and

18 “(ii) the term ‘political campaign com-
19 mittee’ means—

20 “(I) a political committee under the
21 Federal Election Campaign Act of 1971
22 (52 U.S.C. 30101 et seq.), including a po-
23 litical committee of a national, State, or
24 local political party; and

1 “(II) a campaign committee of a can-
 2 didate for election for State or local of-
 3 fice.”.

4 **Subtitle I—E-Security Fellows**

5 **SEC. 50901. SHORT TITLE.**

6 This subtitle may be cited as the “E-Security Fellows
 7 Act”.

8 **SEC. 50902. E-SECURITY FELLOWS PROGRAM TO PROVIDE** 9 **POLITICAL CAMPAIGN STAFF WITH TRAINING** 10 **ON BEST PRACTICES FOR ELECTION** 11 **CYBERSECURITY.**

12 (a) ESTABLISHMENT AND OPERATION OF PRO-
 13 GRAM.—Subtitle C of title II of the Help America Vote
 14 Act of 2002 (52 U.S.C. 20981 et seq.) is amended—

15 (1) by redesignating section 247 as section 248;

16 and

17 (2) by inserting after section 246 the following
 18 new section:

19 **“SEC. 247. E-SECURITY FELLOWS PROGRAM.**

20 “(a) ESTABLISHMENT AND OPERATION OF PRO-
 21 GRAM.—The Commission shall establish and operate a
 22 program to be known as the ‘E-Security Fellows Pro-
 23 gram’ under which the Commission shall provide partici-
 24 pating individuals who work on political campaigns with
 25 training in the best practices for election cybersecurity, in-

cluding training in how to prevent and respond to cybersecurity threats and incidents which are targeted at political campaigns.

“(b) REGULATIONS.—The Commission shall establish and operate the Program under this section in accordance with such regulations as the Commission may promulgate.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2020 and each succeeding fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(1) by redesignating the item relating to section 247 as relating to section 248; and

(2) by inserting after the item relating to section 246 the following new item:

“Sec. 247. E-Security Fellows Program.”.

Subtitle J—Deceptive Practices and Voter Intimidation Prevention

SEC. 51001. SHORT TITLE.

This subtitle may be cited as the “Deceptive Practices and Voter Intimidation Prevention Act of 2020”.

SEC. 51002. FINDINGS.

Congress makes the following findings:

(1) The right to vote by casting a ballot for one’s preferred candidate is a fundamental right ac-

1 corded to United States citizens by the Constitution,
2 and the unimpeded exercise of this right is essential
3 to the functioning of our democracy.

4 (2) Historically, certain citizens, especially ra-
5 cial, ethnic, and language minorities, were prevented
6 from voting because of significant barriers such as
7 literacy tests, poll taxes, and property ownership re-
8 quirements.

9 (3) Some of these barriers were removed by the
10 15th, 19th, and 24th Amendments to the Constitu-
11 tion.

12 (4) Despite the elimination of some of these
13 barriers to the polls, the integrity of today's elec-
14 tions is threatened by newer tactics aimed at sup-
15 pressing voter turnout. These tactics include "decep-
16 tive practices", which involve the dissemination of
17 false or misleading information intended to prevent
18 voters from casting their ballots, prevent voters from
19 voting for the candidate of their choice, intimidate
20 the electorate, and undermine the integrity of the
21 electoral process.

22 (5) Furthermore, since the decision in Shelby
23 County v. Holder in which the Supreme Court
24 struck down the coverage formula used by the Vot-
25 ing Rights Act of 1965 to determine which States

1 with a history of racial discrimination must affirma-
2 tively receive government permission before changing
3 local voting laws, there have been Federal court de-
4 cisions finding or affirming that States or localities
5 intentionally discriminated against African Ameri-
6 cans and other voters of color.

7 (6) Denials of the right to vote, and deceptive
8 practices designed to prevent members of racial, eth-
9 nic, and language minorities from exercising that
10 right, are an outgrowth of discriminatory history, in-
11 cluding slavery. Measures to combat denials of that
12 right are a legitimate exercise of congressional power
13 under article I, section 4 and article II, section 1 of,
14 and the 14th and 15th Amendments to, the United
15 States Constitution.

16 (7) For the last few decades, there have been
17 a number of instances of deceptive or intimidating
18 practices aimed towards suppressing minority access
19 to the voting booth that demonstrates the need for
20 strengthened protections.

21 (8) In addition, in at least one instance in
22 1990, thousands of voters reportedly received post-
23 cards providing false information about voter eligi-
24 bility and warnings about criminal penalties for

1 voter fraud. Most of the voters who received the
2 postcards were African American.

3 (9) During the 2004 elections, Native American
4 voters in South Dakota reported being required to
5 provide photographic identification in order to vote,
6 despite the fact that neither State nor Federal law
7 required such identification.

8 (10) In the 2006 midterm elections, thousands
9 of Latino voters received mailings warning them in
10 Spanish that voting in a Federal election as an im-
11 migrant could result in incarceration—despite the
12 fact that any immigrant who is a naturalized citizen
13 of the United States has the same right to vote as
14 any other citizen.

15 (11) In 2008, fliers were distributed in pre-
16 dominantly African-American neighborhoods falsely
17 warning that people with outstanding warrants or
18 unpaid parking tickets could be arrested if they
19 showed up at the polls on Election Day. In the same
20 year, there were reports of people receiving text mes-
21 sages on Election Day asking them to wait until the
22 following day to vote.

23 (12) In 2012, there were reports of voters re-
24 ceiving calls falsely informing them that they could
25 vote via telephone.

1 (13) In the 2016 elections, there were reports
2 of students receiving fliers stating that in order to
3 vote in a local precinct, they had to pay to change
4 their driver’s license and re-register vehicles in the
5 city in which the precinct was located.

6 (14) Those responsible for these and similar ef-
7 forts should be held accountable, and civil and crimi-
8 nal penalties should be available to punish anyone
9 who seeks to keep voters away from the polls by pro-
10 viding false information.

11 (15) Moreover, the Federal Government should
12 help correct such false information in order to assist
13 voters in exercising their right to vote without confu-
14 sion and to preserve the integrity of the electoral
15 process.

16 (16) The Federal Government has a compelling
17 interest in “protecting voters from confusion and
18 undue influence” and in “preserving the integrity of
19 its election process”. *Burson v. Freeman*, 504 U.S.
20 191, 199 (1992).

21 (17) The First Amendment does not preclude
22 the regulation of some intentionally false speech,
23 even if it is political in nature. As the Supreme
24 Court of the United States has recognized, “[t]hat
25 speech is used as a tool for political ends does not

1 automatically bring it under the protective mantle of
 2 the Constitution. For the use of the known lie as a
 3 tool is at once at odds with the premises of demo-
 4 cratic government and with the orderly manner in
 5 which economic, social, or political change is to be
 6 effected Hence the knowingly false statement
 7 and the false statement made with reckless disregard
 8 of the truth, do not enjoy constitutional protection.”.
 9 *Garrison v. Louisiana*, 379 U.S. 64, 75 (1964).

10 **SEC. 51003. PROHIBITION ON DECEPTIVE PRACTICES IN**
 11 **FEDERAL ELECTIONS.**

12 (a) PROHIBITION.—Subsection (b) of section 2004 of
 13 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

14 (1) by striking “No person” and inserting the
 15 following:

16 “(1) IN GENERAL.—No person”; and

17 (2) by inserting at the end the following new
 18 paragraphs:

19 “(2) FALSE STATEMENTS REGARDING FEDERAL
 20 ELECTIONS.—

21 “(A) PROHIBITION.—No person, whether
 22 acting under color of law or otherwise, shall,
 23 within 60 days before an election described in
 24 paragraph (5), by any means, including by
 25 means of written, electronic, or telephonic com-

1 munications, communicate or cause to be com-
2 municated information described in subpara-
3 graph (B), or produce information described in
4 subparagraph (B) with the intent that such in-
5 formation be communicated, if such person—

6 “(i) knows such information to be ma-
7 terially false; and

8 “(ii) has the intent to impede or pre-
9 vent another person from exercising the
10 right to vote in an election described in
11 paragraph (5).

12 “(B) INFORMATION DESCRIBED.—Infor-
13 mation is described in this subparagraph if such
14 information is regarding—

15 “(i) the time, place, or manner of
16 holding any election described in para-
17 graph (5); or

18 “(ii) the qualifications for or restric-
19 tions on voter eligibility for any such elec-
20 tion, including—

21 “(I) any criminal penalties asso-
22 ciated with voting in any such elec-
23 tion; or

1 “(II) information regarding a
2 voter’s registration status or eligi-
3 bility.

4 “(3) FALSE STATEMENTS REGARDING PUBLIC
5 ENDORSEMENTS.—

6 “(A) PROHIBITION.—No person, whether
7 acting under color of law or otherwise, shall,
8 within 60 days before an election described in
9 paragraph (5), by any means, including by
10 means of written, electronic, or telephonic com-
11 munications, communicate, or cause to be com-
12 municated, a materially false statement about
13 an endorsement, if such person—

14 “(i) knows such statement to be false;
15 and

16 “(ii) has the intent to impede or pre-
17 vent another person from exercising the
18 right to vote in an election described in
19 paragraph (5).

20 “(B) DEFINITION OF ‘MATERIALLY
21 FALSE’.—For purposes of subparagraph (A), a
22 statement about an endorsement is ‘materially
23 false’ if, with respect to an upcoming election
24 described in paragraph (5)—

1 “(i) the statement states that a spe-
2 cifically named person, political party, or
3 organization has endorsed the election of a
4 specific candidate for a Federal office de-
5 scribed in such paragraph; and

6 “(ii) such person, political party, or
7 organization has not endorsed the election
8 of such candidate.

9 “(4) HINDERING, INTERFERING WITH, OR PRE-
10 VENTING VOTING OR REGISTERING TO VOTE.—No
11 person, whether acting under color of law or other-
12 wise, shall intentionally hinder, interfere with, or
13 prevent another person from voting, registering to
14 vote, or aiding another person to vote or register to
15 vote in an election described in paragraph (5).

16 “(5) ELECTION DESCRIBED.—An election de-
17 scribed in this paragraph is any general, primary,
18 run-off, or special election held solely or in part for
19 the purpose of nominating or electing a candidate
20 for the office of President, Vice President, presi-
21 dential elector, Member of the Senate, Member of
22 the House of Representatives, or Delegate or Com-
23 missioner from a Territory or possession.”.

24 (b) PRIVATE RIGHT OF ACTION.—

1 (1) IN GENERAL.—Subsection (c) of section
2 2004 of the Revised Statutes (52 U.S.C. 10101(e))
3 is amended—

4 (A) by striking “Whenever any person”
5 and inserting the following:

6 “(1) Whenever any person”; and

7 (B) by adding at the end the following new
8 paragraph:

9 “(2) Any person aggrieved by a violation of
10 subsection (b)(2), (b)(3), or (b)(4) may institute a
11 civil action for preventive relief, including an appli-
12 cation in a United States district court for a perma-
13 nent or temporary injunction, restraining order, or
14 other order. In any such action, the court, in its dis-
15 cretion, may allow the prevailing party a reasonable
16 attorney’s fee as part of the costs.”.

17 (2) CONFORMING AMENDMENTS.—

18 (A) Subsection (e) of section 2004 of the
19 Revised Statutes (52 U.S.C. 10101(e)) is
20 amended by striking “subsection (c)” and in-
21 serting “subsection (c)(1)”.

22 (B) Subsection (g) of section 2004 of the
23 Revised Statutes (52 U.S.C. 10101(g)) is
24 amended by striking “subsection (c)” and in-
25 serting “subsection (c)(1)”.

1 (c) CRIMINAL PENALTIES.—

2 (1) DECEPTIVE ACTS.—Section 594 of title 18,
3 United States Code, is amended—

4 (A) by striking “Whoever” and inserting
5 the following:

6 “(a) INTIMIDATION.—Whoever”;

7 (B) in subsection (a), as inserted by sub-
8 paragraph (A), by striking “at any election”
9 and inserting “at any general, primary, run-off,
10 or special election”; and

11 (C) by adding at the end the following new
12 subsections:

13 “(b) DECEPTIVE ACTS.—

14 “(1) FALSE STATEMENTS REGARDING FEDERAL
15 ELECTIONS.—

16 “(A) PROHIBITION.—It shall be unlawful
17 for any person, whether acting under color of
18 law or otherwise, within 60 days before an elec-
19 tion described in subsection (e), by any means,
20 including by means of written, electronic, or tel-
21 ephonic communications, to communicate or
22 cause to be communicated information de-
23 scribed in subparagraph (B), or produce infor-
24 mation described in subparagraph (B) with the

1 intent that such information be communicated,
2 if such person—

3 “(i) knows such information to be ma-
4 terially false; and

5 “(ii) has the intent to mislead voters,
6 or the intent to impede or prevent another
7 person from exercising the right to vote in
8 an election described in subsection (e).

9 “(B) INFORMATION DESCRIBED.—Infor-
10 mation is described in this subparagraph if such
11 information is regarding—

12 “(i) the time or place of holding any
13 election described in subsection (e); or

14 “(ii) the qualifications for or restric-
15 tions on voter eligibility for any such elec-
16 tion, including—

17 “(I) any criminal penalties asso-
18 ciated with voting in any such elec-
19 tion; or

20 “(II) information regarding a
21 voter’s registration status or eligi-
22 bility.

23 “(2) PENALTY.—Any person who violates para-
24 graph (1) shall be fined not more than \$100,000,
25 imprisoned for not more than 5 years, or both.

1 “(c) HINDERING, INTERFERING WITH, OR PRE-
2 VENTING VOTING OR REGISTERING TO VOTE.—

3 “(1) PROHIBITION.—It shall be unlawful for
4 any person, whether acting under color of law or
5 otherwise, to corruptly hinder, interfere with, or pre-
6 vent another person from voting, registering to vote,
7 or aiding another person to vote or register to vote
8 in an election described in subsection (e).

9 “(2) PENALTY.—Any person who violates para-
10 graph (1) shall be fined not more than \$100,000,
11 imprisoned for not more than 5 years, or both.

12 “(d) ATTEMPT.—Any person who attempts to commit
13 any offense described in subsection (a), (b)(1), or (c)(1)
14 shall be subject to the same penalties as those prescribed
15 for the offense that the person attempted to commit.

16 “(e) ELECTION DESCRIBED.—An election described
17 in this subsection is any general, primary, run-off, or spe-
18 cial election held solely or in part for the purpose of nomi-
19 nating or electing a candidate for the office of President,
20 Vice President, presidential elector, Member of the Senate,
21 Member of the House of Representatives, or Delegate or
22 Commissioner from a Territory or possession.”.

23 (2) MODIFICATION OF PENALTY FOR VOTER IN-
24 TIMIDATION.—Section 594(a) of title 18, United
25 States Code, as amended by paragraph (1), is

1 amended by striking “fined under this title or im-
2 prisoned not more than one year” and inserting
3 “fined not more than \$100,000, imprisoned for not
4 more than 5 years”.

5 (3) SENTENCING GUIDELINES.—

6 (A) REVIEW AND AMENDMENT.—Not later
7 than 180 days after the date of enactment of
8 this Act, the United States Sentencing Commis-
9 sion, pursuant to its authority under section
10 994 of title 28, United States Code, and in ac-
11 cordance with this section, shall review and, if
12 appropriate, amend the Federal sentencing
13 guidelines and policy statements applicable to
14 persons convicted of any offense under section
15 594 of title 18, United States Code, as amend-
16 ed by this section.

17 (B) AUTHORIZATION.—The United States
18 Sentencing Commission may amend the Federal
19 Sentencing Guidelines in accordance with the
20 procedures set forth in section 21(a) of the Sen-
21 tencing Act of 1987 (28 U.S.C. 994 note) as
22 though the authority under that section had not
23 expired.

24 (4) PAYMENTS FOR REFRAINING FROM VOT-
25 ING.—Subsection (c) of section 11 of the Voting

1 Rights Act of 1965 (52 U.S.C. 10307) is amended
2 by striking “either for registration to vote or for vot-
3 ing” and inserting “for registration to vote, for vot-
4 ing, or for not voting”.

5 **SEC. 51004. CORRECTIVE ACTION.**

6 (a) CORRECTIVE ACTION.—

7 (1) IN GENERAL.—If the Attorney General re-
8 ceives a credible report that materially false informa-
9 tion has been or is being communicated in violation
10 of paragraphs (2) and (3) of section 2004(b) of the
11 Revised Statutes (52 U.S.C. 10101(b)), as added by
12 section 51003(a), and if the Attorney General deter-
13 mines that State and local election officials have not
14 taken adequate steps to promptly communicate accu-
15 rate information to correct the materially false infor-
16 mation, the Attorney General shall, pursuant to the
17 written procedures and standards under subsection
18 (b), communicate to the public, by any means, in-
19 cluding by means of written, electronic, or telephonic
20 communications, accurate information designed to
21 correct the materially false information.

22 (2) COMMUNICATION OF CORRECTIVE INFORMA-
23 TION.—Any information communicated by the Attor-
24 ney General under paragraph (1)—

25 (A) shall—

1 (i) be accurate and objective;

2 (ii) consist of only the information
3 necessary to correct the materially false in-
4 formation that has been or is being com-
5 municated; and

6 (iii) to the extent practicable, be by a
7 means that the Attorney General deter-
8 mines will reach the persons to whom the
9 materially false information has been or is
10 being communicated; and

11 (B) shall not be designed to favor or dis-
12 favor any particular candidate, organization, or
13 political party.

14 (b) WRITTEN PROCEDURES AND STANDARDS FOR
15 TAKING CORRECTIVE ACTION.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Attorney
18 General shall publish written procedures and stand-
19 ards for determining when and how corrective action
20 will be taken under this section.

21 (2) INCLUSION OF APPROPRIATE DEADLINES.—

22 The procedures and standards under paragraph (1)
23 shall include appropriate deadlines, based in part on
24 the number of days remaining before the upcoming
25 election.

1 (3) CONSULTATION.—In developing the proce-
2 dures and standards under paragraph (1), the Attor-
3 ney General shall consult with the Election Assist-
4 ance Commission, State and local election officials,
5 civil rights organizations, voting rights groups, voter
6 protection groups, and other interested community
7 organizations.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Attorney General
10 such sums as may be necessary to carry out this subtitle.

11 **SEC. 51005. REPORTS TO CONGRESS.**

12 (a) IN GENERAL.—Not later than 180 days after
13 each general election for Federal office, the Attorney Gen-
14 eral shall submit to Congress a report compiling all allega-
15 tions received by the Attorney General of deceptive prac-
16 tices described in paragraphs (2), (3), and (4) of section
17 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
18 added by section 51003(a), relating to the general election
19 for Federal office and any primary, run-off, or a special
20 election for Federal office held in the 2 years preceding
21 the general election.

22 (b) CONTENTS.—

23 (1) IN GENERAL.—Each report submitted
24 under subsection (a) shall include—

1 (A) a description of each allegation of a
2 deceptive practice described in subsection (a),
3 including the geographic location, racial and
4 ethnic composition, and language minority-
5 group membership of the persons toward whom
6 the alleged deceptive practice was directed;

7 (B) the status of the investigation of each
8 allegation described in subparagraph (A);

9 (C) a description of each corrective action
10 taken by the Attorney General under section
11 51004(a) in response to an allegation described
12 in subparagraph (A);

13 (D) a description of each referral of an al-
14 legation described in subparagraph (A) to other
15 Federal, State, or local agencies;

16 (E) to the extent information is available,
17 a description of any civil action instituted under
18 section 2004(c)(2) of the Revised Statutes (52
19 U.S.C. 10101(c)(2)), as added by section
20 51003(b), in connection with an allegation de-
21 scribed in subparagraph (A); and

22 (F) a description of any criminal prosecu-
23 tion instituted under section 594 of title 18,
24 United States Code, as amended by section
25 51003(c), in connection with the receipt of an

1 allegation described in subparagraph (A) by the
2 Attorney General.

3 (2) EXCLUSION OF CERTAIN INFORMATION.—

4 (A) IN GENERAL.—The Attorney General
5 shall not include in a report submitted under
6 subsection (a) any information protected from
7 disclosure by rule 6(e) of the Federal Rules of
8 Criminal Procedure or any Federal criminal
9 statute.

10 (B) EXCLUSION OF CERTAIN OTHER IN-
11 FORMATION.—The Attorney General may deter-
12 mine that the following information shall not be
13 included in a report submitted under subsection
14 (a):

15 (i) Any information that is privileged.

16 (ii) Any information concerning an
17 ongoing investigation.

18 (iii) Any information concerning a
19 criminal or civil proceeding conducted
20 under seal.

21 (iv) Any other nonpublic information
22 that the Attorney General determines the
23 disclosure of which could reasonably be ex-
24 pected to infringe on the rights of any in-

1 dividual or adversely affect the integrity of
2 a pending or future criminal investigation.

3 (c) REPORT MADE PUBLIC.—On the date that the
4 Attorney General submits the report under subsection (a),
5 the Attorney General shall also make the report publicly
6 available through the internet and other appropriate
7 means.

8 **SEC. 51006. SEVERABILITY.**

9 If any provision of this subtitle or any amendment
10 made by this subtitle, or the application of a provision or
11 amendment to any person or circumstance, is held to be
12 unconstitutional, the remainder of this subtitle and the
13 amendments made by this subtitle, and the application of
14 the provisions and amendments to any person or cir-
15 cumstance, shall not be affected by the holding.

16 **Subtitle K—Election Day Holiday**

17 **SEC. 51101. SHORT TITLE.**

18 This subtitle may be cited as the “Election Day Holi-
19 day Act of 2020”.

20 **SEC. 51102. TREATMENT OF ELECTION DAY IN SAME MAN-**
21 **NER AS LEGAL PUBLIC HOLIDAY FOR PUR-**
22 **POSES OF FEDERAL EMPLOYMENT.**

23 For purposes of any law relating to Federal employ-
24 ment, the Tuesday next after the first Monday in Novem-
25 ber in 2020 and each even-numbered year thereafter shall

1 be treated in the same manner as a legal public holiday
2 described in section 6103 of title 5, United States Code.

3 **SEC. 51103. SENSE OF CONGRESS REGARDING TREATMENT**
4 **OF DAY BY PRIVATE EMPLOYERS.**

5 It is the sense of Congress that private employers in
6 the United States should give their employees a day off
7 on the Tuesday next after the first Monday in November
8 in 2020 and each even-numbered year thereafter to enable
9 the employees to cast votes in the elections held on that
10 day.

11 **Subtitle L—Stop Automatically**
12 **Voiding Eligible Voters Off**
13 **Their Enlisted Rolls in States**

14 **SEC. 51201. SHORT TITLE.**

15 This subtitle may be cited as the “Stop Automatically
16 Voiding Eligible Voters Off Their Enlisted Rolls in States
17 Act” or the “Save Voters Act”.

18 **SEC. 51202. CONDITIONS FOR REMOVAL OF VOTERS FROM**
19 **LIST OF REGISTERED VOTERS.**

20 (a) **CONDITIONS DESCRIBED.**—The National Voter
21 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
22 amended by inserting after section 8 the following new
23 section:

1 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
2 **OFFICIAL LIST OF REGISTERED VOTERS.**

3 “(a) VERIFICATION ON BASIS OF OBJECTIVE AND
4 RELIABLE EVIDENCE OF INELIGIBILITY.—

5 “(1) REQUIRING VERIFICATION.—Notwith-
6 standing any other provision of this Act, a State
7 may not remove the name of any registrant from the
8 official list of voters eligible to vote in elections for
9 Federal office in the State unless the State verifies,
10 on the basis of objective and reliable evidence, that
11 the registrant is ineligible to vote in such elections.

12 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
13 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
14 purposes of paragraph (1), the following factors, or
15 any combination thereof, shall not be treated as ob-
16 jective and reliable evidence of a registrant’s ineligi-
17 bility to vote:

18 “(A) The failure of the registrant to vote
19 in any election.

20 “(B) The failure of the registrant to re-
21 spond to any notice sent under section 8(d), un-
22 less the notice has been returned as undeliver-
23 able.

24 “(C) The failure of the registrant to take
25 any other action with respect to voting in any

1 election or with respect to the registrant's sta-
2 tus as a registrant.

3 “(b) NOTICE AFTER REMOVAL.—

4 “(1) NOTICE TO INDIVIDUAL REMOVED.—

5 “(A) IN GENERAL.—Not later than 48
6 hours after a State removes the name of a reg-
7 istrant from the official list of eligible voters for
8 any reason, the State shall send notice of the
9 removal to the former registrant, and shall in-
10 clude in the notice the grounds for the removal
11 and information on how the former registrant
12 may contest the removal or be reinstated, in-
13 cluding a telephone number for the appropriate
14 election official.

15 “(B) EXCEPTIONS.—Subparagraph (A)
16 does not apply in the case of a registrant—

17 “(i) who sends written confirmation to
18 the State that the registrant is no longer
19 eligible to vote in the registrar's jurisdic-
20 tion in which the registrant was registered;
21 or

22 “(ii) who is removed from the official
23 list of eligible voters by reason of the death
24 of the registrant.

1 “(2) PUBLIC NOTICE.—Not later than 48 hours
2 after conducting any general program to remove the
3 names of ineligible voters from the official list of eli-
4 gible voters (as described in section 8(a)(4)), the
5 State shall disseminate a public notice through such
6 methods as may be reasonable to reach the general
7 public (including by publishing the notice in a news-
8 paper of wide circulation or posting the notice on the
9 websites of the appropriate election officials) that
10 list maintenance is taking place and that registrants
11 should check their registration status to ensure no
12 errors or mistakes have been made. The State shall
13 ensure that the public notice disseminated under this
14 paragraph is in a format that is reasonably conven-
15 ient and accessible to voters with disabilities, includ-
16 ing voters who have low vision or are blind.”.

17 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
18 REMOVAL.—Section 8(d) of such Act (52 U.S.C.
19 20507(d)) is amended by adding at the end the following
20 new paragraph:

21 “(4) A State may not transmit a notice to a
22 registrant under this subsection unless the State ob-
23 tains objective and reliable evidence (in accordance
24 with the standards for such evidence which are de-
25 scribed in section 8A(a)(2)) that the registrant has

1 changed residence to a place outside the registrar’s
2 jurisdiction in which the registrant is registered.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) NATIONAL VOTER REGISTRATION ACT OF
5 1993.—Section 8(a) of such Act (52 U.S.C.
6 20507(a)) is amended—

7 (A) in paragraph (3), by striking “pro-
8 vide” and inserting “subject to section 8A, pro-
9 vide”; and

10 (B) in paragraph (4), by striking “con-
11 duct” and inserting “subject to section 8A, con-
12 duct”.

13 (2) HELP AMERICA VOTE ACT OF 2002.—Section
14 303(a)(4)(A) of the Help America Vote Act of 2002
15 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
16 “, registrants” and inserting “, and subject to sec-
17 tion 8A of such Act, registrants”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date of the enactment
20 of this Act.

21 **Subtitle M—VoteSafe**

22 **SEC. 51301. SHORT TITLE.**

23 This subtitle may be cited as the “VoteSafe Act of
24 2020”.

1 **SEC. 51302. FINDINGS.**

2 Congress finds the following:

3 (1) The right to vote is the foundation of Amer-
4 ican democracy. Voting provides the citizenry with a
5 vital check on their elected officials and grants peo-
6 ple the political power necessary to exercise and de-
7 fend the rights guaranteed by the United States
8 Constitution.

9 (2) The Elections Clause of the United States
10 Constitution gives Congress sweeping power to regu-
11 late the time, place, and manner of Federal elections
12 (Article I, section 4 of the Constitution of the
13 United States; see also *Arizona v. Inter Tribal*
14 *Council of Arizona, Inc.*, 570 U.S. 1 (2013)). Con-
15 gress also has enforcement power under the Four-
16 teenth and Fifteenth Amendments of the Constitu-
17 tion of the United States.

18 (3) As Dr. Martin Luther King, Jr., explained
19 in a speech delivered on May 17, 1957, “So long as
20 I do not firmly and irrevocably possess the right to
21 vote I do not possess myself. I cannot make up my
22 mind—it is made up for me. I cannot live as a
23 democratic citizen, observing the laws I have helped
24 to enact—I can only submit to the edict of others.”.

25 (4) The right to vote was not guaranteed to all
26 Americans at our Nation’s founding. The ratification

1 of the Fifteenth and Nineteenth Amendments, the
2 civil rights movement’s struggle for justice and
3 equality, and the enactment of the Voting Rights
4 Act of 1965 and its subsequent amendments suc-
5 ceeded in expanding access to the franchise.

6 (5) Unfortunately, the barriers faced by voters
7 who have historically experienced the greatest obsta-
8 cles to voting are exacerbated by the coronavirus
9 (COVID–19) pandemic.

10 (6) Strategies to mitigate the spread of
11 COVID–19 include “social distancing”, a practice
12 that requires individuals to maintain a distance be-
13 tween themselves and other people in order to avoid
14 acquiring or transmitting the virus. The need to em-
15 brace such precautions will require States to quickly
16 modify voting processes to minimize person-to-per-
17 son contact.

18 (7) Voting by mail is a critical part of the solu-
19 tion and must be expanded as quickly as possible,
20 not simply as a means of ensuring access during
21 public health emergencies, but also as a means of ex-
22 panding access to the franchise to those whose work,
23 health, or ability to access the ballot may be limited.

24 (8) However, safe and secure in-person voting
25 remains vitally important for large groups of voters,

1 including voters with disabilities, language minority
2 voters, American Indian and Alaska Native voters,
3 and African-American voters.

4 (9) The Americans with Disabilities Act of
5 1990 (42 U.S.C. 12101 et seq.) and the Rehabilita-
6 tion Act of 1973 (29 U.S.C. 701 et seq.) require
7 that individuals with disabilities have equal access to
8 every aspect of the voting process. Vote-by-mail
9 poses various accessibility challenges for voters with
10 disabilities, including blind, low-vision, or other
11 print-disabled voters who may require in-person vot-
12 ing or assistive technology in order to privately and
13 independently mark their ballots. Remedies for vot-
14 ers with disabilities require an investment of re-
15 sources to ensure State and local election websites,
16 online voter registration portals, and vote-by-mail
17 systems are accessible; that in-person voting loca-
18 tions permit a safe, dignified, and accessible voting
19 experience; and that the right of voters with disabil-
20 ities to a secret ballot is not sacrificed due to the
21 pandemic.

22 (10) Language minority voters face unique bar-
23 riers to voting that require additional resources and
24 support to ensure full and equal access, including
25 additional resources to ensure local compliance with

1 the language minority voting protections in section
2 203 of the Voting Rights Act of 1965 (52 U.S.C.
3 10503) and greater language assistance services, in-
4 cluding additional bilingual or multilingual poll
5 workers and election workers.

6 (11) American Indian and Alaska Native voters
7 face unique obstacles in a vote-by-mail system. Trib-
8 al communities in rural areas often do not have tra-
9 ditional residential mailing addresses and have lim-
10 ited access to transportation. Tribal members have
11 distant rural post offices, slow mail routes, limited
12 numbers of post office operation, and too few post
13 office boxes. As a result, rural Tribal communities
14 require distinct voting accommodations to ensure
15 participation in a vote-by-mail system.

16 (12) Finally, in-person voting holds great sig-
17 nificance for African-American voters, for whom the
18 right to vote was hard won. African Americans have
19 been excluded from the franchise through State and
20 local laws, poll taxes, voting literacy tests, physical
21 violence, and lynchings. For many African-American
22 voters today, casting a ballot at one's polling place
23 is a solemn ritual that honors those who sacrificed
24 their safety and their lives in order to secure the
25 right to vote. However, COVID-19 poses substantial

1 risks to the African-American population and has in-
2 fected and killed African Americans in the United
3 States at disproportionately high rates, highlighting
4 longstanding inequalities in resources and access to
5 health care.

6 (13) Social distancing designed to curb the
7 COVID–19 pandemic will also greatly impact in-per-
8 son voter registration efforts, including voter reg-
9 istration drives and voter registration services re-
10 quired by the National Voter Registration Act. Many
11 government offices, like State departments of motor
12 vehicles, are currently closed to in-person traffic and
13 are likely to remain closed for an indefinite period
14 of time in 2020.

15 (14) Therefore, it is appropriate for Congress
16 to expand no-excuse absentee vote-by-mail while also
17 ensuring the safety and accessibility of in-person
18 voting and voter registration during exigent cir-
19 cumstances, including the current pandemic.

1 **SEC. 51303. REQUIREMENTS FOR NO-EXCUSE ABSENTEE**
2 **VOTING, EARLY IN-PERSON VOTING, AND**
3 **PLAN TO ENSURE POLLING PLACES IMPLE-**
4 **MENT CDC GUIDANCE FOR FEDERAL ELEC-**
5 **TIONS IN 2020.**

6 (a) **APPLICABLE FEDERAL ELECTION.**—For pur-
7 poses of this section, the term “applicable Federal elec-
8 tion” means any election for Federal office which occurs
9 on or after the date that is 60 days after the date of the
10 enactment of this Act and before January 1, 2023.

11 (b) **REQUIREMENTS.**—In the case of any applicable
12 Federal election, each State and local jurisdiction shall—

13 (1) permit no-excuse mail-in absentee voting as
14 described in subsection (c);

15 (2) maintain an early in-person voting period as
16 described in subsection (d); and

17 (3) establish a plan as described in subsection
18 (e) with respect to in-person voting, including during
19 early voting periods and on the day of the election.

20 (c) **NO-EXCUSE MAIL-IN ABSENTEE VOTING.**—

21 (1) **IN GENERAL.**—No-excuse mail-in absentee
22 voting meets the requirements described in this sub-
23 section with respect to an applicable Federal elec-
24 tion, if the State—

25 (A) provides a no-excuse mail-in ballot to
26 every registered voter who requests such a bal-

1 lot (or, in the case of any State that does not
2 register voters, to every individual who is eligi-
3 ble to vote and requests such a ballot);

4 (B) allows voters to request a mail-in bal-
5 lot online;

6 (C) if the State requires a signature for
7 absentee ballots, allows voters to sign the ballot
8 by providing a mark or signature stamp or by
9 providing a signature with the use of an assist-
10 ant because of age, disability, or other need;

11 (D) accepts and counts ballots received be-
12 fore the State's certification deadline if the bal-
13 lot—

14 (i) is postmarked by the date of the
15 election; or

16 (ii) includes an indication that it was
17 mailed by the date of the election;

18 (E) provides a pre-paid and self-sealing re-
19 turn envelope for each ballot furnished by mail;

20 (F) beginning with the date that is 45
21 days before the date of the election and ending
22 with the time that polls close on the date of the
23 election, provides in-person, secured drop boxes;

24 (G) before discarding any absentee ballot
25 for error or technicalities (including the failure

1 to meet any signature matching requirement
2 that is unrelated to voter qualification)—

3 (i) notifies the voter of any such de-
4 fects; and

5 (ii) provides the voter an opportunity
6 to cure such defects that—

7 (I) is uniform among all voters in
8 the State; and

9 (II) in the case of any error re-
10 lating to a signature requirement,
11 meets the requirements of paragraph
12 (2);

13 (H) in the case of any voter with disabil-
14 ities—

15 (i) provides the voter with access to
16 Remote Access Vote By Mail (RAVBM)
17 systems, ballot marking software, and
18 screen reading software; and

19 (ii) allows the voter to receive assist-
20 ance from a person of their choosing to
21 complete and submit a mail-in ballot; and

22 (I) ensures adequate support for language
23 minority voters, including multilingual versions
24 of vote-by-mail materials and language assist-
25 ance services.

1 (2) REQUIREMENTS RELATING TO SIGNATURE
2 DEFECTS.—The requirements of this paragraph re-
3 lating to any defect described in paragraph
4 (1)(G)(ii)(II) are the following:

5 (A) Except as provided in subparagraph
6 (B), the voter shall be allowed to cure the de-
7 fect through the same form of communication
8 with respect to which the notice of such defect
9 is provided.

10 (B) In any case in which a required signa-
11 ture is missing, the voter shall be provided an
12 opportunity to provide such signature on a form
13 provided by the State.

14 (C) Any determination of the validity of
15 the ballot shall be made by a group of 2 or
16 more election officials.

17 (D) The voter shall have the opportunity
18 to appeal any rejection of the ballot based on
19 the defect.

20 (d) EARLY IN-PERSON VOTING PERIOD.—The early
21 in-person voting period described in this subsection with
22 respect to an applicable Federal election is a period of at
23 least 20 days. Such period must include at least one Sat-
24 urday and one Sunday. For each day of early in-person
25 voting during such period, polls must be open for a min-

1 imum of 10 hours, including hours before and after the
2 standard work day.

3 (e) PLAN TO IMPLEMENT CDC GUIDANCE.—

4 (1) IN GENERAL.—The requirement described
5 in this subsection with respect to in person voting is
6 met if the State establishes a plan to ensure that
7 polling places are implementing Centers for Disease
8 Control and Prevention guidance relating to
9 COVID–19 preparedness. Such plan must be final-
10 ized and approved by the State within 30 days of the
11 date of enactment of this Act.

12 (2) MINIMUM REQUIREMENTS.—At a minimum,
13 a State plan established under this subsection must
14 include a plan—

15 (A) to keep as many voting locations as
16 possible open during the pandemic;

17 (B) to prepare polling locations to imple-
18 ment social distancing protocols in lines and at
19 voting booths;

20 (C) to provide sufficient quantities of hy-
21 giene and cleaning supplies at polling locations;

22 (D) to increase the number of—

23 (i) paper ballots and provisional bal-
24 lots (including the numbers of such ballots
25 that are translated, multilingual, or in-lan-

1 guage ballots) available at each polling
2 place; and

3 (ii) disposable ballot marking utensils
4 available at each polling place;

5 (E) to provide masks and other personal
6 protective equipment to poll workers;

7 (F) to provide additional compensation to
8 poll workers during the pandemic;

9 (G) to increase the number of poll workers
10 who can reliably staff voting locations;

11 (H) to provide training to poll workers on
12 pandemic conditions and COVID–19 prepared-
13 ness; and

14 (I) to educate voters on changes to proce-
15 dures or voting opportunities during the pan-
16 demic.

17 (f) PRIVATE RIGHT OF ACTION.—Any person ag-
18 grieved by a violation of paragraph (1) or (2) of subsection
19 (a) (relating to requirements for no-excuse mail-in absen-
20 tee voting and early in-person voting period) may bring
21 an action for all appropriate remedies, including injunctive
22 relief and compensatory and punitive damages, in a Fed-
23 eral district court of competent jurisdiction.

24 (g) PAYMENTS TO STATES TO CARRY OUT REQUIRE-
25 MENTS.—

1 (1) IN GENERAL.—The Election Assistance
2 Commission shall make a payment to each State to
3 carry out the requirements under this section. Such
4 payments shall be made not later than 30 days after
5 the date of enactment of this Act.

6 (2) AMOUNT OF PAYMENT.—

7 (A) IN GENERAL.—The amount of pay-
8 ment made to a State under this subsection
9 shall be the voting age population proportion
10 amount described in subparagraph (B).

11 (B) VOTING AGE POPULATION PROPOR-
12 TION AMOUNT.—

13 (i) IN GENERAL.—The voting age
14 population proportion amount described in
15 this paragraph is the product of—

16 (I) the amount made available
17 for payments under paragraph (3)
18 section; and

19 (II) the voting age population
20 proportion for the State (as defined in
21 clause (ii)).

22 (ii) VOTING AGE POPULATION PRO-
23 PORTION DEFINED.—The term “voting age
24 population proportion” means, with respect

1 to any State, the amount equal to the
2 quotient of—

3 (I) the voting age population of
4 the State (as determined by the most
5 recent American Community Survey
6 conducted by the Bureau of the Cen-
7 sus); and

8 (II) the total voting age popu-
9 lation of all States (as determined by
10 the most recent American Community
11 Survey conducted by the Bureau of
12 the Census).

13 (3) FUNDING.—There are authorized to be ap-
14 propriated to make payments under this subsection
15 \$2,500,000,000 for fiscal year 2022.

16 **SEC. 51304. GRANTS TO PROMOTE SAFE, ACCESSIBLE, AND**
17 **EFFICIENT IN-PERSON VOTING.**

18 (a) IN GENERAL.—Subtitle D of title II of the Help
19 America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is
20 amended by adding at the end the following:

1 **“PART VII—GRANT PROGRAM TO PROMOTE**
2 **SAFE, ACCESSIBLE, AND EFFICIENT IN-PER-**
3 **SON VOTING**

4 **“SEC. 297. PAYMENTS TO STATES.**

5 “(a) IN GENERAL.—The Commission shall make a
6 payment to each eligible State (as described in section
7 298(a)). Such payments shall be made not later than 30
8 days after the date of enactment of this part.

9 “(b) USE OF FUNDS.—An eligible State shall use the
10 payment received under this part to carry out one or more
11 of the authorized activities described in section 298(b)
12 with respect to elections for Federal office.

13 “(c) AMOUNT OF PAYMENT.—

14 “(1) IN GENERAL.—The amount of payment
15 made to an eligible State under this section shall be
16 the voting age population proportion amount de-
17 scribed in paragraph (2) plus any additional amount
18 determined by the Commission under paragraph (3).

19 “(2) VOTING AGE POPULATION PROPORTION
20 AMOUNT.—

21 “(A) IN GENERAL.—The voting age popu-
22 lation proportion amount described in this para-
23 graph is the product of—

24 “(i) the aggregate amount made avail-
25 able for payments under this section minus
26 the total of all of the additional payment

1 amounts determined under paragraph (3);
2 and

3 “(ii) the voting age population propor-
4 tion for the State (as defined in subpara-
5 graph (B)).

6 “(B) VOTING AGE POPULATION PROPOR-
7 TION DEFINED.—The term ‘voting age popu-
8 lation proportion’ means, with respect to an eli-
9 gible State, the amount equal to the quotient
10 of—

11 “(i) the voting age population of the
12 State (as determined by the most recent
13 American Community Survey conducted by
14 the Bureau of the Census); and

15 “(ii) the total voting age population of
16 all States (as determined by the most re-
17 cent American Community Survey con-
18 ducted by the Bureau of the Census).

19 “(3) DETERMINATION OF ADDITIONAL AMOUNT
20 BASED ON NEEDS OF VOTING AGE POPULATION IN
21 STATE.—The Commission shall, with respect to each
22 eligible State, determine an amount of payment for
23 the State in addition to the amount determined
24 under paragraph (2) based on the needs of the vot-
25 ing age population in the State. In determining such

1 additional amount of payment with respect to an eli-
2 gible State, the Commission shall take into ac-
3 count—

4 “(A) the number of individuals with in-
5 come below 250 percent of the poverty line ap-
6 plicable to a family of the size involved (as de-
7 termined under section 673(2) of the Commu-
8 nity Services Block Grant Act (42 U.S.C.
9 9902(2)));

10 “(B) the number of individuals in the vot-
11 ing age population of the State covered by sec-
12 tion 203 of the Voting Rights Act (52 U.S.C.
13 10503);

14 “(C) the number of individuals with a dis-
15 ability as defined in section 3 of the Americans
16 with Disabilities Act of 1990 (42 U.S.C.
17 12102);

18 “(D) the number of individuals who live in
19 a nonmetropolitan area (as determined by the
20 Bureau of the Census); and

21 “(E) the number of individuals who belong
22 to an Indian tribe (as such term is defined in
23 section 4 of the Indian Self-Determination and
24 Education Assistance Act (25 U.S.C. 5304)).

1 “(4) DISTRIBUTION OF FUNDS TO UNITS OF
2 LOCAL GOVERNMENT.—At least 70 percent of funds
3 provided to a State under this part shall be distrib-
4 uted to units of local government to carry out one
5 or more of the authorized activities described in sec-
6 tion 298(b) with respect to elections for Federal of-
7 fice.

8 **“SEC. 298. ELIGIBILITY FOR PAYMENT; AUTHORIZED AC-**
9 **TIVITIES.**

10 “(a) IN GENERAL.—Each State that desires to re-
11 ceive a payment under this part shall submit a certifi-
12 cation of intent to use such funds for at least one of the
13 authorized activities described in subsection (b) with re-
14 spect to elections for Federal office.

15 “(b) AUTHORIZED ACTIVITIES DESCRIBED.—Funds
16 provided under this part shall be used for one or more
17 of the following authorized activities:

18 “(1) FUNDING TO ENSURE ELECTIONS ARE AC-
19 CESSIBLE DURING PANDEMIC.—Ensuring voters can
20 safely access polling sites during the COVID–19
21 pandemic, including—

22 “(A) expanding the number of voting loca-
23 tions, as well as the days and hours of early in-
24 person voting;

1 “(B) providing mobile voting centers and
2 temporary voting stations, including advance
3 notice of schedule and locations;

4 “(C) increasing the ratio of machines and
5 poll workers to voters in each precinct;

6 “(D) preparing polling locations to imple-
7 ment social distancing protocols in lines and
8 voting booths;

9 “(E) providing sufficient quantities of hy-
10 giene and cleaning supplies, including materials
11 to sanitize voting machines after each use;

12 “(F) increasing the number of paper bal-
13 lots available at each polling location;

14 “(G) providing masks, gloves, and other
15 personal protective equipment to poll workers;

16 “(H) increasing pay for poll workers dur-
17 ing the COVID–19 pandemic; and

18 “(I) providing voter education on changes
19 or improvements to election procedures, accessi-
20 bility, or voting opportunities during the pan-
21 demic.

22 “(2) FUNDING TO ENSURE ELECTIONS ARE AC-
23 CESSIBLE TO INDIVIDUALS WITH DISABILITIES DUR-
24 ING PANDEMIC.—Ensuring voters can safely reg-
25 ister, access polling sites, and vote by mail during

1 the COVID–19 pandemic, in accordance with this
2 Act, the Americans with Disabilities Act of 1990 (42
3 U.S.C. 12101 et seq.), the Voting Accessibility for
4 the Elderly and Handicapped Act (42 U.S.C. 1973ee
5 et seq.), and other applicable law, by improving poll-
6 ing place accessibility and providing accommodations
7 for individuals with disabilities, including—

8 “(A) purchasing Remote Access Vote By
9 Mail (RAVBM) systems, ballot marking devices
10 and software, and screen reading software, and
11 making them available to voters with disabili-
12 ties;

13 “(B) equipping polling locations with tech-
14 nologies that enable individuals with disabilities
15 to privately and independently mark, verify, and
16 cast their ballots, including through the avail-
17 ability of ballot marking devices, headsets, con-
18 trollers, and other assistive devices;

19 “(C) making permanent or temporary
20 modifications to render polling places accessible;

21 “(D) ensuring appropriate polling place
22 siting to avoid locations that pose higher health
23 risks to the public;

1 “(E) conducting analysis on polling place
2 reconfiguration to account for social distancing
3 and implementing changes;

4 “(F) providing training for poll workers on
5 how to best serve individuals during the pan-
6 demic, including specialized training for serving
7 individuals with disabilities;

8 “(G) assessing the accessibility of election
9 websites and remediating any accessibility prob-
10 lems to ensure voter information is clear and
11 accessible; and

12 “(H) providing fully accessible online voter
13 registration services.

14 “(3) FUNDING TO ENSURE CONTINUING PRO-
15 TECTIONS FOR LANGUAGE MINORITY VOTERS.—En-
16 suring continuing protections for language minority
17 voters, including—

18 “(A) ensuring compliance with section 203
19 of the Voting Rights Act of 1965 (52 U.S.C.
20 10503)—

21 “(i) with respect to vote-by-mail and
22 new voter registration procedures; and

23 “(ii) with respect to voting materials
24 (as such term is defined in such section);

1 “(B) ensuring adequate support for such
2 individuals (including for language minority
3 voters who do not reside in jurisdictions covered
4 by section 203 of the Voting Rights Act), in-
5 cluding through—

6 “(i) language assistance hotlines in
7 covered languages;

8 “(ii) phone interpretation and inter-
9 preter services;

10 “(iii) funding to produce, print, and
11 distribute multi-lingual versions of mate-
12 rials;

13 “(iv) enhancing in-language media ad-
14 vertising regarding polling place changes;

15 “(v) recruiting and hiring bilingual or
16 multilingual election workers; and

17 “(vi) enhancing in-language media ad-
18 vertising regarding procedures for obtain-
19 ing and returning mail-in ballots; and

20 “(C) providing voter education on activities
21 carried out under this paragraph.

22 “(4) FUNDING TO ENSURE VOTING ACCESS BY
23 AMERICAN INDIAN AND ALASKA NATIVE VOTERS AND
24 RURAL VOTERS.—Ensuring voting access American

1 Indian and Alaska Native voters and rural voters,
2 including—

3 “(A) ensuring polling place availability
4 within 20 miles of where voters live;

5 “(B) providing transportation services for
6 American Indian, Alaska Native, and rural vot-
7 ers to reach their nearest polling location;

8 “(C) establishing polling places in Indian
9 country, as defined in section 1151 of title 18,
10 United States Code, and on any land in Alaska
11 owned pursuant to the Alaska Native Claims
12 Settlement Act (43 U.S.C. 1601 et seq.), that
13 are open for voting days and hours commensu-
14 rate with polling place days and hours in urban
15 areas within the State;

16 “(D) giving Indian tribes, as defined in
17 section 4 of the Indian Self-Determination and
18 Education Assistance Act (25 U.S.C. 5304),
19 authority to designate buildings that can be
20 used as a residential address for voter registra-
21 tion and for physical sites for ballot pickup,
22 drop-off, and collection;

23 “(E) offering information in unwritten lan-
24 guages or languages not widely used in written

1 form, in consultation with relevant Tribal gov-
2 ernments;

3 “(F) collecting ballots from remote polling
4 locations, ballot collection boxes, and tribally
5 designated buildings;

6 “(G) carrying out any activities permitted
7 under paragraph (2) to improve accessibility for
8 American Indian and Alaska Native voters with
9 disabilities; and

10 “(H) providing voter education on the ac-
11 tivities carried out under this paragraph.

12 “(5) CURBSIDE VOTING.—The implementation
13 and promotion of curbside voting to allow individuals
14 to pick up ballots, complete them, and return them
15 to a poll worker from their vehicles.

16 “(6) FUNDING TO MEET MAXIMUM WAIT TIME
17 STANDARD AT POLLING LOCATIONS.—

18 “(A) IN GENERAL.—The implementation
19 of standards that reduce wait times at polling
20 locations.

21 “(B) CERTIFICATION REQUIREMENT.—In
22 the case where the State uses funds for pur-
23 poses described in subparagraph (A) with re-
24 spect to an election for Federal office, the State
25 shall certify to the Commission within 120 days

1 of the election that wait time standards were
2 met in the State with respect to such election.

3 “(7) FUNDING FOR PUBLICATION OF WAIT
4 TIMES.—

5 “(A) IN GENERAL.—The development or
6 implementation of an accessible, web-based
7 platform for the publication of wait times for
8 voting in Federal elections.

9 “(B) REQUIREMENT.—If a State uses
10 funds for a purpose described in subparagraph
11 (A), the State shall take reasonable steps before
12 using such platform in an election for Federal
13 office—

14 “(i) to provide advance training to
15 election workers regarding use of the plat-
16 form;

17 “(ii) to notify voters of the platform;
18 and

19 “(iii) to test and verify the security
20 and functionality of the platform.

21 “(8) METHODS TO IMPROVE LINE MANAGE-
22 MENT.—Implementing standards to improve line
23 management systems and polling place management.

1 “(9) STANDARDS FOR TRAINING AND RECRUIT-
2 MENT OF POLL WORKERS.—Providing for the train-
3 ing and recruitment of poll workers, including—

4 “(A) developing poll worker training cur-
5 ricula and standards for serving individuals
6 with disabilities and language minority voters;

7 “(B) ensuring that poll workers receive
8 training, which—

9 “(i) may include remote training; and

10 “(ii) may cover applicable Federal and
11 State laws and regulations, recent changes
12 in election laws and processes, election se-
13 curity and cyber vulnerabilities, ballot re-
14 views, incident response, polling accessi-
15 bility for language minorities and individ-
16 uals with disabilities, and COVID–19 pre-
17 paredness;

18 “(C) expanding the number of election
19 workers hired;

20 “(D) hiring individuals to serve as election
21 workers from among high school and college
22 students and, where feasible, compensating
23 such individuals with course credits; and

1 “(E) hiring work-eligible non-citizens to
2 satisfy the need for bilingual poll workers,
3 where language assistance is required by law.

4 “(10) IMPROVING ACCESS TO VOTER REGISTRA-
5 TION.—Improving access to voter registration, in-
6 cluding—

7 “(A) authorizing and implementing same
8 day registration;

9 “(B) ensuring that online voter registra-
10 tion systems are in place and have the capacity
11 to process registration applications electroni-
12 cally;

13 “(C) expanding online voter registration
14 systems to allow use by the maximum number
15 of individuals, including—

16 “(i) by allowing individuals to register
17 to vote without records in the department
18 of motor vehicle system of the State by
19 submitting their signatures online;

20 “(ii) by digitally uploading a picture
21 of the required signature;

22 “(iii) by allowing individuals to pro-
23 vide the required signature when voting at
24 the polls or when returning a mail-in bal-
25 lot; or

1 “(iv) by allowing individual to provide
2 a required signature with a mark or signa-
3 ture stamp or through the use of an assist-
4 ant because of age, disability, or other
5 need;

6 “(D) sending a voter registration mailer,
7 including a blank voter registration application,
8 a self-sealing prepaid return envelope, and in-
9 structions on additional methods to register if
10 the mailer is not accessible, to all eligible indi-
11 viduals with State records who are not cur-
12 rently registered to vote; and

13 “(E) testing capacity to ensure that exist-
14 ing online voter registration systems can with-
15 stand the likely increase in usage.

16 “(c) INTERAGENCY CONSULTATION.—Not later than
17 15 days after the date of enactment of this part, the Com-
18 mission shall—

19 “(1) consult with the Centers for Disease Con-
20 trol and Prevention on preventing transmission of
21 COVID–19 at polling places and election offices; and

22 “(2) consult with the Civil Rights Division of
23 the Department of Justice to ensure changes to vot-
24 ing procedures made pursuant to this part are non-
25 discriminatory and comply with applicable Federal

1 laws, including this Act, the Americans with Disabil-
2 ities Act of 1990 (42 U.S.C. 12101 et seq.), the Vot-
3 ing Accessibility for the Elderly and Handicapped
4 Act (42 U.S.C. 1973ee et seq.), the Voting Rights
5 Act of 1965 (52 U.S.C. 10301 et seq.), the National
6 Voter Registration Act of 1993 (52 U.S.C. 20501 et
7 seq.), and the Help America Vote Act of 2002 (52
8 U.S.C. 20901 et seq.).

9 **“SEC. 299. FUNDING; REPORTS.**

10 “(a) IN GENERAL.—There is authorized to be appro-
11 priated, out of any money in the Treasury not otherwise
12 appropriated, for the fiscal year ending September 30,
13 2022, for making payments under this part,
14 \$2,500,000,000. Such amount shall be in addition to other
15 amounts otherwise available for such purposes.

16 “(b) REPORTS.—Not later than one year after the
17 applicable election for which a payment was provided
18 under this part, each eligible State that received such
19 funds shall submit a report to the Commission on the ac-
20 tivities conducted using such payment and to substantiate
21 authorized activities described in section 298(b) carried
22 out using such funds. Not later than 30 days after receipt
23 of such reports, the Commission shall transmit such re-
24 ports to the Committee on Rules and Administration of

1 the Senate and the Committee on House Administration
2 of the House of Representatives.”.

3 (b) CLERICAL AMENDMENTS.—The table of contents
4 of such Act is amended by inserting after the item relating
5 to section 296 the following:

“PART VII—GRANT PROGRAM TO PROTECT IN-PERSON VOTING

“Sec. 297. Payments to States.

“Sec. 298. Eligibility for payment; authorized activities.

“Sec. 299. Funding; reports.”.

6 **TITLE VI—SAFE, ACCOUNTABLE,** 7 **FAIR, EFFECTIVE JUSTICE**

8 **SECTION 60101. SHORT TITLE.**

9 This title may be cited as the “Safe, Accountable,
10 Fair, Effective Justice Act” or the “SAFE Justice Act”.

11 **Subtitle A—Identifying and Reduc-** 12 **ing Over-Federalization and** 13 **Over-Criminalization By Re-** 14 **specting the Balance of Powers** 15 **Among the States and the Fed-** 16 **eral Government**

17 **SEC. 60111. COMPILATION AND PUBLICATION OF CRIMINAL** 18 **OFFENSES TO PROVIDE FAIR NOTICE TO AD-** 19 **DRESS OVER-FEDERALIZATION.**

20 (a) COMPILATION AND PUBLICATION OF CRIMINAL
21 OFFENSES.—Not later than 180 days after the date of
22 the enactment of this Act, and every year thereafter, the
23 Attorney General shall, in consultation with relevant enti-

1 ties within the executive branch, including independent
2 regulatory agencies, compile a publicly available and free
3 of charge listing of—

4 (1) the various Federal law violations that carry
5 criminal penalties;

6 (2) location/citation of the violation;

7 (3) the potential criminal penalty for a viola-
8 tion; and

9 (4) the mens rea required for the offense.

10 To ensure that individuals have fair notice of prohibited
11 conduct and the criminal penalties they bring, the Attor-
12 ney General shall publicize the existence of this database
13 and publish the database on the Department of Justice
14 website.

15 (b) OVERSIGHT TO ADDRESS OVER-FEDERALIZA-
16 TION.—Each executive branch agency must obtain the ex-
17 press prior approval of the Attorney General for each
18 added criminal penalty resulting from agency regulation.

19 **SEC. 60112. PROCEDURES TO REDUCE OVER-FEDERALIZA-**
20 **TION.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, in order to reduce over-
23 federalization and over-incarceration, the Attorney Gen-
24 eral shall create and implement procedures—

1 (1) to provide coordination by Federal prosecu-
2 tors and law enforcement agencies with other Fed-
3 eral agencies to determine—

4 (A) whether unlawful conduct that involves
5 the administrative competencies of other Fed-
6 eral agencies is best addressed by civil sanctions
7 or criminal charges; and

8 (B) if such conduct is best addressed by
9 criminal charges, whether diversion or criminal
10 prosecution is more appropriate; and

11 (2) to provide coordination by Federal prosecu-
12 tors and law enforcement agencies with State pros-
13 ecutors and law enforcement agencies to reduce du-
14 plicative Federal prosecutions of the same offender
15 for the same conduct that may be prosecuted at the
16 State level.

17 (b) REPORT BY INSPECTOR GENERAL.—Not later
18 than 1 year after the date of the enactment of this Act,
19 the Inspector General of the Department of Justice shall
20 report to the Congress, for the period beginning on the
21 date of the enactment of this Act and ending as closely
22 as feasible to the date on which the report is made, on—

23 (1) the number of cases referred from law en-
24 forcement or other agencies for Federal prosecution
25 in which the alleged unlawful conduct involved a vio-

1 lation of a regulation promulgated by a Federal
2 agency other than the Department of Justice; or

3 (2) the number of cases accepted for Federal
4 prosecution—

5 (A) by judicial district;

6 (B) by mens rea;

7 (C) by penalty imposed;

8 (D) by costs;

9 (3) the estimated Federal correctional costs of
10 those cases in prison bed-years;

11 (4) the number of cases declined for Federal
12 prosecution; and

13 (5) the number of cases accepted for Federal
14 prosecution by offense by judicial district, including
15 the offense's mens rea and criminal penalty imposed.

16 **SEC. 60113. PROCEDURES TO REDUCE PRETRIAL DETEN-**
17 **TION.**

18 (a) GUIDANCE BY ATTORNEY GENERAL.—Not later
19 than 180 days after the date of the enactment of this Act,
20 the Attorney General, in consultation with the Criminal
21 Law Committee of the Judicial Conference of the United
22 States, the United States Probation and Pretrial Services,
23 and a Federal public or community defender from the De-
24 fender Services Advisory Group, shall create and imple-
25 ment procedures to reduce over-incarceration due to the

1 unnecessary use of pretrial detention in certain cases in
2 order to—

- 3 (1) reduce overcrowding of pretrial detention
- 4 facilities; and
- 5 (2) reduce the cost of pretrial detention.

6 (b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT
7 IN CREATING PROCEDURES.—In carrying out subsection
8 (a), the Attorney General and the Director of the United
9 States Courts shall take into consideration in creating and
10 implementing their respective procedures—

11 (1) whether in Federal cases a summons in-
12 stead of an arrest should be the default procedure;

13 (2) whether in some or most cases where a
14 summons would not be sufficient, other least restric-
15 tive alternatives would be preferable to pretrial de-
16 tention;

17 (3) the need to avoid seeking bonds that offend-
18 ers are unable to meet, which is tantamount to seek-
19 ing pretrial detention;

20 (4) the extent to which pretrial detention re-
21 sults from the disproportionate pretrial detention of
22 individuals with fewer economic means;

23 (5) the impact of pretrial detention on loss of
24 employment and housing; and

1 (6) the need to avoid pretrial detention that is
2 not necessary to ensure the appearance of the de-
3 fendant as required and the safety of the public as
4 required under section 3142 of title 18, United
5 States Code.

6 (c) REPORT BY INSPECTOR GENERAL.—Not later
7 than 1 year after the date of the enactment of this Act,
8 the Inspector General of the Department of Justice shall
9 report to the Congress on the procedures created under
10 this section, and address whether and to what extent those
11 procedures are likely to accomplish their intended pur-
12 poses. In the report, the Inspector General may include
13 recommendations for further changes in procedures that
14 would better accomplish the purposes set forth in sub-
15 section (a), taking into account the considerations de-
16 scribed in subsection (b).

17 **SEC. 60114. ANNUAL REVIEW AND REPORTS OF THE CIT-**
18 **IZEN COMPLAINT PROCESS.**

19 The Office of the Inspector General shall—

20 (1) conduct an annual review of citizen com-
21 plaints to determine whether the Office of Profes-
22 sional Responsibility has taken appropriate discipli-
23 nary measures against prosecutors who have mis-
24 handled cases or engaged in misconduct; and

1 (2) publish in a report to Congress each case in
2 which any judge or court has found that a pros-
3 ecutor or law enforcement officer engaged in mis-
4 conduct, whether such a finding resulted in reversal,
5 vitiation, or vacatur of a conviction or sentence.

6 **SEC. 60115. FOCUSING FEDERAL CRIMINAL PENALTIES FOR**
7 **SIMPLE POSSESSION TO PLACES OF SPECIAL**
8 **FEDERAL INTEREST IN RECOGNITION OF**
9 **THE BALANCE OF POWER BETWEEN THE**
10 **FEDERAL GOVERNMENT AND THE STATES.**

11 Section 404 of the Controlled Substances Act (21
12 U.S.C. 844) is amended by inserting after “It shall be un-
13 lawful for any person” each place it appears the following:
14 “within the special maritime and territorial jurisdiction of
15 the United States (as defined for the purposes of title 18,
16 United States Code)”.

17 **Subtitle B—Creating a Perform-**
18 **ance-Incentive Funding Pro-**
19 **gram**

20 **SEC. 60201. CALCULATION OF SAVINGS.**

21 (a) CALCULATION OF REVOCATION BASELINE.—

22 (1) GENERAL RULE.—The Director of the Ad-
23 ministrative Office of the United States Courts, in
24 consultation with the Director of the Bureau of Pris-
25 ons and the United States Sentencing Commission,

1 shall calculate for each Federal judicial district a
2 baseline revocation rate.

3 (2) METHOD OF CALCULATION.—The baseline
4 revocation rate for a judicial district is the percent-
5 age equivalent of the ratio of the total number of
6 adult supervisees sent to prison from that district
7 during the baseline period to the total number of
8 adult supervisees sent to prison nationally during
9 the same period.

10 (3) DEFINITIONS.—In this subsection—

11 (A) the term “sent to prison” means sent
12 to Federal or State prison—

13 (i) for a revocation of probation or su-
14 pervised release; or

15 (ii) for a conviction of a new felony of-
16 fense.

17 (B) The term “baseline period” means the
18 period beginning January 1, 2012, and ending
19 December 31, 2014.

20 (b) ANNUAL REVOCATION CALCULATIONS.—At the
21 conclusion of the calendar year following the implementa-
22 tion of subsection (a), and every calendar year thereafter,
23 the Director of the Administrative Office of the United
24 States Courts, in consultation with the Director of the Bu-

1 reau of Prisons and the United States Sentencing Com-
2 mission shall calculate the following measures:

3 (1) AVERAGE REVOCATION COST.—The average
4 revocation cost, which is the average cost to incar-
5 cerate a supervisee revoked to prison in the previous
6 year, including average length of stay times average
7 marginal cost per day.

8 (2) NATIONWIDE REVOCATION RATE.—The na-
9 tionwide revocation rate, which is calculated as the
10 number of supervisees nationwide sent to prison in
11 the previous year as a percentage of the nationwide
12 supervision population as of June 30th of that year.

13 (3) DISTRICT REVOCATION RATES.—For each
14 judicial district, the district's revocation rate, which
15 is calculated as the number of supervisees from that
16 district sent to prison in the previous year as a per-
17 centage of the district's supervision population as of
18 June 30th of that year.

19 (4) REDUCTION IN REVOCATION RATE.—For
20 each judicial district, the reduction in revocation
21 rate is the number of adult supervisees from each
22 district not revoked to prison, which is calculated
23 based on the reduction in the district's revocation
24 rate as calculated under paragraph (3) from the dis-
25 trict's baseline revocation rate as calculated under

1 subsection (a). In making this estimate, the Director
2 of the Administrative Office of the United States
3 Courts, in consultation with the Director of the Bu-
4 reau of Prisons and the Judicial Conference of the
5 United States, may adjust the calculation to account
6 for changes in each district's caseload in the most
7 recent completed year as compared to the district's
8 adult supervision population during the years 2012
9 through 2014.

10 (c) CATEGORIZATION OF JUDICIAL DISTRICTS.—An-
11 nually, at the conclusion of each calendar year, the Direc-
12 tor of the Administrative Office of the United States
13 Courts, in consultation with the Director of the Bureau
14 of Prisons and the United States Sentencing Commission,
15 shall assign the appropriate supervision revocation tier to
16 each judicial district for which it was estimated that the
17 judicial district successfully reduced its revocation rate, as
18 provided by subsection (b)(4). The tiers are defined for
19 the purposes of this subtitle as follows:

20 (1) TIER 1.—A tier 1 district is one which has
21 a district revocation rate, as defined in subsection
22 (b)(3), that is no more than 25 percent higher than
23 the nationwide revocation rate, as defined in sub-
24 section (b)(2).

1 (2) TIER 2.—A tier 2 district is one which has
2 a district revocation rate, as defined in subsection
3 (b)(3), that is more than 25 percent above the na-
4 tionwide revocation rate, as defined in subsection
5 (b)(2).

6 **SEC. 60202. DISTRIBUTION OF PERFORMANCE INCENTIVE**
7 **FUNDING.**

8 (a) DISTRIBUTION OF REVOCATION REDUCTION IN-
9 CENTIVE PAYMENTS.—Annually, the Director of the Ad-
10 ministrative Office of the United States Courts, in con-
11 sultation with the Director of the Bureau of Prisons and
12 the United States Sentencing Commission, shall calculate
13 a revocation reduction incentive payment for each eligible
14 judicial district, pursuant to section 60201, for the most
15 recently completed calendar year, as follows:

16 (1) REVOCATION REDUCTION INCENTIVE PAY-
17 MENTS FOR TIER 1 DISTRICTS.—For a tier 1 dis-
18 trict, the district's revocation reduction incentive
19 payment is equal to the estimated number of
20 supervisees successfully prevented from being sent to
21 prison, as defined by section 60201(b)(4) multiplied
22 by 45 percent of the costs to the Director of the Bu-
23 reau of Prisons to incarcerate a supervisee who is
24 revoked to prison, as defined in section 60201(b)(1).

1 (2) REVOCATION REDUCTION INCENTIVE PAY-
2 MENTS FOR TIER 2 DISTRICTS.—For a tier 2 judicial
3 district, its revocation rate shall equal the estimated
4 number of supervisees successfully prevented from
5 being sent to prison, as defined by section
6 60201(b)(4) multiplied by 40 percent of the costs to
7 the Bureau of Prisons to incarcerate in prison a su-
8 pervisee whose supervision is revoked.

9 (b) DISTRIBUTION OF GRANTS FOR HIGH-PER-
10 FORMING DISTRICTS.—

11 (1) FUNDING RESERVED FOR HIGH-PER-
12 FORMING DISTRICTS.—Annually, the Director of the
13 Administrative Office of the United States Courts,
14 in consultation with the Director of the Bureau of
15 Prisons and the United States Sentencing Commis-
16 sion, shall calculate 5 percent of the total savings at-
17 tributed to those districts that successfully reduce
18 the number of supervisees revoked to prison for the
19 purposes of providing high-performance grants.

20 (2) ELIGIBILITY.—A judicial district is eligible
21 for a high-performance grant if it is a district—

22 (A) with supervisee revocation rates more
23 than 50 percent below the nationwide average
24 in the most recently completed calendar year;
25 and

1 (B) that has not exceeded the national rev-
2 ocation rate for the past three calendar years.

3 (3) ADMINISTRATION OF GRANTS FOR HIGH-
4 PERFORMING DISTRICTS.—

5 (A) The Administrative Office of the
6 United States Courts may make a high per-
7 formance grant to a district in a year in which
8 that district does not also receive a supervision
9 revocation reduction payment under subsection
10 (a).

11 (B) The chief probation officer, in con-
12 sultation with the chief judge, in a judicial dis-
13 trict that qualifies for both a high performance
14 grant and a supervision revocation reduction
15 payment shall inform the Administrative Office
16 of the United States Courts, by a date des-
17 ignated by the Administrative Office of the
18 United States Courts, whether the judicial dis-
19 trict should receive the high performance grant
20 or the supervision failure reduction incentive
21 payment.

22 (C) The Administrative Office of the
23 United States Courts shall seek to ensure that
24 each qualifying judicial district that submits a
25 qualifying application for a high performance

1 grant receives a proportionate share of the
2 grant funding available, based on the popu-
3 lation of adults age 18 to 25, inclusive, in that
4 judicial district.

5 (c) PAYMENTS.—The Administrative Office of the
6 United States Courts shall disburse the revocation reduc-
7 tion incentive payments and high performance grants cal-
8 culated for any calendar year to judicial districts in the
9 following fiscal year.

10 **SEC. 60203. USE OF PERFORMANCE INCENTIVE FUNDING.**

11 (a) ESTABLISHMENT OF A SUPERVISION PERFORM-
12 ANCE INCENTIVE FUND.—Each district probation office
13 is hereby authorized to establish a Supervision Perform-
14 ance Incentive Fund (hereinafter in this section referred
15 to as the “Fund”), to receive all amounts allocated to the
16 judicial district for the purposes of implementing this sec-
17 tion. In any fiscal year for which a district probation office
18 receives sums to be expended for the implementation of
19 this section, those sums, including any interest, shall be
20 made available to the chief probation officer of that dis-
21 trict probation office, not later than 30 days after the de-
22 posit of those moneys into the fund.

23 (b) AUTHORIZED USE OF FUNDS.—Funds received
24 through appropriations for the purposes of this subtitle
25 shall be used by the chief probation officer or his designee

1 to provide supervision and rehabilitative services for Fed-
2 eral supervisees, and shall be spent on implementing or
3 enhancing evidence-based community corrections practices
4 and programs, which may include the following:

5 (1) Implementing and expanding evidence-based
6 risk and needs assessments.

7 (2) Implementing and expanding the use of
8 graduated sanctions pursuant to [section 3609].

9 (3) Implementing and expanding treatment and
10 services associated with problem-solving courts that
11 are proven to reduce recidivism among the targeted
12 population.

13 (4) Expanding the availability of evidence-based
14 rehabilitation programs, including drug and alcohol
15 treatment, mental health treatment, employment
16 programs, services for victims of domestic violence,
17 services for veterans, and cognitive behavioral ther-
18 apy.

19 (5) Expanding the availability, in terms of
20 hours and geographic locations, of day reporting
21 centers and the reporting hours of existing probation
22 offices to accommodate supervisees' work, education,
23 and/or child care schedules.

1 (6) Hiring social workers to assist supervisees
2 in applications for social services and programs on
3 the local, State, and Federal level.

4 (7) Evaluating the effectiveness of rehabilita-
5 tion and supervision programs and ensuring pro-
6 gram fidelity.

7 (c) MANDATORY EVALUATION.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the chief probation officer, in consultation
10 with the chief judge of the judicial district, shall de-
11 vote at least 5 percent of all funding received
12 through the Fund to evaluate the effectiveness of
13 those programs and practices implemented or ex-
14 panded with the funds provided pursuant to this sec-
15 tion.

16 (2) WAIVER OF REQUIREMENT.—A chief proba-
17 tion officer may petition the Administrative Office of
18 the United States Courts for waiver of this restric-
19 tion, and the Administrative Office of the United
20 States Courts shall have the authority to grant such
21 a petition, if the Chief Probation Officer can dem-
22 onstrate that the department is already devoting suf-
23 ficient funds to the evaluation of these programs and
24 practices.

1 (d) ACCOUNTING.—The head of each district proba-
2 tion office receiving amounts from the Fund shall provide
3 for a separate accounting of those amounts sufficient to
4 evaluate the effectiveness of each program.

5 **SEC. 60204. DEFINITIONS.**

6 In this subtitle:

7 (1) CHIEF JUDGE.—The term “chief judge”
8 with respect to a district court means the chief judge
9 of that court, or the judge of that court if there is
10 only one judge.

11 (2) CHIEF PROBATION OFFICER.—The term
12 “chief probation officer” means the probation officer
13 designated by the court to direct the work of all pro-
14 bation officers serving in the judicial district.

15 (3) COMMUNITY CORRECTIONS PROGRAM.—The
16 term “community corrections program” means an
17 evidence-based recidivism reduction program estab-
18 lished pursuant to this subtitle, consisting of a sys-
19 tem of services dedicated to all of the following
20 goals:

21 (A) Enhancing public safety through the
22 management and reduction of a supervisee’s
23 risk of recidivism while under supervision.

24 (B) Supporting supervisees’ achievement of
25 stability of employment and housing by using a

1 range of supervision tools, sanctions, and serv-
2 ices applied to supervisees for the purpose of re-
3 ducing criminal conduct and promoting behav-
4 ioral change that reduces recidivism and pro-
5 motes the successful reintegration of offenders
6 into the community.

7 (C) Holding offenders accountable for their
8 criminal behaviors and for successful compli-
9 ance with applicable court orders and conditions
10 of supervision.

11 (D) Improving public safety outcomes for
12 persons placed on supervision, as measured by
13 their successful completion of supervision and
14 commensurate reduction in the rate of
15 supervisees sent to prison as a result of a rev-
16 ocation or conviction for a new crime.

17 (4) EVIDENCE-BASED PRACTICES.—The term
18 “evidence-based practices” means supervision poli-
19 cies, procedures, programs, and practices that sci-
20 entific research demonstrates reduce recidivism
21 among people on probation or supervised release.

22 (5) SUPERVISEE.—The term “supervisee” has
23 the meaning given that term in section 3609 of title
24 18, United States Code.

1 (6) SUPERVISION.—The term “supervision” has
2 the meaning given that term in section 3609 of title
3 18, United States Code.

4 (7) REVOCATION.—The term “revocation”
5 means a judicial process to revoke supervision that
6 imposes confinement.

7 **Subtitle C—Addressing Informa-**
8 **tion Disparity and Accuracy in**
9 **Criminal Prosecutions to Pro-**
10 **tect Innocence More Robustly**
11 **and to Reduce the Number of**
12 **Wrongful Convictions**

13 **SEC. 60301. FINDINGS AND DECLARATIONS.**

14 The Congress finds and declares the following:

15 (1) The goal of a law enforcement investigation
16 is to apprehend the person or persons responsible for
17 the commission of a crime.

18 (2) Mistaken eyewitness identification has been
19 shown to have contributed to the wrongful conviction
20 in 72 percent of the Nation’s 330 DNA exonerations
21 of innocent persons, including 20 who served time on
22 death row and 30 who pled guilty. These innocents
23 served an average of 13.5 years in prison before ex-
24 oneration and release. No one benefits from a
25 wrongful conviction—except the real perpetrator,

1 who remains free to commit additional crimes. In
2 half of the exoneration cases, the process of settling
3 the innocence claim led to the identification of the
4 real perpetrator. Over 140 violent crimes could have
5 been prevented had the real perpetrator been identi-
6 fied instead of the innocent.

7 (3) Over the past 30 years, a large body of
8 peer-reviewed, scientific research and practice has
9 emerged showing that simple systemic changes can
10 protect the innocent and the public by increasing the
11 accuracy of the evidence used to support a conviction
12 beyond a reasonable doubt. These reforms are—

13 (A) improving the accuracy of eyewitness
14 identification;

15 (B) preserving and analyzing forensic evi-
16 dence;

17 (C) recording confessions and interroga-
18 tions;

19 (D) regulating, disclosing, and video re-
20 cording informant or cooperator testimony;

21 (E) improving the quality of defense coun-
22 sel;

23 (F) providing for post-conviction DNA
24 testing for all applicants for whom DNA has
25 the potential to prove innocence; and

1 (G) increasing compensation to the wrong-
2 fully convicted.

3 (4) Policies and procedures to improve the ac-
4 curacy of eyewitness identifications such as those
5 recommended by the National Academy of Sciences,
6 the United States National Institute of Justice, the
7 International Association of Chiefs of Police, and the
8 American Bar Association are readily available.

9 (5) More accurate eyewitness identifications in-
10 crease the ability of police and prosecutors to convict
11 the guilty and protect the innocent.

12 (6) The integrity of the criminal justice process
13 is enhanced by adherence to best practices in evi-
14 dence gathering.

15 (7) Federal, State, and local governments will
16 benefit from the improvement of the accuracy of eye-
17 witness identifications.

18 (8) The value of properly preserved biological
19 evidence has been enhanced by the discovery of mod-
20 ern DNA testing methods, which, coupled with a
21 comprehensive system of DNA databases that store
22 crime scene and offender profiles, allow law enforce-
23 ment to improve its crime-solving potential.

24 (9) Tapping the potential of preserved biological
25 evidence requires the proper identification, collection,

1 preservation, storage, cataloguing and organization
2 of such evidence.

3 (10) Law enforcement agencies indicate that
4 “cold” case investigations are hindered by an inability
5 to access biological evidence that was collected in
6 connection with criminal investigations.

7 (11) Innocent people mistakenly convicted of
8 the serious crimes for which biological evidence is
9 probative cannot prove their innocence if such evidence
10 is not accessible for testing in appropriate circumstances.
11

12 (12) It is well established that the failure to update
13 policies regarding the preservation of evidence
14 squanders valuable law enforcement resources, manpower
15 hours and storage space.

16 (13) Simple but crucial enhancements to protocols
17 for properly preserving biological evidence can
18 solve old crimes, enhance public safety and settle
19 claims of innocence.

20 (14) Existing Federal, State, and local laws still
21 erect procedural hurdles that result in some potentially
22 innocent applicants being barred from seeking
23 DNA testing after a conviction has been imposed despite
24 enduring probative value of DNA evidence.

1 (15) During his 2005 State of the Union ad-
2 dress, President George W. Bush urged that, “[i]n
3 America, we must make doubly sure no person is
4 held to account for a crime he or she did not com-
5 mit, so we are dramatically expanding the use of
6 DNA evidence to prevent wrongful conviction”.

7 (16) United States Attorney General Eric Hold-
8 er expressed his hope, in the interest of justice and
9 identifying the true perpetrators of crimes, that “all
10 levels of government will follow the Federal Govern-
11 ment’s lead by working to expand access to DNA
12 evidence”.

13 (17) Emerging DNA testing technologies can
14 enhance the quality of justice.

15 (18) The scientifically reliable results of DNA
16 testing provide the certainty and finality that bolster
17 the public’s trust in our Federal, State, and local
18 criminal justice systems.

19 (19) In addition to the wrongfully convicted and
20 their families, crime victims, law enforcement, pros-
21 ecutors, courts and the public are harmed whenever
22 individuals guilty of crimes elude justice while inno-
23 cent individuals are imprisoned for crimes they did
24 not commit.

1 (20) Our Federal, State, and local governments
2 must enhance their technology to increase the
3 amount of testable, biological evidence and enhance
4 their existing post-conviction DNA testing statutes
5 so that all applicants for whom DNA testing has the
6 potential to prove a claim of innocence will have the
7 opportunity to obtain such testing.

8 (21) Properly audio and video recorded custo-
9 dial interrogations provide the best evidence of the
10 communications that occurred during an interroga-
11 tion; prevent disputes about how an officer con-
12 ducted himself or treated a suspect during the
13 course of an interrogation; prevent disputes about
14 the account of events the defendant originally pro-
15 vided to law enforcement; spare judges and jurors
16 the time necessary and need to assess which account
17 of an interrogation to believe; and enhance public
18 confidence in the criminal process. It is therefore the
19 Congress' intent to require the video and audio re-
20 cording of all custodial interrogations in Federal law
21 enforcement agencies.

22 (22) An informant is a person who was not a
23 victim of a crime who offers to provide information
24 or assistance to law enforcement in exchange for le-
25 niency or some other benefit. The testimony of in-

1 formants, who have reason to seek leniency from the
2 criminal justice system in exchange for their testi-
3 mony, is inherently suspect. However, truthful in-
4 formant testimony may still be important in solving
5 crimes.

6 (23) Rewarding informants, either tacitly or ex-
7 plicitly, by the Government produces dangerous in-
8 centives to manufacture or fabricate testimony.
9 Thus, it is incumbent upon the judicial system to as-
10 sess whether informant testimony is reliable.

11 (24) The use of informant testimony without a
12 system to properly assess its reliability or corrobo-
13 rate its substance provides fertile ground for ob-
14 struction of the fair administration of justice.

15 (25) Therefore, a system to properly assess the
16 reliability of informant testimony, including, but not
17 limited to audio and video recording of all state-
18 ments provided by informants, should be developed.

19 (26) The failure to properly educate law en-
20 forcement, defense lawyers, prosecutors, judges, ju-
21 ries, and other fact investigators and fact finders
22 about the vulnerabilities inherent in informant testi-
23 mony enables improper consideration of such testi-
24 mony, which can seriously undermine the integrity of
25 our criminal justice system.

1 **SEC. 60302. ACCURACY AND RELIABILITY OF EVIDENCE IN**
2 **CRIMINAL CASES; ADDRESSING INFORMA-**
3 **TION DISPARITY IN CRIMINAL CASES.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Attorney General shall,
6 in consultation with the Federal Public or Community De-
7 fender from the Defender Services Advisory Group, the
8 American Bar Association, the American Law Institute,
9 and other expert organizations, including the Innocence
10 Project and the National District Attorneys Association,
11 create training and best practices to be implemented by
12 Federal prosecutors and law enforcement officers prior to
13 trial, consistent with the constitutional rights of the de-
14 fendant, that increase protection for the innocent by re-
15 ducing the inaccuracy and unreliability of evidence relied
16 upon in criminal cases, including—

17 (1) procedures and protocols for collecting,
18 marking, preserving, cataloguing, and handling evi-
19 dence;

20 (2) training on interrogation to eliminate coer-
21 cive tactics that lead to false or unreliable confes-
22 sions;

23 (3) training on interviewing witnesses to elimi-
24 nate suggestive tactics that lead to false or unreli-
25 able identifications and memories;

1 (4) training to eliminate cross-racial identifica-
2 tion mistakes and collaborating on the criteria for
3 expert testimony and parameters for model jury in-
4 structions on cross-racial identification;

5 (5) training to avoid and discourage the use of
6 unreliable informant or cooperator testimony;

7 (6) requiring audio and video recording of all
8 interviews and interrogations in connection with any
9 defendant's prosecution;

10 (7) promoting a fair and expeditious disposition
11 of the charges, whether by diversion, plea, or trial,
12 consistent with defendants' constitutional rights;

13 (8) providing the defendant with sufficient in-
14 formation to make an informed plea;

15 (9) permitting the defendant to thoroughly pre-
16 pare for trial and minimize surprise at trial by pro-
17 viding prompt discovery to the defendant;

18 (10) reducing interruptions and complications
19 during trial to the extent practicable and avoid un-
20 necessary and repetitious trials by identifying and
21 resolving evidentiary disputes prior to trial;

22 (11) increasing the funding and resources for
23 court-appointed counsel to minimize the procedural
24 and substantive inequities among similarly situated
25 defendants, particularly between defendants rep-

1 resented by court-appointed counsel, pursuant to 18
2 U.S.C. 3006A, and defendants represented by pri-
3 vately retained counsel; and

4 (12) minimizing the burden upon victims, wit-
5 nesses, counsel, and the taxpayer.

6 (b) INITIAL DISCLOSURE TO DEFENDANTS.—The
7 Attorney General shall instruct Federal prosecutors and
8 law enforcement agents, upon request by the defendant
9 and not later than 14 days after such request, to permit
10 the defendant to inspect and to copy or photograph the
11 full contents of all investigative and case files, excepting
12 only privileged material or attorney work product, to per-
13 mit inspection, copying, testing, and photographing of dis-
14 closed documents or tangible objects, including the fol-
15 lowing documents or tangible objects:

16 (1) All relevant recorded, written, and oral
17 statements of the defendant or of any codefendant
18 that are within the possession or control of the Gov-
19 ernment, and any documents relating to the acquisi-
20 tion of such statements.

21 (2) The names and addresses of all persons
22 known to the Government to have information con-
23 cerning the offense charged, together with all writ-
24 ten statements of any such person that are within
25 the possession or control of the Government and

1 that relate to the subject matter of the offense
2 charged.

3 (3) The identity of persons the Government in-
4 tends to call as witnesses at trial.

5 (4) Any information regarding any inquiry, so-
6 licitation, or agreement between the Government and
7 any individual that constitutes an inquiry into or so-
8 licitation of cooperation or testimony of the indi-
9 vidual.

10 (5) Any reports or written statements of any
11 expert the Government intends to call as a witness
12 at trial, including results of physical or mental ex-
13 aminations, scientific tests, experiments, compari-
14 sons, a written description of the substance of the
15 proposed testimony of the expert, the expert's opin-
16 ion, and the underlying basis of that opinion, if that
17 report or written statement of the expert is material
18 to preparing the defense or the Government intends
19 to use the item in its case-in-chief at trial. At the
20 defendant's request, the Government must give to
21 the defendant a written summary of any testimony
22 that the Government intends to use under the Fed-
23 eral Rules of Evidence during its case-in-chief at
24 trial. If the Government requests discovery under
25 rule 16(b)(1)(C)(ii) of the Federal Rules of Criminal

1 Procedure and the defendant complies, the Govern-
2 ment must, at the defendant's request, give to the
3 defendant a written summary of testimony that the
4 Government intends to use the Federal Rules of Evi-
5 dence as evidence at trial on the issue of the defend-
6 ant's mental condition. The summary provided
7 under this paragraph must describe the witness's
8 opinions, the bases and reasons for those opinions,
9 and the witness's qualifications.

10 (6) Any tangible objects, including books, pa-
11 pers, documents, photographs, buildings, places, or
12 any other objects, which pertain to the case or which
13 were obtained from or belong to the defendant, and
14 the identity of any tangible objects if the item is ma-
15 terial to preparing the defense or the Government
16 intends to use the item in its case-in-chief at trial.

17 (7) Any record of prior criminal convictions,
18 pending charges, or probationary status of the de-
19 fendant or of any codefendant or cooperating wit-
20 ness, and insofar as known to the Government, any
21 record of convictions, pending charges, or proba-
22 tionary status that may be used to impeach of any
23 witness to be called by either party at trial.

24 (8) Any material, documents, or information re-
25 lating to lineups, showups, and picture or voice iden-

1 tifications, if it is relevant to preparing the defense
2 or the Government intends to use the item in its
3 case-in-chief.

4 (9) Any material or information within the Gov-
5 ernment's possession or control which tends to ne-
6 gate the guilt of the defendant as to the offense
7 charged or would tend to mitigate punishment of the
8 defendant.

9 (10) Any evidence of character, reputation, or
10 other conduct of the defendant that the Government
11 has investigated.

12 (11) If the defendant's conversations or prem-
13 ises were subject to electronic surveillance (including
14 wiretapping) in connection with the investigation or
15 prosecution of the case, any transcripts, notes,
16 memos, recordings, or other materials derived from
17 such surveillance.

18 (12) Any tangible object obtained through a
19 search and seizure, including any information, docu-
20 ments, or other material relating to the acquisition
21 of that object, if the object, information, or docu-
22 ment, or material is material to preparing the de-
23 fense or the Government intends to use that object,
24 information, document, or material in its case-in-
25 chief.

1 (13) Any evidence that a forensic technician,
2 laboratory, or facility involved in the case has been
3 responsible for an unreliable forensic analysis or
4 questionable conviction in the past.

5 (c) PROMPT DISCLOSURE OF ADDITIONAL INFORMA-
6 TION LATER ADDED TO THE INVESTIGATIVE OR CASE
7 FILE.—Upon completing the initial disclosure required
8 under subsection (b), the Government shall, not later than
9 14 days after information of the sort described in sub-
10 section (b) is added to the investigative or case file, dis-
11 close the full contents of that additional information, ex-
12 cepting only privileged material or attorney work product,
13 to permit inspection, copying, testing, and photographing
14 of disclosed documents or tangible objects, including the
15 documents or tangible objects described in subsection (b),
16 irrespective of whether the Government intends to rely on
17 such information at trial and irrespective of whether or
18 not the Government considers such information material
19 or exculpatory.

20 (d) PROTECTIVE ORDER.—

21 (1) IN GENERAL.—Upon written application by
22 the Government, the court may grant a protective
23 order limiting the scope or timing of disclosure re-
24 quired by this section, or limiting the persons to
25 whom such disclosure may be made or disseminated.

1 (2) REQUIREMENTS FOR GRANTING.—The ap-
2 plication shall be granted only to the extent the Gov-
3 ernment demonstrates that such disclosure would
4 cause—

5 (A) a particularized and substantial risk of
6 physical harm or intimidation to any person;

7 (B) the release of information that would
8 compromise a significant national security in-
9 terest; or

10 (C) the violation of privacy rights, pro-
11 tected by Federal law, of a non-law-enforcement
12 witness.

13 (3) NATURE OF ORDER IF GRANTED.—If grant-
14 ed, the protective order shall be narrowly tailored to
15 limit the scope, timing or extent of disclosure only
16 to the extent necessary to address the particularized
17 need for delayed, limited or nondisclosure, while pro-
18 tecting the defendant's right to prepare for trial or
19 sentencing to the extent possible.

20 (4) APPLICATION MAY BE EX PARTE.—The
21 written application may be made ex parte so long as
22 the Government provides notice to the defendant of
23 the general nature of the application, and the de-
24 fendant is given an opportunity to be heard on
25 whether an ex parte application is necessary, wheth-

1 er any protective order is warranted, and the param-
2 eters of any protective order. If the application re-
3 mains sealed, it shall be preserved in the record for
4 appellate review.

5 **SEC. 60303. NOTIFICATION RELATING TO FORENSIC, PROS-**
6 **ECUTORIAL, OR LAW ENFORCEMENT MIS-**
7 **CONDUCT.**

8 (a) NOTICE.—Not later than 30 days after a finding
9 by the Attorney General that a Federal prosecutor or law
10 enforcement officer involved in a Federal criminal case has
11 engaged in misconduct or a Federal forensic facility or
12 technician has provided flawed analysis or testimony, the
13 Attorney General shall inform each defendant in whose
14 case that prosecutor, law enforcement officer, forensic fa-
15 cility, or forensic technician was involved.

16 (b) ACCESS TO EVIDENCE AND CASE FILES FOR NO-
17 TIFIED PERSONS.—The Attorney General shall permit no-
18 tified defendants and their counsel access to—

19 (1) the forensic evidence underlying the defend-
20 ant's case to be re-tested by another validated Gov-
21 ernment facility as well as by the defendant's inde-
22 pendent forensic expert at the Government's ex-
23 pense; and

1 (2) the investigative and prosecutorial case file
2 in the defendant's case, including any attorney work
3 product.

4 (c) FAILURE TO COMPLY.—The Attorney General's
5 failure to comply with any requirement of this section enti-
6 tles the defendant to appropriate judicial relief.

7 (d) HABEAS RELIEF.—A defendant who receives a
8 notice under subsection (a) and whose conviction has be-
9 come final is entitled to seek judicial relief under section
10 2255 of title 28, United States Code, notwithstanding any
11 procedural limitation or bar to such relief, so long as the
12 defendant exercised due diligence in seeking relief after
13 receiving the notice described in subsection (a).

14 **SEC. 60304. REMEDIES.**

15 (a) WITHIN THE DEPARTMENT OF JUSTICE.—The
16 Attorney General shall take appropriate disciplinary meas-
17 ures to sanction any failure of a Federal prosecutor or
18 law enforcement officer to comply in good faith with the
19 procedures and requirements created by or under this sub-
20 title.

21 (b) JUDICIAL REMEDY.—The court may exclude from
22 trial any evidence involved in a failure of a Federal pros-
23 ecutor or law enforcement officer to comply in good faith
24 with the procedures and requirements created by or under
25 this title.

1 **SEC. 60305. TOOLKITS FOR STATE AND LOCAL GOVERN-**
2 **MENT.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Attorney General shall provide tool-
5 kits regarding training in best practices developed under
6 this title to State and local governments and encourage
7 them to adopt these practices to reduce the likelihood of
8 wrongful conviction.

1 **Subtitle D—Concentrating Prison**
2 **Space on Violent and Career**
3 **Criminals**

4 **PART 1—RESTORING ORIGINAL CONGRESSIONAL**
5 **INTENT TO FOCUS FEDERAL DRUG MANDA-**
6 **TORY MINIMUMS ONLY ON MANAGERS, SU-**
7 **PERVISORS, ORGANIZERS, AND LEADERS OF**
8 **DRUG TRAFFICKING ORGANIZATIONS AND**
9 **TO AVOID DUPLICATIVE PROSECUTION WITH**
10 **STATES**

11 **SEC. 60401. FOCUSING THE APPLICATION OF FEDERAL**
12 **MANDATORY MINIMUMS FOR CERTAIN DRUG**
13 **OFFENSES TO RESTORE ORIGINAL CONGRES-**
14 **SIONAL INTENT RESPECTING THE BALANCE**
15 **OF POWER BETWEEN THE FEDERAL GOVERN-**
16 **MENT AND THE STATES.**

17 (a) CONTROLLED SUBSTANCES ACT.—Section 401 of
18 the Controlled Substances Act (21 U.S.C. 841) is amend-
19 ed by adding at the end the following:

20 “(i) CLARIFYING CONGRESSIONAL INTENT REGARD-
21 ING APPLICATION OF CERTAIN PENALTIES.—(1) The
22 penalties set forth in subparagraph (A) of subsection
23 (b)(1) apply only if—

1 “(A) the type and quantity of the controlled or
2 counterfeit substance violates subparagraph (A) of
3 subsection (b)(1); and

4 “(B) the defendant was an organizer or leader
5 of a drug trafficking organization.

6 “(2) The penalties set forth in subparagraph (B) of
7 subsection (b)(1) apply only if—

8 “(A) the type and quantity of the controlled or
9 counterfeit substance violates subparagraph (B) of
10 subsection (b)(1); and

11 “(B) the defendant was an organizer, leader,
12 manager, or supervisor of a drug trafficking organi-
13 zation.

14 “(3) The penalties set forth in subparagraph (C) of
15 subsection (b)(1) apply only if—

16 “(A) the type and quantity of the controlled or
17 counterfeit substance violates subparagraph (A),
18 (B), or (C) of subsection (b)(1); and

19 “(B) the defendant was not a leader, organizer,
20 manager, or supervisor of a drug trafficking organi-
21 zation.

22 “(4) The penalties set forth in subsection (b)(1)(D)
23 apply only if—

24 “(A) the defendant’s conduct does not violate
25 paragraphs (1) through (3);

1 “(B) the defendant’s role was not minor or
2 minimal; and

3 “(C) the defendant is not a leader, organizer,
4 manager, or supervisor of or otherwise employed by
5 a drug trafficking organization.

6 “(5) The penalties set forth in section 404 of the
7 Controlled Substances Act shall apply to prosecutions
8 under this section if—

9 “(A) the defendant’s conduct does not violate
10 paragraphs (1) through (3); and

11 “(B) the defendant’s role was minor or mini-
12 mal.

13 Notwithstanding subsection (b)(1)(D) or paragraph (4) or
14 (5) of this subsection, any person who violates subsection
15 (a) of this section by distributing a small amount of mari-
16 juana for no remuneration shall be treated as provided in
17 section 404 of the Controlled Substances Act and section
18 3607 of title 18, United States Code.”.

19 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
20 ACT.—Section 1010(b) of the Controlled Substances Im-
21 port and Export Act (21 U.S.C. 960(b)) is amended so
22 that paragraph (5) reads as follows:

23 “(5) In the case of a violation of subsection (a)
24 involving a controlled substance in schedule III, such
25 person shall be sentenced in accordance with para-

1 graphs (1) through (4) of this subsection and sub-
2 section (e).”.

3 (c) CLARIFYING ORIGINAL CONGRESSIONAL INTENT
4 REGARDING APPLICATION OF CERTAIN PENALTIES.—
5 Section 1010 of the Controlled Substances Import and Ex-
6 port Act (21 U.S.C. 960) is amended by adding at the
7 end the following:

8 “(e) CLARIFYING ORIGINAL CONGRESSIONAL INTENT
9 REGARDING APPLICATION OF PENALTIES UNDER THE
10 CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

11 “(1) The penalties set forth in paragraph (1) of
12 subsection (b) apply only if—

13 “(A) type and quantity of the controlled or
14 counterfeit substance violates paragraph (1) of
15 subsection (b); and

16 “(B) the defendant was an organizer or
17 leader of a drug trafficking organization.

18 “(2) The penalties set forth in paragraph (2) of
19 subsection (b) apply only if—

20 “(A) the type and quantity of the con-
21 trolled or counterfeit substance violates para-
22 graph (2) of subsection (b); and

23 “(B) the defendant was an organizer, lead-
24 er, manager, or supervisor of a drug trafficking
25 organization.

1 “(3) The penalties set forth in paragraph (3) of
2 subsection (b) apply only if—

3 “(A) the type and quantity of the con-
4 trolled or counterfeit substance violates para-
5 graph (1), (2), or (3) of subsection (b); and

6 “(B) the defendant was not a leader, orga-
7 nizer, manager, or supervisor of a drug traf-
8 ficking organization.

9 “(4) The penalties set forth in paragraph (4) of
10 subsection (b) apply only if—

11 “(A) the defendant’s conduct does not vio-
12 late paragraphs (1) through (3);

13 “(B) the defendant’s role was not minor or
14 minimal; and

15 “(C) the defendant is not a leader, orga-
16 nizer, manager, or supervisor of or otherwise
17 employed by a drug trafficking organization.

18 “(5) The penalties set forth in section 404 of
19 the Controlled Substances Act shall apply to pros-
20 ecutions under section 1010(b) of this Act if—

21 “(A) the defendant’s conduct does not vio-
22 late paragraphs (1) through (3); and

23 “(B) the defendant’s role was minor or
24 minimal.

1 “(6) Notwithstanding paragraph (4) of sub-
2 section (b) or paragraph (4) or (5) of this sub-
3 section, whoever violates subsection (a) of this sec-
4 tion by distributing a small amount of marijuana for
5 no remuneration shall be treated as provided in sec-
6 tion 404 of the Controlled Substances Act and sec-
7 tion 3607 of title 18, United States Code.”.

8 (d) DEFINITIONS.—Section 102 of the Controlled
9 Substances Act is amended by adding at the end the fol-
10 lowing:

11 “(58)(A) The term ‘participant’ means a person
12 who is criminally responsible for the commission of
13 the offense, and does not include a law enforcement
14 officer or a person acting on behalf of law enforce-
15 ment.

16 “(B) The term ‘organizer’ or ‘leader’ means a
17 person who, over a significant period of time—

18 “(i) exercised primary decision-making au-
19 thority over the most significant aspects of the
20 criminal activity;

21 “(ii) engaged in significant planning of the
22 acquisition or distribution of large quantities of
23 drugs or sums of money for the initiation and
24 commission of the offense;

25 “(iii) recruited and paid accomplices;

1 “(iv) delegated tasks to other participants
2 on a regular basis;

3 “(v) received a significantly larger share of
4 the proceeds of the criminal activity than other
5 participants; and

6 “(vi) exercised supervisory control or au-
7 thority over at least four other participants in
8 the criminal activity who meet the definition of
9 ‘manager’ or ‘supervisor’ in subsection (d)(3)
10 over a substantial period of time.

11 “(C) The term ‘manager’ or ‘supervisor’ means
12 a person who, over a significant period of time—

13 “(i) exercised some decision-making au-
14 thority over significant aspects of the criminal
15 activity;

16 “(ii) received a larger share of the pro-
17 ceeds of the criminal activity than most other
18 participants; and

19 “(iii) provided ongoing, day-to-day super-
20 vision of, or specialized training to, at least four
21 other participants over a substantial period of
22 time.

23 “(D) When used with regards to a defendant’s
24 role in the offense, the term ‘minor’ means the per-
25 son was not a manager, supervisor, organizer, or

1 leader, and, in comparison with those in the offense
2 who played such roles—

3 “(i) exercised little decision-making author-
4 ity over aspects of the criminal activity;

5 “(ii) had little or no knowledge of the
6 scope, extent, and inner workings of the crimi-
7 nal activity;

8 “(iii) received small shares of the proceeds
9 of the criminal activity; or

10 “(iv) was involved in the offense for a
11 short period of time or in a sporadic manner
12 over a long period of time.

13 “(E) When used with regards to a defendant’s
14 role in the offense, the term ‘minimal’ means the
15 person was not a manager, supervisor, organizer, or
16 leader, and the person’s involvement in the crime
17 was less substantial than that of a person playing a
18 ‘minor’ role.”.

19 (e) APPLICABILITY TO OTHER CONTROLLED SUB-
20 STANCES DERIVING THEIR PENALTIES THEREFROM.—

21 (1) Section 401 of the Controlled Substances
22 Act is amended by adding at the end, as amended
23 by section 60401(a) of this title:

1 “(i) The penalties set forth in subsections (b) and (i)
 2 of this section shall apply to any provision of law for which
 3 the penalties are derived from this section.”.

4 (2) Section 1010 of the Controlled Substances
 5 Import and Export Act is amended by adding at the
 6 end, as amended by section 60401(c) of this title:

7 (f) APPLICATION OF PENALTIES.—The penalties set
 8 forth in subsections (b) and (e) of this section shall apply
 9 to any provision of law for which the penalties are derived
 10 from this section.

11 **SEC. 60402. MODIFICATION OF CRITERIA FOR “SAFETY**
 12 **VALVE” LIMITATION ON APPLICABILITY OF**
 13 **CERTAIN MANDATORY MINIMUMS.**

14 (a) IN GENERAL.—Section 3553(f) of title 18, United
 15 States Code, is amended—

16 (1) in the matter preceding paragraph (1), by
 17 inserting “or under any provision of law for which
 18 the penalties are derived from any of those sections,
 19 or section 924(c) of this title in relation to a drug
 20 trafficking crime,” before “the court shall impose”;

21 (2) so that paragraph (1) reads as follows:

22 “(1) the defendant—

23 “(A) does not have a criminal history cat-
 24 egory higher than category I after any down-
 25 ward departure under the sentencing guidelines;

1 “(B) does not have—

2 “(i) criminal history points higher
3 than 4 after any downward departure
4 under the sentencing guidelines; or

5 “(ii) an offense of conviction that is—

6 “(I) an offense under section 922
7 or 924;

8 “(II) a sex offense (as defined in
9 section 111 of the Adam Walsh Child
10 Protection and Safety Act of 2006);

11 “(III) a Federal crime of ter-
12 rorism (as defined in section
13 2332b(g)(5)); or

14 “(IV) a racketeering offense
15 under section 1962; or

16 “(C) committed the offense as the result
17 of—

18 “(i) mental illness, cognitive deficits,
19 or a history of persistent or serious sub-
20 stance abuse or addiction;

21 “(ii) trauma suffered while serving on
22 active duty in an armed conflict zone for a
23 branch of the United States military; or

24 “(iii) victimization stemming from any
25 combination of physical, mental, emotional,

1 or psychological abuse or domestic vio-
2 lence, if the offense was committed at the
3 direction of another individual who—

4 “(I) was a more culpable partici-
5 pant in the instant offense or played
6 a significantly greater role in the of-
7 fense; or

8 “(II) effectively coerced the de-
9 fendant’s involvement in the offense
10 by means of threats or abuse either
11 directly from the other individual or
12 through any person or group;”;

13 (3) so that paragraph (2) reads as follows:

14 “(2) the defendant did not use violence or cred-
15 ible threats of violence in connection with the of-
16 fense;”; and

17 (4) so that paragraph (4) reads as follows:

18 “(4) the defendant was not convicted under sec-
19 tion 401 of the Controlled Substances Act or section
20 1010(b) of the Controlled Substances Import and
21 Export Act for being an organizer, leader, manager,
22 or supervisor of a drug trafficking organization, and
23 was not engaged in a continuing criminal enterprise,
24 as defined in section 408 of the Controlled Sub-
25 stances Act; and”.

1 (b) LIMITATION ON USE OF CERTAIN INFORMATION
 2 TO DETERMINE GUIDELINE RANGE.—Subsection (f)(5)
 3 of section 3553 of title 18, United States Code, as amend-
 4 ed by section 60402(a) of this title, is amended further
 5 by adding at the end the following:

6 “(h) LIMITATION ON USE OF CERTAIN INFORMATION
 7 TO DETERMINE GUIDELINE SENTENCE.—Information
 8 and evidence provided by the defendant pursuant to this
 9 paragraph shall not be used by the court in determining
 10 the applicable guideline range, or in imposing an upward
 11 departure or variance.”.

12 **SEC. 60403. CONSISTENCY IN THE USE OF PRIOR CONVIC-**
 13 **TIONS FOR SENTENCING ENHANCEMENTS.**

14 (a) DEFINITION OF FELONY DRUG OFFENSE.—Sec-
 15 tion 102(44) of the Controlled Substances Act (21 U.S.C.
 16 802(44)) is amended to read as follows:

17 “(44) For the purpose of increased punishment
 18 based on a prior conviction for a ‘felony drug of-
 19 fense’, the term ‘felony drug offense’—

20 “(A) means an offense under Federal or
 21 State law that—

22 “(i) has as an element the knowing
 23 manufacture, distribution, import, export,
 24 or possession with intent to distribute a
 25 controlled substance;

1 “(ii) is classified by the applicable law
2 of the jurisdiction as a felony for which a
3 maximum term of imprisonment of 10
4 years or more is prescribed by law; and

5 “(iii) for which a sentence of impris-
6 onment exceeding 1 year and 1 month was
7 initially imposed and was not suspended;
8 but

9 “(B) does not include an offense for
10 which—

11 “(i) the conviction occurred more than
12 10 years before the defendant’s commis-
13 sion of the instant offense, excluding any
14 period during which the defendant was in-
15 carcerated;

16 “(ii) the prosecution relating to the
17 offense was ultimately dismissed, including
18 in a case in which the defendant previously
19 entered a plea of guilty or nolo contendere;

20 “(iii) the conviction has been reversed,
21 vacated, set aside, or otherwise vitiated by
22 judicial action;

23 “(iv) the conviction was expunged;

24 “(v) the defendant has been pardoned
25 or had civil rights restored; or

1 “(vi) the conviction was unconstitu-
2 tional under the caselaw of the United
3 States Supreme Court in effect at the time
4 the conviction occurred or after the convic-
5 tion became final.”.

6 (b) DEFINITION OF FELONY DRUG TRAFFICKING
7 OFFENSE.—Section 102 of the Controlled Substances Act
8 (21 U.S.C. 802) is amended by adding at the end the fol-
9 lowing:

10 “(57) For the purpose of increased punishment
11 based on a prior conviction for a ‘drug trafficking
12 offense’, that term has the same meaning as the
13 term ‘felony drug offense’ under subsection (44).”.

14 (c) DEFINITIONS OF RELATED TERMS FOR CHAPTER
15 44 OF TITLE 18, UNITED STATES CODE.—Section
16 924(e)(2) of title 18, United States Code, is amended—

17 (1) in subparagraph (A), by striking “means—
18 ” and all that follows through the end of the sub-
19 paragraph and inserting “means a ‘felony drug of-
20 fense’ as that term is defined in section 102(44) of
21 the Controlled Substances Act;”;

22 (2) in subparagraph (B), by inserting “, for
23 which a sentence of imprisonment exceeding 1 year
24 and 1 month was initially imposed and not sus-
25 pended” after “adult”; and

1 (3) in subparagraph (C), by striking the period
2 at the end and inserting “, but does not include a
3 conviction for any offense that is not classified as a
4 felony by the applicable law of the jurisdiction or is
5 a conviction of the sort described in subparagraph
6 (B) of section 102(44) of the Controlled Substances
7 Act and does not include any finding that the de-
8 fendant committed an act of juvenile delinquency
9 that was made more than 10 years before the de-
10 fendant’s commencement of the instant offense, ex-
11 cluding any period during which the defendant was
12 incarcerated; and”.

13 (d) REQUIREMENT OF FILING AN INFORMATION.—
14 Section 924(e) of title 18, United States Code, is amended
15 by adding at the end the following:

16 “(3) A person may not be sentenced to in-
17 creased punishment under this subsection unless, be-
18 fore trial or entry of a guilty plea, the United States
19 Attorney files an information with the court and
20 serves a copy on the person or his counsel stating
21 in writing the previous convictions to be relied
22 upon.”.

23 (e) APPLYING EVIDENCE-BASED PRACTICES FOR
24 AGE-RELATED DECLINES IN RECIDIVISM TO CERTAIN
25 PENALTIES.—

1 (1) IN GENERAL.—Section 401(b)(1) of the
2 Controlled Substances Act (21 U.S.C. 841(b)(1)) is
3 amended—

4 (A) in subparagraph (A)—

5 (i) in the flush text following clause
6 (viii), by striking “life imprisonment, a
7 fine” and inserting “a term of imprison-
8 ment which may not be less than 25 years
9 and not more than life imprisonment, a
10 fine”; and

11 (ii) in the flush text following clause
12 (viii), by striking “term of life imprison-
13 ment without release” and inserting “a
14 term of imprisonment which may not be
15 less than 25 years and not more than life
16 imprisonment, a fine”;

17 (B) in subparagraph (B), in the flush text
18 following clause (viii), by striking “life impris-
19 onment, a fine” and inserting “a term of im-
20 prisonment which may not be less than 25
21 years and not more than life imprisonment, a
22 fine”; and

23 (C) in subparagraph (C), by striking “life
24 imprisonment, a fine” and inserting “a term of
25 imprisonment which may not be less than 25

1 years and not more than life imprisonment, a
2 fine”.

3 (2) RETROACTIVE EFFECT.—The amendments
4 made by this subsection apply with respect to convic-
5 tions occurring before, on, or after the date of the
6 enactment of this Act.

7 (f) PROCEDURES RELATED TO SEEKING ENHANCED
8 DRUG PENALTIES FOR DRUG TRAFFICKING.—Section
9 411 of the Controlled Substances Act (21 U.S.C. 851) is
10 amended by striking paragraph (2) of subsection (a) and
11 inserting the following:

12 “(2) No person who is convicted of an offense
13 under this part shall be sentenced to increased pun-
14 ishment by reason of a prior conviction if—

15 “(A) except as provided in paragraph (4),
16 the Government fails, before trial, or before
17 entry of a plea of guilty, to file an information
18 with the court and serves a copy of such infor-
19 mation on the person or counsel for that per-
20 son, stating any previous conviction upon which
21 the Government intends to rely for the en-
22 hanced penalty;

23 “(B) the person was not convicted as al-
24 leged in the information;

1 “(C) the conviction is for simple possession
2 of a controlled substance, the offense was clas-
3 sified as a misdemeanor under the law of the
4 jurisdiction in which the proceedings were held,
5 the finding that the defendant committed an
6 act of juvenile delinquency that made more
7 than 10 years before the defendant’s com-
8 mencement of the instant offense, excluding any
9 period during which the defendant was incar-
10 cerated, or the proceedings resulted in a dis-
11 position that was not deemed a conviction
12 under that law;

13 “(D) the conviction has been dismissed, ex-
14 punged, vacated, or set aside, or for which the
15 person has been pardoned or has had civil
16 rights restored;

17 “(E) the conviction is invalid; or

18 “(F) the person is otherwise not subject to
19 an increased sentence as a matter of law.

20 “(3) An information may not be filed under this
21 section—

22 “(A) if the increased punishment which
23 may be imposed is imprisonment for a term in
24 excess of three years unless the person either
25 waived or was afforded prosecution by indict-

1 ment for the offense for which such increased
2 punishment may be imposed; or

3 “(B) more than 10 years after the date the
4 judgment for the prior conviction was entered,
5 excluding any period during which the defend-
6 ant was incarcerated.

7 “(4) Upon a showing by the Government that
8 facts regarding prior convictions could not with due
9 diligence be obtained prior to trial or before entry of
10 a plea of guilty, the court may postpone the trial or
11 the taking of the plea of guilty for a reasonable pe-
12 riod for the purpose of obtaining those facts.

13 “(5) Clerical mistakes in the information, or in
14 the underlying conviction records, may be amended
15 at any time prior to the pronouncement of the sen-
16 tence.

17 “(6) The Government shall bear the burden of
18 proof beyond a reasonable doubt regarding the exist-
19 ence and accuracy of any prior conviction alleged.

20 “(7) The person with respect to whom the in-
21 formation was filed may challenge a prior conviction
22 before sentence is imposed.

23 “(8) If a prior conviction that was a basis for
24 increased punishment under this part has been va-
25 cated in any State or Federal proceeding, or is for

1 an offense that no longer qualifies as a felony drug
2 offense under United States Supreme Court or rel-
3 evant circuit caselaw, the person shall be resen-
4 tenced to any sentence available under the law at the
5 time of resentencing, not to exceed the original sen-
6 tence.”.

7 (g) INFORMATION FILED BY UNITED STATES AT-
8 TORNEY.—Paragraph (4) of section 3559(c) of title 18,
9 United States Code, is amended to read as follows:

10 “(4) INFORMATION FILED BY UNITED STATES
11 ATTORNEY.—A person may not be sentenced to in-
12 creased punishment under this subsection unless, be-
13 fore trial or entry of a guilty plea, the United States
14 Attorney files an information with the court and
15 serves a copy on the person or his counsel stating
16 in writing the previous convictions to be relied
17 upon.”.

18 (h) RESENTENCING.—Section 3559(c)(7) of title 18,
19 United States Code, is amended by inserting “not to ex-
20 ceed the original sentence” before the period at the end.

21 **SEC. 60404. ELIGIBILITY FOR RESENTENCING BASED ON**
22 **CHANGES IN LAW.**

23 Section 3582(c) of title 18, United States Code, is
24 amended—

1 (1) by striking “and” at the end of paragraph
2 (1);

3 (2) by striking the period at the end of para-
4 graph (2) and inserting “; and”; and

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

6 “(3) in the case of a defendant who was sen-
7 tenced to a term of imprisonment for an offense for
8 which the minimum or maximum term of imprison-
9 ment was subsequently reduced as a result of the
10 amendments made by the SAFE Justice Act, upon
11 motion of the defendant, counsel for the defendant,
12 counsel for the Government, or the Director of the
13 Bureau of Prisons, or, on its own motion, the court
14 may reduce the term of imprisonment consistent
15 with that reduction, after considering the factors set
16 forth in subsections (a) and (d) through (g) of sec-
17 tion 3553 to the extent applicable. If the court does
18 grant a sentence reduction, the reduced sentence
19 shall not be less than permitted under current statu-
20 tory law. If the court denies a motion made under
21 this paragraph, the movant may file another motion
22 under this subsection, not earlier than 5 years after
23 each denial, which may be granted if the offender
24 demonstrates the offender’s compliance with recidi-
25 vism-reduction programming or other efforts the of-

1 fender has undertaken to improve the likelihood of
2 successful re-entry and decrease any risk to public
3 safety posed by the defendant's release. If the court
4 denies the motion due to incorrect legal conclusions
5 or facts or other mistakes by the court, probation of-
6 ficer, or counsel, the defendant may file another mo-
7 tion under this subsection at any time.”.

8 **SEC. 60405. DIRECTIVES TO THE SENTENCING COMMIS-**
9 **SION.**

10 (a) **GENERALLY.**—Pursuant to its authority under
11 section 994(p) of title 28, United States Code, and in ac-
12 cordance with this section, the United States Sentencing
13 Commission shall review and amend its guidelines and its
14 policy statements applicable to persons convicted of an of-
15 fense under the Controlled Substances Act (21 U.S.C. 801
16 et seq.), the Controlled Substances Import and Export Act
17 (21 U.S.C. 951 et seq.), or any offense deriving its pen-
18 alties therefrom to ensure that the guidelines and policy
19 statements are consistent with the amendments made by
20 this title.

21 (b) **CONSIDERATIONS.**—In carrying out this section,
22 the United States Sentencing Commission shall con-
23 sider—

24 (1) the mandate of the United States Sen-
25 tencing Commission, under section 994(g) of title

1 28, United States Code, to formulate the sentencing
2 guidelines in such a way as to “minimize the likeli-
3 hood that the Federal prison population will exceed
4 the capacity of the Federal prisons”;

5 (2) the relevant public safety concerns, includ-
6 ing the need to preserve limited prison resources for
7 more serious, repeat, and violent offenders;

8 (3) the intent of Congress that violent, repeat,
9 and high-level drug traffickers who present public
10 safety risks receive sufficiently severe sentences, and
11 that nonviolent, lower- and street-level drug offend-
12 ers without serious records receive proportionally
13 less severe sentences;

14 (4) the fiscal implications of any amendments
15 or revisions to the sentencing guidelines or policy
16 statements made by the United States Sentencing
17 Commission;

18 (5) the appropriateness of, and likelihood of un-
19 warranted sentencing disparity resulting from, use
20 of drug type and quantity as the primary factors de-
21 termining a sentencing guideline range; and

22 (6) the need to reduce and prevent racial dis-
23 parities in Federal sentencing.

1 (c) GENERAL INSTRUCTION TO SENTENCING COM-
2 MISSION.—Section 994(h) of title 28, United States Code,
3 is amended to read as follows:

4 “(h) The Commission shall ensure that the guidelines
5 specify a sentence to a term of imprisonment at or near
6 the maximum term authorized for categories of defendants
7 in which the defendant is 18 years old or older and—

8 “(1) has been convicted of a felony that is—

9 “(A) a violent felony as defined in section
10 924(e)(2)(B) of title 18; or

11 “(B) an offense under—

12 “(i) section 401 of the Controlled
13 Substances Act;

14 “(ii) section 1002(a), 1005, or 1009
15 of the Controlled Substances Import and
16 Export Act; or

17 “(iii) chapter 705 of title 46, United
18 States Code; and

19 “(2) has previously been convicted of two or
20 more prior offenses, each of which—

21 “(A) is classified by the applicable law of
22 the convicting jurisdiction as a felony; and

23 “(B) is—

24 “(i) a violent felony as defined in sec-
25 tion 924(e)(2)(B) of title 18; or

1 “(ii) a felony drug offense as defined
2 in section 102(44) of the Controlled Sub-
3 stances Act.”.

4 **SEC. 60406. EXCLUSION OF ACQUITTED CONDUCT AND DIS-**
5 **CRETION TO DISREGARD MANIPULATED CON-**
6 **DUCT FROM CONSIDERATION DURING SEN-**
7 **TENCING.**

8 (a) ACQUITTED CONDUCT NOT TO BE CONSIDERED
9 IN SENTENCING.—Section 3661 of title 18, United States
10 Code, is amended by striking the period at the end and
11 inserting “, except that a court shall not consider conduct
12 of which a person has not been convicted.”.

13 (b) PROVIDING DISCRETION TO DISREGARD CER-
14 TAIN FACTORS IN SENTENCING.—

15 (1) TITLE 18, UNITED STATES CODE.—Section
16 3553 of title 18, United States Code, is amended by
17 adding at the end the following:

18 “(g) DISCRETION TO DISREGARD CERTAIN FAC-
19 TORS.—A court, in sentencing a defendant convicted
20 under the Controlled Substances Act, the Controlled Sub-
21 stances Import and Export Act, any offense deriving its
22 penalties from either such Act, or an offense under section
23 924(c) based on a drug trafficking crime, may disregard,
24 in determining the statutory range, calculating the guide-
25 line range or considering the factors set forth in section

1 3553(a), any type or quantity of a controlled substance,
2 counterfeit substance, firearm or ammunition that was de-
3 termined by a confidential informant, cooperating witness,
4 or law enforcement officer who solicited the defendant to
5 participate in a reverse sting or fictitious stash-house rob-
6 bery.”.

7 (2) CONTROLLED SUBSTANCES ACT.—Section
8 401(b)(1) of the Controlled Substances Act (21
9 U.S.C. 841(b)(1)) is amended by adding at the end
10 the following:

11 “(F) In the case of a person who conspires
12 to commit an offense under this title, the type
13 and quantity of the controlled or counterfeit
14 substance for the offense that was the object of
15 the conspiracy shall be the type and quantity
16 involved in—

17 “(i) the defendant’s own unlawful
18 acts; and

19 “(ii) any unlawful act of a co-con-
20 spirator that—

21 “(I) the defendant agreed to
22 jointly undertake;

23 “(II) was in furtherance of that
24 unlawful act the defendant agreed to
25 jointly undertake; and

1 “(III) was intended by the de-
2 fendant.”.

3 (3) CONTROLLED SUBSTANCES IMPORT AND
4 EXPORT ACT.—Section 1010(b) of the Controlled
5 Substances Import and Export Act (21 U.S.C.
6 960(b)) is amended by adding at the end the fol-
7 lowing:

8 “(8) In the case of a person who conspires to
9 commit an offense under this title, the type and
10 quantity of the controlled or counterfeit substance
11 for the offense that was the object of the conspiracy
12 shall be the type and quantity involved in—

13 “(A) the defendant’s own unlawful acts;
14 and

15 “(B) any unlawful act of a co-conspirator
16 that—

17 “(i) the defendant agreed to jointly
18 undertake;

19 “(ii) was in furtherance of that unlaw-
20 ful act the defendant agreed to jointly un-
21 dertake; and

22 “(iii) was intended by the defend-
23 ant.”.

24 (4) DIRECTIVE TO THE SENTENCING COMMIS-
25 SION.—Pursuant to its authority under section

1 994(p) of title 28, United States Code, and in ac-
2 cordance with this section, the United States Sen-
3 tencing Commission shall review and amend its
4 guidelines and policy statements applicable to rel-
5 evant conduct to ensure that they are consistent
6 with the amendments made by this section.

7 (5) DEFINITIONS.—The following definitions
8 apply in this section:

9 (A) REVERSE STING.—The term “reverse
10 sting” means a situation in which a person who
11 is a law enforcement officer or is acting on be-
12 half of law enforcement initiates a transaction
13 involving the sale of a controlled substance,
14 counterfeit substance, firearms or ammunition
15 to a targeted individual.

16 (B) STASH HOUSE.—The term “stash
17 house” means a location where drugs and/or
18 money are stored in furtherance of a drug dis-
19 tribution operation.

20 (C) FICTITIOUS STASH HOUSE ROB-
21 BERY.—The term “fictitious stash house rob-
22 bery” means a situation in which a person who
23 is a law enforcement officer or is acting on be-
24 half of law enforcement describes a fictitious
25 stash house to a targeted individual and invites

1 the targeted individual to rob such fictitious
2 stash house.

3 **PART 2—CLARIFICATION OF CONGRESSIONAL**
4 **INTENT ON CERTAIN RECIDIVIST PENALTIES**
5 **SEC. 60407. AMENDMENTS TO ENHANCED PENALTIES PRO-**
6 **VISION.**

7 Section 924(c) of title 18, United States Code, is
8 amended—

9 (1) in clause (i), by striking “not less than 25
10 years” and inserting “not less than 15 years.”; and

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

12 “(6) In this subsection, the term ‘during and in
13 relation to’ does not include any possession not on
14 the person of, or within arm’s reach and otherwise
15 readily and immediately accessible to the defendant
16 at the time and place of the offense.”.

1 **PART 3—EXPANDING THE ABILITY TO APPLY FOR**
2 **COMPASSIONATE RELEASE**

3 **SEC. 60408. ABILITY TO PETITION FOR RELEASE TO EX-**
4 **TENDED SUPERVISION FOR CERTAIN PRIS-**
5 **ONERS WHO ARE MEDICALLY INCAPACI-**
6 **TATED, GERIATRIC, OR CAREGIVER PARENTS**
7 **OF MINOR CHILDREN AND WHO DO NOT**
8 **POSE PUBLIC SAFETY RISKS.**

9 (a) ELIGIBILITY.—Subparagraph (A) of section
10 3582(c)(1) of title 18, United States Code, is amended
11 to read as follows:

12 “(A) the court, upon motion of the defend-
13 ant, the Director of the Bureau of Prisons, or
14 on its own motion, may reduce the term of im-
15 prisonment after considering the factors set
16 forth in section 3553(a) to the extent they are
17 applicable, if it finds that—

18 “(i) extraordinary and compelling rea-
19 sons warrant such a reduction; or

20 “(ii) the defendant—

21 “(I) is at least 60 years of age;

22 “(II) has an extraordinary health
23 condition; or

24 “(III) has been notified that—

25 “(aa) the primary caregiver
26 of the defendant’s biological or

1 adopted child under the age of 18
2 has died or has become medi-
3 cally, mentally, or psychologically
4 incapacitated;

5 “(bb) the primary caregiver
6 is therefore unable to care for the
7 child any longer; and

8 “(cc) other family members
9 or caregivers are unable to care
10 for the child, such that the child
11 is at risk of being placed in the
12 foster care system; and”.

13 (b) INELIGIBILITY AND PROCEDURE.—Section 3582
14 of title 18, United States Code, is amended by adding at
15 the end the following:

16 “(e) INELIGIBILITY.—No prisoner is eligible for a
17 modification of sentence under subsection (c)(1)(A) if the
18 prisoner is serving a sentence of imprisonment for any of
19 the following offenses:

20 “(1) A Federal conviction for homicide in which
21 the prisoner was proven beyond a reasonable doubt
22 to have had the intent to cause death and death re-
23 sulted.

24 “(2) A Federal crime of terrorism, as defined
25 under section 2332b(g)(5).

1 “(3) A Federal sex offense, as described in sec-
2 tion 111 of the Sex Offender Registration and Noti-
3 fication Act (42 U.S.C. 16911).

4 “(f) REQUIREMENTS FOR CERTAIN MOTIONS.—If
5 the prisoner makes a motion under subsection (c)(1)(A)
6 on the basis of an extraordinary health condition or the
7 death or incapacitation of the primary caregiver of the
8 prisoner’s minor child, that prisoner shall provide docu-
9 mentation, as the case may be—

10 “(1) setting forth a relevant diagnosis regard-
11 ing the extraordinary health condition; or

12 “(2) that—

13 “(A) the requirements of subsection
14 (c)(1)(A)(ii)(III) are met; and

15 “(B) the prisoner’s release—

16 “(i) is in the best interest of the child;

17 and

18 “(ii) would not endanger public safety.

19 “(g) PROCEDURE FOR COURT DETERMINATION.—(1)
20 Upon receipt of a prisoner’s motion under subsection
21 (c)(1)(A), the court, after obtaining relevant contact infor-
22 mation from the Attorney General, shall send notice of the
23 motion to the victim or victims, or appropriate surviving
24 relatives of a deceased victim, of the crime committed by
25 the prisoner. The notice shall inform the victim or victims

1 or surviving relatives of a deceased victim of how to pro-
2 vide a statement prior to a determination by the court on
3 the motion.

4 “(2) Not later than 60 days after receiving a pris-
5 oner’s motion for modification under subsection (c)(1)(A),
6 the court shall hold a hearing on the motion if the motion
7 has not been granted.

8 “(3) The court shall grant the modification under
9 subsection (c)(1)(A) if the court determines that—

10 “(A) the prisoner meets the criteria pursuant to
11 subsection (c)(1)(A); and

12 “(B) there is a low likelihood that the prisoner
13 will pose a risk to public safety.

14 “(4) In determining a prisoner’s motion for a modi-
15 fication of sentence under subsection (c)(1)(A) the court
16 shall consider—

17 “(A) the age of the prisoner and years served
18 in prison;

19 “(B) the criminogenic needs and risk factors of
20 the offender;

21 “(C) the prisoner’s behavior in prison;

22 “(D) an evaluation of the prisoner’s community
23 and familial bonds;

24 “(E) an evaluation of the prisoner’s health; and

1 “(F) a victim statement, if applicable, pursuant
2 to paragraph (1).

3 “(h) ACTIONS WITH RESPECT TO SUCCESSFUL MO-
4 TION.—If the court grants the prisoner’s motion pursuant
5 to subsection (c)(1)(A), the court shall—

6 “(1) reduce the term of imprisonment for the
7 prisoner in a manner that provides for the release of
8 the prisoner not later than 30 days after the date
9 on which the prisoner was approved for sentence
10 modification;

11 “(2) modify the remainder of the term of im-
12 prisonment to home confinement or residential re-
13 entry confinement with or without electronic moni-
14 toring; or

15 “(3) lengthen or impose a term of supervised
16 release so that it expires on the same date as if the
17 defendant received no relief under subsection
18 (c)(1)(A).

19 “(i) SUBSEQUENT MOTIONS.—If the court denies a
20 prisoner’s motion pursuant to subsection (c)(1)(A), the
21 prisoner may not file another motion under subsection
22 (c)(1)(A) earlier than one year after the date of denial.
23 If the court denies the motion due to incorrect legal con-
24 clusions or facts or other mistakes by the court, probation

1 officer, or counsel, the prisoner may file another motion
2 under that subsection without regard to this limitation.

3 “(j) DEFINITION.—In this section, the term ‘extraor-
4 dinary health conditions’ means a condition afflicting a
5 person, such as infirmity, significant disability, or a need
6 for advanced medical treatment or services not readily or
7 reasonably available within the correctional institution.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section take effect 1 year after the date of the enact-
10 ment of this Act.

11 **Subtitle E—Encouraging Account-**
12 **ability With Greater Use of Evi-**
13 **dence-Based Sentencing Alter-**
14 **natives for Lower-Level Offend-**
15 **ers**

16 **SEC. 60501. ELIGIBILITY FOR PREJUDGEMENT PROBATION.**

17 Section 3607(a)(1) of title 18, United States Code,
18 is amended by striking “been convicted of violating a Fed-
19 eral or State law relating to controlled substances” and
20 inserting “been convicted of a felony under the Controlled
21 Substances Act, the Controlled Substances Import and
22 Export Act, or any other Federal offense deriving its pen-
23 alties from either such Act”.

1 **SEC. 60502. SENTENCE OF PROBATION.**

2 Subsection (a) of section 3561 of title 18, United
3 States Code, is amended to read as follows:

4 “(a) IN GENERAL.—

5 “(1) PROBATION GENERALLY AVAILABLE.—Ex-
6 cept as provided in paragraph (2), a defendant who
7 has been found guilty of an offense may be sen-
8 tenced to probation.

9 “(2) GENERAL EXCEPTIONS.—A defendant may
10 not be sentenced to probation if—

11 “(A) the offense is a Class A or Class B
12 felony and the defendant is an individual;

13 “(B) the offense is an offense for which
14 probation has been expressly precluded; or

15 “(C) the defendant is sentenced at the
16 same time to a term of imprisonment for the
17 same or a different offense that is not a petty
18 offense.

19 “(3) PRESUMPTION OF PROBATION FOR CER-
20 TAIN OFFENDERS.—The court shall sentence an oth-
21 erwise eligible defendant to probation, if the defend-
22 ant is a first-time Federal offender whose place of
23 residence allows for Federal probation supervision
24 and who did not engage in violent conduct as a part
25 of the offense, unless the court, having considered
26 the nature and circumstances of the offense and the

1 history and characteristics of the defendant, finds on
2 the record that a term of probation would not be ap-
3 propriate. However, a defendant convicted of a Fed-
4 eral sex offense, as described in section 111 of the
5 Sex Offender Registration and Notification Act, is
6 not subject to a presumption of probation under this
7 paragraph.”.

8 **SEC. 60503. DIRECTIVE TO THE SENTENCING COMMISSION**
9 **REGARDING USE OF PROBATION.**

10 (a) DIRECTIVE TO THE SENTENCING COMMISSION.—
11 Pursuant to its authority under section 994(p) of title 28,
12 United States Code, and in accordance with this section,
13 the United States Sentencing Commission shall review and
14 amend its guidelines and its policy statements applicable
15 to persons eligible for probation to ensure that the guide-
16 lines and policy statements are consistent with the amend-
17 ments made by section 60501.

18 (b) CONSIDERATIONS.—In carrying out this section,
19 the United States Sentencing Commission shall con-
20 sider—

21 (1) the mandate of the United States Sen-
22 tencing Commission, under section 994(g) of title
23 28, United States Code, to formulate the sentencing
24 guidelines in such a way as to “minimize the likeli-

1 hood that the Federal prison population will exceed
 2 the capacity of the Federal prisons”;

3 (2) the fiscal implications of any amendments;

4 (3) relevant public safety concerns and the stat-
 5 utory sentencing factors under section 3553 of title
 6 18; and

7 (4) the intent of Congress that prison be re-
 8 served for serious offenders for whom prison is most
 9 appropriate.

10 **SEC. 60504. ESTABLISHING ACCOUNTABILITY EVIDENCE-**
 11 **BASED PROBLEM-SOLVING COURT PRO-**
 12 **GRAMS.**

13 (a) IN GENERAL.—Part II of title 18, United States
 14 Code, is amended by inserting after chapter 207 the fol-
 15 lowing:

16 **“CHAPTER 207A—PROBLEM-SOLVING**
 17 **COURT PROGRAMS**

“Sec.

“3157. Establishment of problem-solving court programs.

“3158. Evaluation of problem-solving court programs.

“3159. Definitions.

18 **“§ 3157. Establishment of problem-solving court pro-**
 19 **grams**

20 “(a) IN GENERAL.—A United States district court
 21 may establish a problem-solving court program in its dis-
 22 trict.

1 “(b) USE OF RESEARCH-BASED PRINCIPLES AND
2 PRACTICES.—The Director of the Administrative Office of
3 the United States Courts shall ensure that all Federal
4 courts have available to them current information and re-
5 search relating to best practices for reducing participant
6 recidivism through problem-solving court programs.

7 “(c) INFORMATION SHARING AMONG COURTS.—The
8 United States Sentencing Commission, pursuant to its au-
9 thority under section 995(a)(12)(A) of title 28 to serve
10 as a clearinghouse and information center, shall provide
11 a website where United States District Court problem-
12 solving court programs may post and share research, doc-
13 uments, best practices, and other information with each
14 other and the public.

15 “(d) BEST PRACTICES.—The Director of the Admin-
16 istrative Office of the United States Courts shall ensure
17 all Federal courts adhere to the following best practices:

18 “(1) Focus problem-solving court program re-
19 sources on offenders facing prison terms to ensure
20 that a problem-solving court program functions to
21 divert that offender from incarceration and ensures
22 that the penalty for noncompliance with the program
23 does not exceed what would have the original penalty
24 or sentence for the offense.

25 “(2) Adopt objective admission criteria.

1 “(3) Use the pre-plea rather than the post-plea
2 model.

3 “(4) Ensure due process protections.

4 “(5) Incorporate evidence-based health meas-
5 ures, not simply abstinence, into substance abuse
6 problem-solving court program goals to ensure that
7 the underlying health issue is addressed instead of
8 merely being punished.

9 “(6) Improve overall treatment quality and em-
10 ploy opioid maintenance treatments for substance
11 abuse problem-solving court programs as well as
12 other evidence-based therapies.

13 **“§ 3158. Evaluation of problem-solving court pro-**
14 **grams**

15 “The Judicial Conference shall ensure that each Fed-
16 eral problem-solving court program, not later than 1 year
17 after the date of its commencement of operations, adopts
18 a plan to measure its success in reducing recidivism and
19 costs.

20 **“§ 3159. Definitions**

21 “In this chapter—

22 “(1) the term ‘problem-solving court program’
23 means a judge-involved intensive intervention, super-
24 vision, and accountability process in which a defend-
25 ant participates, either before conviction, sentencing,

1 or other disposition or upon being sentenced to a
 2 term of probation or upon release from a sentence
 3 of incarceration, that may include substance abuse,
 4 mental health, employment, and veterans' programs;
 5 and

6 “(2) the term ‘problem-solving court program
 7 coordinator’ means an existing employee of the
 8 United States Courts who is responsible for coordi-
 9 nating the establishment, staffing, operation, evalua-
 10 tion, and integrity of the problem-solving court pro-
 11 gram.”.

12 (b) CLERICAL AMENDMENT.—The table of chapters
 13 for part II of title 18, United States Code, is amended
 14 by inserting after the item relating to chapter 207 the fol-
 15 lowing new item:

“207A. Problem-solving court programs 3157”.

16 **Subtitle F—Implementing Evi-**
 17 **dence-Based Practices to Re-**
 18 **duce Recidivism**

19 **PART 1—REVISION OF STATUTORY SENTENCE**

20 **CREDITS**

21 **SEC. 60601. DELIVERY AND INCENTIVES TO COMPLETE IN-**
 22 **PRISON RECIDIVISM REDUCTION PROGRAM-**
 23 **MING.**

24 (a) IN GENERAL.—Section 3621(e) of title 18,
 25 United States Code, is amended to read as follows:

1 “(e) IN-PRISON PROGRAMMING.—

2 “(1) IN-PRISON PROGRAMMING.—In order to
3 carry out the requirement of subsection (b) that
4 every prisoner with a substance abuse problem have
5 the opportunity to participate in appropriate sub-
6 stance abuse treatment, and to address the
7 criminogenic needs of Federal offenders more gen-
8 erally, the Director of the Bureau of Prisons shall,
9 subject to the availability of appropriations—

10 “(A) provide residential substance abuse
11 treatment for all eligible offenders, with priority
12 for such treatment accorded based on eligible
13 prisoners’ proximity to release date;

14 “(B) provide cognitive-based therapy for
15 all eligible offenders;

16 “(C) provide workforce development
17 through participation in the Federal Prison In-
18 dustries; and

19 “(D) provide vocational and occupational
20 training.

21 “(2) INCENTIVES FOR PRISONER’S SUCCESSFUL
22 COMPLETION OF PROGRAMMING.—

23 “(A) Any prisoner who in the judgment of
24 the Director of the Bureau of Prisons has suc-
25 cessfully completed a program of residential

1 substance abuse treatment or cognitive behav-
2 ioral therapy provided under paragraph (1) of
3 this subsection shall be eligible for a reduction
4 of incarceration by up to one year.

5 “(B) Any prisoner who, in the judgment of
6 the Director of the Bureau of Prisons, has com-
7 pleted at least 30 days of work for Federal
8 Prison Industries or vocational and occupa-
9 tional training shall be eligible to have the total
10 period of incarceration reduced by up to the
11 total number of days of work for Federal Pris-
12 on Industries or vocational and occupational
13 training, but not to exceed one year.

14 “(3) RESTRICTIONS ON REDUCTIONS IN THE
15 PERIOD OF CUSTODY.—Reductions in the period of
16 incarceration earned under paragraph (2) of this
17 subsection shall not exceed one year.”.

18 (b) CORRESPONDING AMENDMENTS TO EXISTING
19 LAW.—Section 3624(a) of title 18, United States Code,
20 is amended by striking “as provided in subsection (b)”
21 and inserting “as provided in subsection (b) and section
22 3621(e) and section 3621A(d)(3)”.

23 (c) TRANSITION.—The amendments made by this
24 section shall take effect on the date not later than 1 year
25 after the date of the enactment of this section.

1 **SEC. 60602. POST-SENTENCING RISK AND NEEDS ASSESS-**
2 **MENT SYSTEM AND IN-PRISON RECIDIVISM**
3 **REDUCTION PROGRAMMING.**

4 (a) DEVELOPMENT OF SYSTEM.—

5 (1) GENERALLY.—Not later than one year after
6 the date of the enactment of this section, the Attor-
7 ney General shall develop an offender risk and needs
8 assessment system, which shall—

9 (A) assess and determine the criminogenic
10 needs and risk factors of all admitted offenders;

11 (B) be used to assign each prisoner to ap-
12 propriate recidivism reduction programs or pro-
13 ductive activities based on the prisoner's spe-
14 cific criminogenic needs and risk factors; and

15 (C) in accordance with section 3621A(d)
16 (1) and (2) of title 18, United States Code, doc-
17 ument eligible prisoners' required recidivism re-
18 duction programs or productive activities in a
19 case plan and their progress in completing the
20 elements of that case plan.

21 (2) RESEARCH AND BEST PRACTICES.—In de-
22 signing the offender risk and needs assessment sys-
23 tem, the Attorney General shall use available re-
24 search and best practices in the field and consult
25 with academic and other criminal justice experts as
26 appropriate.

1 (3) RISK AND NEEDS ASSESSMENT TOOL.—In
2 carrying out this subsection, the Attorney General
3 shall prescribe a suitable intake assessment tool to
4 be used in carrying out subparagraphs (A) and (B)
5 of paragraph (1), and suitable procedures to com-
6 plete the documentation described in subparagraph
7 (C) of paragraph (1). The Attorney General shall
8 ensure that the assessment tool produces consistent
9 results when administered by different people, in
10 recognition of the need to ensure interrater reli-
11 ability.

12 (4) VALIDATION.—In carrying out this sub-
13 section, the Attorney General shall statistically vali-
14 date the assessment tool on the Federal prison popu-
15 lation not later than 2 years after the date of the
16 enactment of this subsection.

17 (b) USE OF RISK AND NEEDS ASSESSMENT SYSTEM
18 BY BUREAU OF PRISONS.—Subchapter C of chapter 229
19 of title 18, United States Code, is amended by inserting
20 after section 3621 the following:

21 **“§ 3621A. Post-sentencing risk and needs assessment**
22 **system**

23 “(a) ASSIGNMENT OF RECIDIVISM REDUCTION PRO-
24 GRAMS OR PRODUCTIVE ACTIVITIES.—In recognition that
25 some activities or excessive programming may be counter-

1 productive for some prisoners, the Attorney General may
2 provide guidance to the Director of the Bureau of Prisons
3 on the quality and quantity of recidivism reduction pro-
4 gramming or productive activities that are both appro-
5 priate and effective for each prisoner.

6 “(b) BUREAU OF PRISONS TRAINING.—The Attorney
7 General shall develop protocols and programs for Bureau
8 of Prisons personnel responsible for using the Post-Sen-
9 tencing Risk and Needs Assessment System (hereinafter
10 in the section referred to as the ‘Assessment System’) cre-
11 ated under the SAFE Justice Act. Such training protocols
12 shall include a requirement that such personnel dem-
13 onstrate competence in administering the assessment tool,
14 including interrater reliability, on a biannual basis.

15 “(c) QUALITY ASSURANCE.—In order to ensure that
16 the Director of the Bureau of Prisons is using the Assess-
17 ment System in an appropriate and consistent manner,
18 the Attorney General, the Government Accountability Of-
19 fice, and the Office of the Inspector General shall monitor
20 and assess the use of the Assessment System and shall
21 conduct separate and independent periodic audits of the
22 use of the Assessment System at Bureau of Prisons facili-
23 ties.

24 “(d) EVIDENCE-BASED ASSESSMENT SYSTEM AND
25 RECIDIVISM REDUCTION PROGRAMMING.—

1 “(1) IN GENERAL.—The Director of the Bureau
2 of Prisons shall develop a case plan that targets the
3 criminogenic needs and risk factors of each eligible
4 prisoner—

5 “(A) to guide the prisoner’s rehabilitation
6 while incarcerated; and

7 “(B) to reduce the likelihood of recidivism
8 after release.

9 “(2) CASE PLANS.—

10 “(A) CONTENT.—Not later than 30 days
11 after a prisoner’s initial admission, the Director
12 of the Bureau of Prisons shall complete a case
13 plan for that prisoner. The plan shall—

14 “(i) include programming and treat-
15 ment requirements based on the prisoner’s
16 identified criminogenic needs and risk fac-
17 tors, as determined by the Assessment Sys-
18 tem;

19 “(ii) ensure that a prisoner whose
20 criminogenic needs and risk factors do not
21 warrant recidivism reduction programming
22 participates in and successfully complies
23 with productive activities, including prison
24 jobs; and

1 “(iii) ensure that each eligible pris-
2 oner participates in and successfully com-
3 plies with recidivism reduction program-
4 ming or productive activities, including
5 prison jobs, throughout the entire term of
6 incarceration of the prisoner.

7 “(B) TIME CONSTRAINTS.—The Director
8 of the Bureau of Prisons shall ensure that the
9 requirements set forth in the case plan are fea-
10 sible and achievable prior to the prisoner’s re-
11 lease eligibility date.

12 “(C) NOTICE TO PRISONER.—The Director
13 of the Bureau of Prisons shall—

14 “(i) provide the prisoner with a writ-
15 ten copy of the case plan and require the
16 prisoner’s case manager to explain the con-
17 ditions set forth in the case plan and the
18 incentives for successful compliance with
19 the case plan; and

20 “(ii) review the case plan with the
21 prisoner once every 6 months after the
22 prisoner receives the case plan to assess
23 the prisoner’s progress toward successful
24 compliance with the case plan and any

1 need or eligibility for additional or dif-
2 ferent programs or activities.

3 “(3) INCENTIVE FOR PRISONER’S SUCCESSFUL
4 COMPLIANCE WITH CASE PLAN REQUIREMENTS.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (C), the Director of the Bureau
7 of Prisons shall, in addition to any other credit
8 or reduction a prisoner receives under any other
9 provision of law, award earned time credit to-
10 ward service of the prisoner’s sentence of 10
11 days for each calendar month of successful
12 compliance with the prisoner’s case plan. A
13 prisoner who is detained before sentencing shall
14 earn credit for participating in programs or ac-
15 tivities during that period under this para-
16 graph. The total time credits that a prisoner
17 may earn under this paragraph shall not exceed
18 120 days for any year of imprisonment. A pris-
19 oner may receive credit at the end of each year
20 of the sentence being served, beginning at the
21 end of the first year of the sentence. For pur-
22 poses of this section, the first year of the sen-
23 tence shall begin on the date the sentence com-
24 menced under section 3585(a) less any credit
25 for prior custody under section 3585(b). Any

1 credits awarded under this section shall vest on
2 the date the prisoner is released from custody.

3 “(B) AVAILABILITY.—An eligible prisoner
4 may receive under subparagraph (A) credit for
5 successful compliance with case plan require-
6 ments for participating in programs or activities
7 before the date of enactment of this Act if the
8 Director of the Bureau of Prisons determines
9 that such programs or activities were the same
10 or equivalent to those created pursuant to this
11 section before the date of the enactment of this
12 subsection.

13 “(C) EXCLUSIONS.—No credit shall be
14 awarded under this paragraph to any prisoner
15 serving a sentence of imprisonment for convic-
16 tion for any of the following offenses:

17 “(i) A Federal conviction for homicide
18 in which the prisoner was proven beyond a
19 reasonable doubt to have had the intent to
20 cause death and death resulted.

21 “(ii) A Federal crime of terrorism, as
22 defined under section 2332b(g)(5).

23 “(iii) A Federal sex offense, as de-
24 scribed in section 111 of the Sex Offender

1 Registration and Notification Act (42
2 U.S.C. 16911).

3 “(D) PARTICIPATION BY INELIGIBLE PRIS-
4 ONERS.—The Director of the Bureau of Prisons
5 shall make all reasonable efforts to ensure that
6 every prisoner participates in recidivism reduc-
7 tion programming or productive activities, in-
8 cluding a prisoner who is excluded from earning
9 time credits.

10 “(E) OTHER INCENTIVES.—The Director
11 of the Bureau of Prisons shall develop policies
12 to provide appropriate incentives for successful
13 compliance with case plan requirements, in ad-
14 dition to the earned time credit described in
15 subparagraph (A), including incentives for pris-
16 oners who are precluded from earning credit
17 under subparagraph (C). Such incentives may
18 include additional commissary, telephone, or
19 visitation privileges for use with family, close
20 friends, mentors, and religious leaders.

21 “(F) PENALTIES.—The Director of the
22 Bureau of Prisons shall amend its Inmate Dis-
23 cipline Program to reduce credits previously
24 earned under subparagraph (A) for prisoners
25 who violate the rules of the institution in which

1 the prisoner is imprisoned, a recidivism reduc-
2 tion program, or a productive activity, which
3 shall provide—

4 “(i) levels of violations and cor-
5 responding penalties, which may include
6 loss of earned time credits;

7 “(ii) that any loss of earned time
8 credits shall not apply to future earned
9 time credits that the prisoner may earn
10 subsequent to a rule violation; and

11 “(iii) a procedure to restore earned
12 time credits that were lost as a result of a
13 rule violation based on the prisoner’s indi-
14 vidual progress after the date of the rule
15 violation.

16 “(4) RECIDIVISM REDUCTION PROGRAMMING
17 AND PRODUCTIVE ACTIVITIES.—Beginning not later
18 than one year after the date of the enactment of the
19 SAFE Justice Act, the Attorney General shall, sub-
20 ject to the availability of appropriations, make avail-
21 able to all eligible prisoners appropriate recidivism
22 reduction programming or productive activities, in-
23 cluding prison jobs. The Attorney General may pro-
24 vide such programming and activities by entering
25 into partnerships with any of the following:

1 “(A) Nonprofit organizations, including
2 faith-based and community-based organizations
3 that provide recidivism reduction programming,
4 on a paid or volunteer basis.

5 “(B) Educational institutions that will de-
6 liver academic classes in Bureau of Prisons fa-
7 cilities, on a paid or volunteer basis.

8 “(C) Private entities that will, on a paid or
9 volunteer basis—

10 “(i) deliver occupational and voca-
11 tional training and certifications in Bureau
12 of Prisons facilities;

13 “(ii) provide equipment to facilitate
14 occupational and vocational training or em-
15 ployment opportunities for prisoners;

16 “(iii) employ prisoners; or

17 “(iv) assist prisoners in prerelease
18 custody or supervised release in finding
19 employment.

20 “(e) DEFINITIONS.—In this section the following
21 definitions apply:

22 “(1) CASE PLAN.—The term ‘case plan’ means
23 an individualized, documented accountability and be-
24 havior change strategy developed by the Director of
25 the Bureau of Prisons to prepare offenders for re-

1 lease and successful reentry into the community.
2 The case plan shall focus on the offender's
3 criminogenic needs and risk factors that are associ-
4 ated with the risk of recidivism.

5 “(2) CRIMINOGENIC NEEDS AND RISK FAC-
6 TORS.—The term ‘criminogenic needs and risk fac-
7 tors’ means characteristics and behaviors that are
8 associated with the risk of committing crimes and
9 that when addressed through evidence-based pro-
10 gramming are diminished. These factors include but
11 are not limited to—

12 “(A) criminal thinking;

13 “(B) criminal associates;

14 “(C) antisocial behavior and personality;

15 “(D) dysfunctional family;

16 “(E) low levels of employment;

17 “(F) low levels of education;

18 “(G) substance abuse;

19 “(H) mental health issues or cognitive
20 deficits; and

21 “(I) poor use of leisure time.

22 “(3) DYNAMIC RISK FACTOR.—The term ‘dy-
23 namic risk factor’ means a characteristic or at-
24 tribute that has been shown to be associated with
25 risk of recidivism and that can be modified based on

1 a prisoner's actions, behaviors, or motives, including
2 through completion of appropriate programming or
3 other means in a prison setting.

4 “(4) ELIGIBLE PRISONER.—The term ‘eligible
5 prisoner’ means—

6 “(A) a prisoner serving a sentence of in-
7 carceration for conviction of a Federal offense;
8 but

9 “(B) does not include any prisoner who the
10 Bureau of Prisons determines—

11 “(i) would present a danger to himself
12 or others if permitted to participate in re-
13 cidivism reduction programming; or

14 “(ii) is serving a sentence of incarcer-
15 ation of less than 1 month.

16 “(5) PRODUCTIVE ACTIVITY.—The term ‘pro-
17 ductive activity’ means a group or individual activ-
18 ity, including holding a job as part of a prison work
19 program, that is designed to allow prisoners whose
20 criminogenic needs and risk factors do not warrant
21 recidivism reduction programming.

22 “(6) RECIDIVISM REDUCTION PROGRAM.—The
23 term ‘recidivism reduction program’ means a group
24 or individual activity that—

1 “(A) is of a kind that has been shown em-
2 pirically to reduce recidivism or promote suc-
3 cessful reentry; and

4 “(B) may include—

5 “(i) substance abuse treatment;

6 “(ii) classes on social learning and life
7 skills;

8 “(iii) classes on morals or ethics;

9 “(iv) academic classes;

10 “(v) cognitive behavioral treatment;

11 “(vi) mentoring;

12 “(vii) occupational and vocational
13 training;

14 “(viii) faith-based classes or services;

15 and

16 “(ix) victim-impact classes or restora-
17 tive justice programs.

18 “(7) RECIDIVISM RISK.—The term ‘recidivism
19 risk’ means the likelihood that a prisoner will com-
20 mit additional crimes for which the prisoner could be
21 prosecuted in a Federal, State, or local court in the
22 United States.

23 “(8) RECOVERY PROGRAMMING.—The term ‘re-
24 covery programming’ means a course of instruction
25 or activities that has been demonstrated to reduce

1 substance abuse or dependence among participants,
2 or to promote recovery among individuals who have
3 substance abuse issues.

4 “(9) RELEASE ELIGIBILITY DATE.—The term
5 ‘release eligibility date’ means the earliest date at
6 which the offender could be released after accruing
7 the maximum number of earned time credits for
8 which the offender is eligible.

9 “(10) SUCCESSFUL COMPLIANCE.—The term
10 ‘successful compliance’ means that the person in
11 charge of the Bureau of Prisons penal or correc-
12 tional facility or that person’s designee has deter-
13 mined that the eligible prisoner, to the extent prac-
14 ticable, and excusing any medical or court-related
15 absences satisfied the following requirements for not
16 less than 30 days:

17 “(A) Regularly attended and actively par-
18 ticipated in appropriate recidivism reduction
19 programs or productive activities, as set forth
20 in the eligible prisoner’s case plan.

21 “(B) Did not regularly engage in disrup-
22 tive activity that seriously undermined the ad-
23 ministration of a recidivism reduction program
24 or productive activity.

1 “(11) EARNED TIME CREDITS.—The term
2 ‘earned time credits’ means credit toward service of
3 the prisoner’s sentence as described in subsection
4 (d)(3).”.

5 (c) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of subchapter C of chapter 229 of title
7 18, United States Code, is amended by inserting after the
8 item relating to section 3621 the following:

 “3621A. Post-sentencing risk and needs assessment system.”.

9 **PART 2—OVERSIGHT OF MENTAL HEALTH AND**
10 **SUBSTANCE ABUSE TREATMENT**
11 **SEC. 60603. AUTHORIZING GRANTS TO STATES FOR THE**
12 **USE OF MEDICATION-ASSISTED TREATMENT**
13 **FOR HEROIN, OPIOID, OR ALCOHOL ABUSE IN**
14 **RESIDENTIAL SUBSTANCE ABUSE TREAT-**
15 **MENT.**

16 (a) IN GENERAL.—Section 1904 of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
18 3796ff–3) is amended—

19 (1) in subsection (d), by striking “pharma-
20 cological treatment” and inserting “pharmacological
21 treatment or medication assisted treatment not sub-
22 ject to diversion”; and

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

24 “(e) DEFINITIONS.—In this section—

1 “(1) the term ‘medication assisted treatment’
2 means the use of medications approved by the Food
3 and Drug Administration, in combination with coun-
4 seling or behavioral therapies, to treat heroin, opioid,
5 or alcohol addiction; and

6 “(2) the term ‘opioid’ means any chemical that
7 binds to an opioid receptor and resembles opiates in
8 its pharmacological effects.”.

9 (b) REPORT ON MEDICATION ASSISTED TREATMENT
10 FOR OPIOID AND HEROIN ABUSE PILOT PROGRAM.—The
11 Director of the Bureau of Prisons shall submit within 90
12 days of enactment of this Act to the Committees on the
13 Judiciary and Appropriations of the Senate and the House
14 of Representatives a report and evaluation of the current
15 pilot program within the Bureau of Prisons to treat heroin
16 and opioid abuse through medication assisted treatment.
17 The report shall include a description of plans to expand
18 access to medication assisted treatment for heroin and
19 opioid abuse for Federal prisoners in appropriate cases.

20 (c) REPORT ON THE AVAILABILITY OF MEDICATION
21 ASSISTED TREATMENT FOR OPIOID AND HEROIN
22 ABUSE.—Within 90 days after the date of the enactment
23 of this Act, the Director of the Administrative Office of
24 the United States Courts shall submit a report to the
25 Committees on the Judiciary and Appropriations of the

1 Senate and the House of Representatives assessing the
2 availability of and capacity for the provision of medication
3 assisted treatment for opioid and heroin abuse among
4 treatment-service providers serving Federal offenders
5 under supervised release and including a description of
6 plans to expand access to medication assisted treatment
7 that is not subject to diversion for heroin and opioid abuse
8 whenever appropriate among Federal offenders under su-
9 pervised release.

10 **SEC. 60604. PERFORMANCE-BASED CONTRACTING FOR RES-**
11 **IDENTIAL REENTRY CENTERS.**

12 (a) IN GENERAL.—The Director of the Bureau of
13 Prisons shall—

14 (1) revise its policies and procedures related to
15 contracting with providers of Residential Reentry
16 Centers to—

17 (A) meet the standards of performance-
18 based contracting; and

19 (B) include, among the standards of per-
20 formance—

21 (i) a reduction in the recidivism rate
22 of offenders transferred to the Residential
23 Reentry Center; and

24 (ii) an annual evaluation of these out-
25 comes;

1 (2) require that new or renewed contracts with
2 providers of Residential Reentry Centers meet the
3 standards of performance-based contracting;

4 (3) review existing contracts with providers of
5 Residential Reentry Centers prior to renewal and
6 update as necessary to reflect the standards of per-
7 formance-based contracting; and

8 (4) ensure performance-based contracts are ac-
9 tively managed to meet the standards of perform-
10 ance-based contracting.

11 (b) EXCEPTIONS.—In those cases where it would not
12 be cost effective to use performance-based contracting
13 standards, the Director of the Bureau of Prisons shall pro-
14 vide an explanation for this determination to the Attorney
15 General, who may exempt a contract from the require-
16 ments outlined in subsection (a)(2). Each exemption must
17 be approved in writing by the Attorney General before the
18 Director of the Bureau of Prisons enters into the contract.

19 (c) DEFINITIONS.—In this section the following defi-
20 nitions apply:

21 (1) PERFORMANCE-BASED CONTRACTING.—The
22 term “performance-based contracts” means con-
23 tracts that accomplish the following:

24 (A) Identify expected deliverables, perform-
25 ance measures, or outcomes; and render pay-

1 ment contingent upon the successful delivery of
2 those expected deliverables, performance meas-
3 ures or outcomes.

4 (B) Include a quality assurance plan that
5 describes how the contractor’s performance will
6 be measured against the expected deliverables,
7 performance measures, or outcomes.

8 (C) Include positive and negative incentives
9 tied to the quality assurance plan measure-
10 ments.

11 (2) RECIDIVISM RATE.—The term “recidivism
12 rate” refers to the number and percentage of offend-
13 ers who are arrested for a new crime or commit a
14 technical violation of the terms of supervision that
15 results in revocation to prison during the period in
16 which the offender is in the Residential Reentry
17 Center.

18 (3) RESIDENTIAL REENTRY CENTERS.—The
19 term “Residential Reentry Centers” means privately
20 run centers which provide housing to Federal pris-
21 oners who are nearing release.

22 (d) DEADLINE FOR CARRYING OUT SECTION.—The
23 Director of the Bureau of Prisons shall complete initial
24 compliance with the requirements of this section not later
25 than 1 year after the date of the enactment of this Act.

1 (e) EVALUATION.—Not later than 2 years after the
2 date of the enactment of this Act, the Government Ac-
3 countability Office and Office of the Inspector General of
4 the Department of Justice shall each issue a report on
5 the progress made by the Director of the Bureau of Pris-
6 ons in implementing this section.

7 **PART 3—IMPLEMENTING SWIFT, CERTAIN, AND**
8 **PROPORTIONATE SANCTIONS FOR VIOLA-**
9 **TIONS OF CONDITIONS OF PROBATION OR**
10 **SUPERVISED RELEASE**

11 **SEC. 60605. GRADUATED SANCTIONING SYSTEM.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of the enactment of this section, the United States
14 Probation and Pretrial Services and the Criminal Law
15 Committee of the Judicial Conference shall develop a
16 standardized graduated sanctioning system (hereinafter in
17 this section referred to as the “system”), to guide proba-
18 tion officers in determining suitable sanctions in response
19 to technical violations of supervision. The United States
20 Sentencing Commission shall publish these factors and
21 amend its guidelines and policy statements so that they
22 are consistent. The system shall—

23 (1) provide a range of possible sanctions, from
24 less severe to more severe; and

1 (2) allow officers to respond quickly to technical
2 violations of supervision.

3 (b) DEVELOPMENT OF GRADUATED SANCTIONING
4 SYSTEM.—In designing the graduated sanctioning system,
5 the United States Probation and Pretrial Services and the
6 Criminal Law Committee of the Judicial Conference shall
7 use available research and best evidence-based practices
8 in the field, and shall consult with other stakeholders, in-
9 cluding current trial attorneys from the Department of
10 Justice and a Federal Public or Community Defender
11 from the Defender Services Advisory Group.

12 (c) CONTENT OF GRADUATED SANCTIONING SYS-
13 TEM.—

14 (1) Graduated sanctions may include—

15 (A) verbal warnings;

16 (B) increased reporting requirements;

17 (C) curfew requirements;

18 (D) electronic monitoring;

19 (E) increased substance abuse testing or
20 treatment;

21 (F) mental health counseling or treatment;

22 (G) behavioral therapy or anger manage-
23 ment;

24 (H) community service; and

1 (I) loss of earned discharge credits pursu-
2 ant to section 3610.

3 (2) In determining appropriate sanctions, the
4 United States Probation and Pretrial Services and
5 the Criminal Law Committee of the Judicial Com-
6 mittee shall consider—

7 (A) the severity of the current violation;

8 (B) the number and severity of previous
9 supervision violations;

10 (C) the rehabilitative options available; and

11 (D) the costs of incarceration.

12 (d) PROBATION AND PRETRIAL SERVICES TRAIN-
13 ING.—The Criminal Law Committee of the Judicial Con-
14 ference and the United States Probation and Pretrial
15 Services, in consultation with the Federal Judicial Center,
16 shall develop training protocols for staff responsible for
17 recommending graduated sanctions and for court-ap-
18 pointed counsel, which shall include—

19 (1) initial training to educate staff and judges
20 on how to use the graduated sanctioning system, as
21 well as an overview of the relevant research regard-
22 ing supervision practices shown to reduce recidivism
23 and improve offender outcomes;

24 (2) continuing education; and

25 (3) periodic training updates.

1 (e) CONTINUOUS QUALITY IMPROVEMENT.—In order
2 to ensure that the United States Probation and Pretrial
3 Services is using graduated sanctions in an appropriate
4 and consistent manner, the Judicial Conference in con-
5 sultation and coordination with the Chief Judge of each
6 Federal District Court shall—

7 (1) establish performance benchmarks and per-
8 formance assessments for probation officers, proba-
9 tion supervisors, and probation and pretrial services;
10 and

11 (2) establish additional continuous quality im-
12 provement procedures related to the implementation
13 and use of graduated sanctions that include, but are
14 not limited to, data collection, monitoring, periodic
15 audits, probation officer and supervisor performance
16 assessments, and corrective action measures.

17 **SEC. 60606. GRADUATED RESPONSES TO TECHNICAL VIOLA-**
18 **TIONS OF SUPERVISION.**

19 (a) IN GENERAL.—Subchapter A of chapter 229 of
20 title 18, United States Code, is amended by inserting after
21 section 3608 the following:

22 **“§ 3609. Graduated responses to technical violations**
23 **of supervision**

24 “(a) IN GENERAL.—If a court determines that a
25 technical violation of supervision warrants an alternative

1 to arrest or incarceration, the court may modify the terms
2 of supervision by imposing a graduated sanction as an al-
3 ternative to revocation.

4 “(b) RECOMMENDATION AND IMPOSITION OF GRAD-
5 UATED SANCTIONS.—A probation officer in recommending
6 an appropriate sanction, and a court in determining an
7 appropriate sanction, shall use the graduated sanctioning
8 system established pursuant to the SAFE Justice Act.
9 The procedure for the imposition of graduated sanctions
10 shall include the following:

11 “(1) NOTICE OF GRADUATED SANCTIONS.—
12 Upon determining that a technical violation of su-
13 pervision warrants an alternative to arrest or incar-
14 ceration, a probation officer, with the concurrence of
15 that officer’s probation supervisor, shall serve on the
16 supervisee a Notice of Graduated Sanctions, which
17 shall include—

18 “(A) a description of the violation of su-
19 pervision;

20 “(B) an appropriate graduated sanction or
21 sanctions to be imposed, as determined under
22 the graduated sanctioning system;

23 “(C) an inquiry whether the supervisee
24 wishes to waive the supervisee’s right to a rev-

1 ocation or modification proceeding under the
2 Federal Rules of Criminal Procedure; and

3 “(D) notice of the supervisee’s right to re-
4 tain counsel or to request that counsel be ap-
5 pointed if the supervisee cannot afford to retain
6 counsel to consult with legal counsel before
7 agreeing to admit to the alleged violation.

8 “(2) Counsel shall be appointed for any finan-
9 cially eligible person.

10 “(3) EFFECT OF SUPERVISEE ELECTIONS
11 AFTER NOTICE.—If the supervisee agrees to waive
12 the right to a revocation or modification hearing,
13 agrees in writing to submit to the graduated sanc-
14 tion or sanctions as set forth in the Notice of Grad-
15 uated Sanctions, and admits to the alleged violation
16 of supervision, the specified sanction shall imme-
17 diately be imposed. If the supervisee does not agree
18 to waive the right to the revocation or modification
19 hearing, does not agree to submit to the specified
20 sanction or sanctions, does not admit to the alleged
21 violation, or if the supervisee fails to complete the
22 graduated sanction or sanctions to the satisfaction
23 of the probation officer and that officer’s supervisor,
24 then the probation officer may commence super-
25 vision revocation or modification proceedings.

1 “(c) DEFINITIONS.—In this section:

2 “(1) CRIMINOGENIC RISK AND NEEDS FAC-
3 TORS.—The term ‘criminal risk and needs factors’
4 means the characteristics and behaviors that are as-
5 sociated with the risk of committing crimes and,
6 that when addressed with evidence-based program-
7 ming are diminished.

8 “(2) EVIDENCE-BASED PRACTICES.—The term
9 ‘evidence-based practices’ means policies, procedures,
10 and practices that scientific research demonstrates
11 reduce recidivism.

12 “(3) GRADUATED SANCTIONS.—The term
13 ‘graduated sanctions’ means an accountability-based,
14 graduated series of sanctions applicable to
15 supervisees to hold such supervisees accountable for
16 their actions by providing appropriate and propor-
17 tional sanctions for each violation of supervision.

18 “(4) SANCTIONING GRID.—The term ‘sanc-
19 tioning grid’ means a list of graduated responses for
20 use in responding to supervisee behavior that vio-
21 lates a condition or conditions of supervision, with
22 responses ranging from less restrictive to more re-
23 strictive based on the seriousness of the violation
24 and the number and severity of prior violations.

1 “(5) NONTECHNICAL VIOLATION.—The term
2 ‘nontechnical violation’ means a new criminal convic-
3 tion for a crime committed while an offender is on
4 supervision.

5 “(6) TECHNICAL VIOLATION.—The term ‘tech-
6 nical violation’ means conduct by a person on super-
7 vision that violates a condition or conditions of su-
8 pervision, including a new arrest for a crime alleg-
9 edly committed while on supervision or criminal
10 charges that have been filed but not yet resulted in
11 a conviction. The term ‘technical violation’ does not
12 include a conviction for a crime committed while the
13 person was on supervision.

14 “(7) PROBATION OFFICER.—The term ‘proba-
15 tion officer’ means an employee of the United States
16 Probation and Pretrial Services who is directly re-
17 sponsible for supervising individual supervisees.

18 “(8) PROBATION SUPERVISOR.—The term ‘pro-
19 bation supervisor’ means an employee of the United
20 States Probation and Pretrial Services who is di-
21 rectly responsible for overseeing probation officers.

22 “(9) SUPERVISEE.—The term ‘supervisee’
23 means an individual who is currently under super-
24 vision.

1 “(10) SUPERVISION.—The term ‘supervision’
2 means supervision during a term of probation or su-
3 pervised release.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for subchapter A of chapter 229 of title 18, United States
6 Code, is amended by inserting after the item relating to
7 section 3608 the following new item:

 “3609. Graduated responses to technical violations of supervision.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) MANDATORY CONDITIONS OF PROBATION.—
10 Section 3563(a) of title 18, United States Code, is
11 amended—

12 (A) by striking “and” at the end of para-
13 graph (8);

14 (B) by striking the period at the end of
15 paragraph (9) and inserting “; and”; and

16 (C) by adding after paragraph (9) the fol-
17 lowing:

18 “(10) for a felony or misdemeanor, that the
19 court may modify the term of probation by imposing
20 a graduated sanction if the probationer has waived
21 the right to a hearing under the Federal Rules of
22 Criminal Procedure.”.

23 (2) MANDATORY CONDITIONS OF SUPERVISED
24 RELEASE.—Section 3583(d) of title 18, United
25 States Code, is amended by inserting after “DNA

1 Analysis Backlog Elimination Act of 2000.” the fol-
2 lowing: “The court may modify the term of super-
3 vised release by imposing a graduated sanction if the
4 defendant has waived the right to a hearing under
5 the Federal Rules of Criminal Procedure.”.

6 (3) DUTIES OF PROBATION OFFICERS.—Section
7 3603 of title 18, United States Code, is amended—

8 (A) in paragraph (2) by striking “to the
9 degree required by the conditions specified by
10 the sentencing court” and inserting “to the de-
11 gree required by section 3609 and the condi-
12 tions specified by the sentencing court”; and

13 (B) in paragraph (3) by striking “use all
14 suitable methods, not inconsistent with the con-
15 ditions specified by the court” and inserting
16 “use a system of graduated sanctions and in-
17 centives designed to deter and respond imme-
18 diately to violations of supervision conditions,
19 not inconsistent with the conditions specified by
20 the court”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section take effect 1 year after the date of the enact-
23 ment of this Act.

1 **SEC. 60607. TARGETED AND PROPORTIONAL PENALTIES**
2 **FOR REVOCATION OF PROBATION.**

3 (a) PENALTIES FOR NONTECHNICAL VIOLATIONS OF
4 PROBATION.—Subsection (a) of section 3565 of title 18,
5 United States Code, is amended to read as follows:

6 “(a) CONTINUATION OR REVOCATION FOR NONTECH-
7 NICAL VIOLATIONS OF PROBATION.—If the defendant
8 commits a nontechnical violation prior to the expiration
9 or termination of the term of probation, the court may,
10 after a hearing pursuant to the Federal Rules of Criminal
11 Procedure, and after considering the factors set forth in
12 section 3553(a) to the extent that they are applicable—

13 “(1) continue the defendant on probation for
14 the remaining duration of the term of probation,
15 with the option to modify or impose additional con-
16 ditions; or

17 “(2) revoke the sentence of probation and re-
18 sentence the defendant under subchapter A.”.

19 (b) PENALTIES FOR TECHNICAL VIOLATIONS OF
20 PROBATION.—Section 3565 of title 18, United States
21 Code, is amended by adding at the end the following:

22 “(d) CONTINUATION OR REVOCATION FOR TECH-
23 NICAL VIOLATIONS OF PROBATION.—If the defendant
24 commits a technical violation prior to the expiration or ter-
25 mination of the term of probation, the court may, after
26 a hearing pursuant to the Federal Rules of Criminal Pro-

1 cedure, and after considering the factors set forth in sec-
2 tion 3553(a) to the extent that they are applicable—

3 “(1) continue the defendant on probation for
4 the remaining duration of the original term of pro-
5 bation, with the option to modify or impose addi-
6 tional conditions; or

7 “(2) revoke the sentence of probation and im-
8 pose a period of imprisonment not to exceed 60
9 days, which can be served in one term of confine-
10 ment or intermittent confinement (custody for inter-
11 vals of time) in jail, prison, community confinement,
12 or home detention in order not to disrupt employ-
13 ment or other community obligations.”.

14 **SEC. 60608. TARGETED AND PROPORTIONAL PENALTIES**
15 **FOR VIOLATIONS OF SUPERVISED RELEASE.**

16 (a) PENALTIES FOR NONTECHNICAL VIOLATIONS OF
17 SUPERVISED RELEASE.—Section 3583 of title 18, United
18 States Code, is amended—

19 (1) in subsection (e), by amending paragraph
20 (3) to read as follows:

21 “(3) revoke the term of supervised release and
22 require the defendant to serve in prison all or part
23 of the term of supervised release authorized by stat-
24 ute for any or all offenses that resulted in the term
25 of supervised release, without any credit earned to-

1 ward discharge under section 3610, if the court,
2 pursuant to the Federal Rules of Criminal Proce-
3 dure applicable to revocation of probation or super-
4 vised release, finds by a preponderance of the evi-
5 dence that the defendant violated a condition of re-
6 lease, except that a defendant whose term is revoked
7 under this paragraph may not be required to serve
8 on any such revocation more than 5 years in prison
9 if the offense that resulted in the term of supervised
10 release is a class A felony, more than 3 years in
11 prison if such offense is a class B felony, more than
12 2 years in prison if such offense is a class C or D
13 felony, or more than one year in any other case; or”;
14 and

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

16 “(m) CONTINUATION OR REVOCATION FOR NON-
17 TECHNICAL VIOLATIONS OF SUPERVISED RELEASE.—If
18 the defendant commits a nontechnical violation of super-
19 vised release prior to the expiration or termination of the
20 term of supervised release, the court may, after a hearing
21 under the provisions of the Federal Rules of Criminal Pro-
22 cedure, and after considering the factors set forth in sec-
23 tion 3553(a)—

24 “(1) continue the defendant on supervised re-
25 lease for the remaining duration of the original term

1 of supervised release, with the option to modify or
2 impose additional conditions; or

3 “(2) revoke the term of supervised release and
4 require the defendant to serve in prison all or part
5 of the term of supervised release authorized by stat-
6 ute for any or all the offenses that resulted in the
7 term of supervised release, without any credit earned
8 toward discharge under section 3610.”.

9 (b) PENALTIES FOR TECHNICAL VIOLATIONS OF SU-
10 PERVISED RELEASE.—Section 3583 is amended by insert-
11 ing after subsection (l) the following:

12 “(m) CONTINUATION OR REVOCATION FOR TECH-
13 NICAL VIOLATIONS OF SUPERVISED RELEASE.—If the de-
14 fendant commits a technical violation of supervised release
15 prior to the expiration or termination of the term of super-
16 vised release, the court may, after opportunity for a hear-
17 ing under the Federal Rules of Criminal Procedure and
18 after considering the factors set forth in section 3553(a)—

19 “(1) continue the defendant on supervised re-
20 lease for the remaining duration of the term of pro-
21 bation, with the option to modify or impose addi-
22 tional conditions; or

23 “(2) revoke the term of supervised release and
24 impose a period of imprisonment not to exceed 60
25 days, which can be served in one term of confine-

1 ment or intermittent confinement (custody for inter-
2 vals of time) in jail, prison, community commitment,
3 or home detention in order not to disrupt employ-
4 ment or other community obligations.”.

5 **PART 4—FOCUS SUPERVISION RESOURCES ON**
6 **HIGH-RISK OFFENDERS**

7 **SEC. 60609. EARNED DISCHARGE CREDITS FOR COMPLIANT**
8 **SUPERVISEES.**

9 (a) IN GENERAL.—Title 18, United States Code, is
10 amended by inserting after section 3609 (as added by sec-
11 tion 522(a)) the following:

12 **“§ 3610. Incentivizing compliance with supervision**
13 **conditions**

14 “(a) IN GENERAL.—A probation officer shall have
15 the authority to award positive reinforcements for a de-
16 fendant who is in compliance with the terms and condi-
17 tions of supervision. These positive reinforcements may in-
18 clude—

19 “(1) verbal recognition;

20 “(2) reduced reporting requirements; and

21 “(3) credits earned toward discharge which
22 shall be awarded pursuant to subsection (b).

23 “(b) CREDITS FOR EARNED DISCHARGE.—
24 Supervisees shall be eligible to earn discharge credits for
25 complying with the terms and conditions of supervision.

1 These credits, once earned, shall reduce the period of su-
2 pervision.

3 “(1) DETERMINATION OF AWARD.—The proba-
4 tion officer shall award 30 days of earned discharge
5 credits for each calendar month in which the of-
6 fender is in compliance with the terms and condi-
7 tions of supervision. If the offender commits a viola-
8 tion of supervision during the month, credits shall
9 not be awarded for that month.

10 “(2) DISCHARGE FROM SUPERVISION.—Once
11 the combination of time served on supervision and
12 earned discharge credits satisfies the total period of
13 supervision, upon motion of any party or upon the
14 court’s own motion, the court shall terminate the pe-
15 riod of supervision. The probation officer shall notify
16 the parties and the court in writing at least 60 days
17 prior to the termination of supervision. The 60-day
18 period shall include the accrual of all earned dis-
19 charge credits to that point.

20 “(c) DEFINITIONS.—In this section:

21 “(1) PROBATION OFFICER.—The term ‘proba-
22 tion officer’ means an employee of Probation and
23 Pretrial Services who is directly responsible for su-
24 pervising individual supervisees.

1 “(2) SUPERVISEE.—The term ‘supervisee’ has
2 the meaning given that term in section 3609.

3 “(3) SUPERVISION.—The term ‘supervision’ has
4 the meaning given that term in section 3609.

5 “(4) TERMINATION OF SUPERVISION.—The
6 term ‘termination of supervision’ means discharge
7 from supervision at or prior to the expiration of the
8 sentence imposed by the court.

9 “(5) TERMS AND CONDITIONS OF SUPER-
10 VISION.—The term ‘terms and conditions of super-
11 vision’ means those requirements set by the court.

12 “(6) VIOLATION OF SUPERVISION.—The term
13 ‘violation of supervision’ means conduct by a person
14 on supervision that violates a condition of super-
15 vision.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of subchapter A of chapter 229 of title
18 18, United States Code, is amended by inserting after the
19 item relating to section 3609 (as added by section 522(b))
20 the following new item:

 “3610. Incentivizing compliance with supervision conditions.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section take effect 1 year after the date of the enact-
23 ment of this Act.

1 **SEC. 60610. ELIMINATION OF MANDATORY REVOCATION**
2 **FOR MINOR DRUG VIOLATIONS.**

3 (a) REMOVING SUBSTANCE-RELATED VIOLATIONS AS
4 GROUNDS FOR MANDATORY REVOCATION OF SUPERVISED
5 RELEASE.—Section 3583(g) of title 18, United States
6 Code, is amended—

7 (1) in the flush text following paragraph (4), by
8 striking “require the defendant to serve a term of
9 imprisonment not to exceed the maximum term of
10 imprisonment authorized by subsection (e)(3)” and
11 inserting “require the defendant to serve a term of
12 imprisonment not to exceed 60 days unless otherwise
13 authorized under subsection (l) or (m)”;

14 (2) by striking paragraphs (1) and (4);

15 (3) by renumbering paragraph (2) as paragraph
16 (1), and paragraph (3) as paragraph (2);

17 (4) by inserting “or” at the end of paragraph
18 (2); and

19 (5) by striking “or” at the end of paragraph
20 (3).

21 (b) REMOVING SUBSTANCE-RELATED VIOLATIONS AS
22 GROUNDS FOR MANDATORY REVOCATION OF PROBA-
23 TION.—Section 3565(b) of title 18, United States Code,
24 is amended—

25 (1) in the flush text following paragraph (4), by
26 striking “revoke the sentence of probation and re-

1 sentence the defendant under subchapter A to a sen-
 2 tence that includes a term of imprisonment” and in-
 3 serting “revoke the sentence of probation and re-
 4 quire the defendant to serve a term of imprisonment
 5 not to exceed 60 days unless otherwise authorized
 6 under subsection (a) or (d)”;

7 (2) by striking paragraphs (1) and (4);

8 (3) by renumbering paragraph (2) as paragraph
 9 (1), and paragraph (3) as paragraph (2);

10 (4) by inserting “or” at the end of paragraph
 11 (1); and

12 (5) by striking “or” at the end of paragraph
 13 (2).

14 **PART 5—MAXIMIZING PUBLIC SAFETY RETURNS**
 15 **ON CORRECTIONS DOLLARS**

16 **SEC. 60611. CLARIFICATION OR ORIGINAL CONGRESSIONAL**
 17 **INTENT REGARDING CALCULATION OF GOOD**
 18 **TIME CONDUCT CREDIT.**

19 (a) IN GENERAL.—Section 3624(b) of title 18,
 20 United States Code, is amended—

21 (1) by striking paragraph (1) and inserting the
 22 following:

23 “(1) Subject to paragraph (2) and in addition
 24 to the time actually served by the prisoner and any
 25 credit provided to the prisoner under any other pro-

1 vision of law, a prisoner who is serving a term of im-
2 prisonment of more than 1 year, other than a term
3 of imprisonment for the duration of the prisoner's
4 life, shall receive credit computed under this para-
5 graph toward that prisoner's term of imprisonment.
6 The credit under this paragraph is computed begin-
7 ning on the date on which the sentence of the pris-
8 oner commences, at the rate of 54 days per year of
9 the sentence imposed by the court, if the Director of
10 the Bureau of Prisons determines that the prisoner
11 has displayed exemplary compliance with institu-
12 tional disciplinary regulations.”; and

13 (2) by striking paragraphs (3) and (4) and in-
14 serting the following:

15 “(3) This subsection applies to all prisoners
16 serving a term of imprisonment for offenses com-
17 mitted on or after November 1, 1987. With respect
18 to a prisoner serving a term of imprisonment on the
19 date of the enactment of the SAFE Justice Act, this
20 subsection shall apply to the entirety of the sentence
21 imposed on the prisoner, including time already
22 served.

23 “(4) A prisoner may not be awarded credit
24 under this subsection that would cause the prisoner

1 to be eligible for release earlier than the time the
2 prisoner already has served.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) take effect 90 days after the date of the
5 enactment of this Act.

6 **SEC. 60612. ANALYSIS OF FISCAL IMPLICATIONS FOR IN-**
7 **CLUSION IN PRESENTENCE REPORTS.**

8 (a) FACTORS TO BE CONSIDERED IN IMPOSING A
9 SENTENCE.—Section 3553(a)(3) of title 18, United States
10 Code, is amended by striking the semicolon and inserting
11 “and the average annual fiscal cost of each;”.

12 (b) PRESENTENCE REPORTS.—Section 3552(a) of
13 title 18, United States Code, is amended by adding at the
14 end the following “The appropriate officials of the United
15 States Probation and Pretrial Services shall provide infor-
16 mation on the average annual cost of the kinds of sen-
17 tences available as part of the Presentence Investigation
18 Report. For the purposes of this subsection the average
19 annual cost of incarceration is the figure per fiscal year
20 as published by the Director of the Bureau of Prisons.
21 The average annual fiscal costs of alternatives to incarcer-
22 ation for that judicial district shall be compiled by the
23 United States Probation and Pretrial Services.”.

24 (c) DIRECTIVE TO THE SENTENCING COMMISSION.—
25 Pursuant to its authority under section 994(p) of title 28,

1 United States Code, and in accordance with this section,
2 the United States Sentencing Commission shall amend its
3 guidelines and its policy statements to ensure that the
4 guidelines and policy statements are consistent with the
5 amendments made by this section and reflect the intent
6 of Congress that an analysis of fiscal implications be in-
7 cluded in presentence reports and considered in the im-
8 position of appropriate sentences.

9 (d) DIRECTIVE TO THE JUDICIAL CONFERENCE.—
10 Pursuant to its authority under section 334 of title 28,
11 United States Code, and in accordance with this section,
12 the Judicial Conference of the United States shall propose
13 an amendment to the Federal Rules of Criminal Procedure
14 consistent with the amendments made by this section to
15 reflect the intent of Congress that an analysis of fiscal
16 implications shall be included in presentence reports and
17 considered in the imposition of appropriate sentences.

18 **SEC. 60613. SUPPORTING SAFE LAW ENFORCEMENT.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) Most law enforcement officers walk into
21 risky situations and encounter tragedy on a regular
22 basis. Some, such as the police who responded to the
23 carnage of the Sandy Hook Elementary School, wit-
24 ness horror that stays with them for the rest of their
25 lives. Others are physically injured in carrying out

1 their duties, sometimes needlessly, through mistakes
2 made in high stress situations. The recent notable
3 deaths of officers are stark reminders of the risk of-
4 ficers face. As a result, physical, mental, and emo-
5 tional injuries plague many law enforcement agen-
6 cies. However, a large proportion of officer injuries
7 and deaths are not the result of interaction with of-
8 fenders but the outcome of poor physical health due
9 to poor nutrition, lack of exercise, sleep deprivation,
10 and substance abuse. Yet these causes are often
11 overlooked or given scant attention. Many other in-
12 juries and fatalities are the result of vehicular acci-
13 dents. The wellness and safety of law enforcement
14 officers is critical not only to themselves, their col-
15 leagues, and their agencies, but also to public safety.

16 (2) Officer suicide is also a problem. Police died
17 from suicide 2.4 times as often as from homicides.
18 And though depression resulting from traumatic ex-
19 periences is often the cause, routine work and life
20 stressors—serving hostile communities, working long
21 shifts, lack of family or departmental support—are
22 frequent motivators too.

23 (3) According to estimates of the United States
24 Bureau of Labor Statistics, more than 100,000 law
25 enforcement professionals are injured in the line of

1 duty each year. Many are the result of assaults,
2 which underscores the need for body armor, but
3 most are due to vehicular accidents.

4 (b) AUTHORIZED USES.—Funds obligated, but sub-
5 sequently unspent and deobligated, may remain available,
6 to the extent provided in appropriations Acts, for use as
7 specified under this section in ensuing fiscal years. The
8 Attorney General shall take all practicable steps to use
9 such funds as soon as practicable to carry out programs
10 that are consistent with the purposes of this title. Such
11 programs include—

12 (1) a national “Blue Alert” warning system to
13 enlist the help of the public in finding suspects after
14 a law enforcement officer is killed in the line of
15 duty;

16 (2) counseling and support services for family
17 members of law enforcement officers who are killed
18 in the line of duty;

19 (3) national toll-free mental health hotline spe-
20 cifically for law enforcement officers, which is both
21 anonymous and peer-driven and has the ability and
22 resources to refer the caller to professional help if
23 needed;

24 (4) continuing research in the efficacy and im-
25 plementation of an annual fitness, resilience, nutri-

1 tion, and mental health check, in recognition that
2 many health problems afflicting law enforcement of-
3 ficers, notably cardiac issues, are cumulative;

4 (5) expanding Federal pension plans and
5 incentivizing State and local pension plans to recog-
6 nize fitness for duty exams as definitive evidence of
7 valid duty or nonduty related disability in recogni-
8 tion of the fact that officers injured in the line of
9 duty are often caught in limbo, without pay, unable
10 to work but also unable to obtain benefits because
11 “fitness for duty” exams are not recognized as valid
12 proof of disability and because they cannot receive
13 Social Security;

14 (6) implementing research-based findings into
15 the number of hours an officer should work consec-
16 utively and in total within a 24–48 hour period, in-
17 cluding special findings on the maximum number of
18 hours an officer should work in a high-risk or high-
19 stress environment (e.g. public demonstrations or
20 emergency situations) by implementing those find-
21 ings federally and providing incentives for State and
22 local law enforcement to do the same;

23 (7) providing individual tactical first-aid kits
24 that contain tourniquets, an Olaes modular bandage,
25 and QuickClot gauze, and training in hemorrhage

1 control to every law enforcement officer on the Fed-
2 eral level and providing incentives for State and
3 local enforcement agencies to do so;

4 (8) providing antiballistic vests and body armor
5 to every law enforcement officer on the Federal level,
6 and providing incentives for State and local law en-
7 forcement agencies to do so;

8 (9) researching and providing training, includ-
9 ing protocols for use and consequences of misuse,
10 prior to providing oleoresin capsicum (OC) spray—
11 commonly called pepper spray—to every correctional
12 worker in medium, high, and maximum security
13 Federal prisons as well as Federal Medical Centers,
14 Federal Detention Centers, and jail units operated
15 by the Bureau of Prisons and instituting a training
16 program to educate workers on how to use the spray
17 responsibly and effectively for self-defense purposes
18 only, and providing incentives for State and law en-
19 forcement agencies to do so;

20 (10) requiring the Director of the Bureau of
21 Prisons to ensure that each chief executive officer of
22 a Federal penal or correctional institution provides
23 a secure storage area located outside the secure pe-
24 rimeter of the institution for employees to store fire-
25 arms, or allowing employees to store firearms in a

1 vehicle lockbox approved by the Director of the Bu-
2 reau of Prisons;

3 (11) researching and/or developing the design
4 specifications or modifications for body-worn cam-
5 eras with the input of Federal, State, and local law
6 enforcement leaders and providing the devices or
7 funding to purchase the device and funding for re-
8 lated costs to implementation and storage costs to
9 every Federal law enforcement and correctional
10 agency and State and local officer, in recognition of
11 the fact that these devices reduce unwarranted com-
12 plaints against officers while also vindicating civil-
13 ians who have been mistreated;

14 (12) researching, developing, and providing best
15 practices for Federal, State, and local law enforce-
16 ment on the acquisition, use, retention, and dissemi-
17 nation of auditory, visual, and biometric data from
18 law enforcement in a constitutional manner and in
19 light of privacy concerns, in consultation with the
20 Bureau of Justice Assistance, civil rights and civil
21 liberties organizations, as well as law enforcement
22 research groups and other experts;

23 (13) hiring of social workers by the Bureau of
24 Prisons and providing incentives for State and local
25 governments to do so because social workers are

1 uniquely qualified to address the release preparation
2 needs of aging inmates, such as aftercare planning
3 and ensuring continuity of medical care;

4 (14) providing funding and training federally
5 and to State and local law enforcement agencies on
6 community-based policing principles to repair and
7 rebuild trust and collaborative relationships;

8 (15) providing funding to Federal, State, and
9 local law enforcement agencies to eliminate the DNA
10 backlog, in recognition that repeat, violent offenders,
11 in particular sex offenders, would be identified and
12 prevented from committing additional crimes;

13 (16) implementing requested and recommended
14 mental health treatments to Federal law enforce-
15 ment and correctional officers and providing incen-
16 tives to State and local law enforcement and correc-
17 tions agencies to do the same;

18 (17) providing incentives and support services
19 to State and local law enforcement agencies to en-
20 hance the reporting to and usage of the National In-
21 cident-Based Reporting System, which collects data
22 on each single incident and arrest within 22 offense
23 categories made up of 46 specific crimes that are the
24 major ones facing law enforcement today, including
25 terrorism, white collar crime, weapons offenses,

1 missing children in which criminality is involved,
2 drug offenses, hate crimes, spousal/child/elder abuse,
3 gang crimes, organized crime, sexual exploitation,
4 DUI and alcohol-related offenses;

5 (18) providing medication-assisted treatment
6 for individuals struggling with heroin, opioid, or al-
7 cohool abuse in residential substance abuse treatment
8 programs and providing funding to State and local
9 governments to do so;

10 (19) providing funding to State and local gov-
11 ernments and law enforcement agencies to imple-
12 ment the Attorney General's best practices on infor-
13 mation and resource parity and innocence protec-
14 tion, including sharing the toolkits referenced in sec-
15 tion 60305 of this title to reduce the likelihood of
16 wrongful convictions, "open file" discovery practices,
17 evidence preservation, training on interrogation to
18 avoid coercive tactics that lead to false or unreliable
19 confessions, training on interviewing witnesses to
20 avoid suggestive tactics that lead to false or unreli-
21 able identifications, and training on the cross-racial
22 misidentification probability;

23 (20) investing in research and training in non-
24 lethal tools of policing that provide a greater range

1 of law enforcement response, including to de-escalate
2 situations and reduce deadly uses of force;

3 (21) investing in research and training in im-
4 plicit bias for local, State, and Federal law enforce-
5 ment personnel and developing comprehensive strat-
6 egies to recognize and reduce incidences of implicit
7 bias;

8 (22) investing in evidence-based programs to
9 assist communities in developing comprehensive re-
10 sponses to youth violence through coordinated pre-
11 vention and intervention initiatives;

12 (23) hiring social workers, psychologists, psy-
13 chiatrists, therapists, and counselors for Federal
14 prisons and providing funding to State and local
15 governments to do the same as they are uniquely
16 qualified to address the release preparation needs of
17 inmates;

18 (24) providing funding to State and local law
19 enforcement agencies to provide incentives for offi-
20 cers with undergraduate and graduate degrees;

21 (25) providing additional funding to Federal,
22 State, and local government agencies to provide com-
23 petent and effective counsel for persons financially
24 unable to obtain legal representation;

1 (26) providing additional funding for the grant
2 program established by the Second Chance Act
3 (Public Law 110–199) to prevent recidivism and im-
4 prove public safety;

5 (27) providing funding for Federal, State, and
6 local law enforcement leaders to attend the FBI Na-
7 tional Academy to share best practices and support
8 national coherence on important policing issues in
9 this ever-changing field;

10 (28) crime-reducing education grants, Federal
11 pretrial diversion programs, Federal problem-solving
12 courts, the elimination of mandatory minimums in
13 the Federal law, and the Innocence Protection Act
14 of 2004; and

15 (29) providing funding for a competitive 5-year
16 grant to a nationally recognized, nonpartisan, sci-
17 entifically sound, research organization, with an ad-
18 visory board comprised of local, State, and Federal
19 law enforcement leaders, and subject matter experts,
20 to create a national nonpunitive, forward-focused
21 peer review, training, and improvement center with
22 the goal of improved safety outcomes for officers and
23 civilians that would—

24 (A) establish a “critical incident review”
25 mechanism, similar to those used in medicine

1 and aviation, as a comprehensive, protective,
2 and accurate way of examining the cir-
3 cumstances surrounding an incident to accu-
4 rately identify problems on a systemic level to
5 reduce the number and types of problems, to
6 improve policing outcomes, refine policies and
7 practices, and build upon meaningful conversa-
8 tions and research to develop what improve-
9 ments with cooperation of the law enforcement
10 agencies involved;

11 (B) establish a data input form and infra-
12 structure of a “near miss” database and for
13 every policing incident in which an officer or ci-
14 vilian life is lost or substantial force is used to
15 review knowledge gained from past tragedies in
16 order to disseminate it to prevent future ones
17 and to encourage new learning and sustainable,
18 stakeholder-driven change;

19 (C) study, recommend, and establish an
20 “officer-involved shooting database” for use
21 when firearms have been used against law en-
22 forcement officers and where officers have used
23 firearms against civilians to review knowledge
24 gained from past tragedies to distinguish be-
25 tween actual risk versus perceived risk on the

1 part of the civilian or officer and to develop
2 best practices;

3 (D) advance training, technical assistance
4 and knowledge regarding mental health issues
5 that occur within the criminal justice system,
6 including providing training and funding for de-
7 escalation techniques, coordination among gov-
8 ernment agencies, information-sharing, diver-
9 sion initiatives, jail and prison strategies, estab-
10 lishment of learning sites, suicide prevention,
11 and assistance and infrastructure for calls for
12 service and law enforcement triage capabilities;

13 (E) study, invest in, and apply policing re-
14 search tools that develop forecasts based upon
15 evolving technology, social movements, environ-
16 mental changes, economic factors, and political
17 events; and

18 (F) educate and facilitate the advance of
19 evidence-based policing to encourage use of the
20 best available scientific evidence to control
21 crime and disorder and enhance officer safety
22 and wellness.

23 (c) FUNDS TO SUPPLEMENT, NOT SUPPLANT, EX-
24 ISTING FUNDS.—Funds disbursed pursuant to this section

1 shall not be used to supplant existing State or local funds
2 utilized for these purposes, but rather to supplement them.

3 (d) ACCOUNTING.—Every year, the Department of
4 Justice shall provide an accounting of the reprogrammed
5 funds to ensure that the funds are disbursed and expended
6 in a manner to maximize public safety and make needed
7 improvements to the criminal justice system. The Attorney
8 General shall report the findings to the Judiciary, Over-
9 sight, and substantive congressional committees.

10 **Subtitle G—Increasing Govern-**
11 **ment Transparency and Accu-**
12 **racy**

13 **SEC. 60701. REPORT ON MANDATORY MINIMUMS.**

14 Not later than one year after the date of the enact-
15 ment of this Act, the Government Accountability Office
16 (GAO), in coordination with the Attorney General, shall
17 provide a report to Congress listing all existing mandatory
18 minimum penalties in force, including brief summaries of
19 the conduct prohibited by each and how frequently the
20 mandatory minimum is imposed.

21 **SEC. 60702. FEDERAL DEFENDER ADDED AS A NONVOTING**
22 **MEMBER OF THE SENTENCING COMMISSION.**

23 (a) IN GENERAL.—Subsection (a) of section 991 of
24 title 28, United States Code, is amended—

1 (1) by striking “one nonvoting member.” at the
2 end of the first sentence and inserting “two non-
3 voting members.”; and

4 (2) by inserting before the last sentence the fol-
5 lowing: “A Federal public or community defender
6 designated by the Judicial Conference of the United
7 States with the advice of the Defender Services Ad-
8 visory Group shall be a nonvoting member of the
9 Commission.”.

10 (b) CONFORMING AMENDMENT.—The final sentence
11 of section 235(b)(5) of the Comprehensive Crime Control
12 Act of 1984 (18 U.S.C. 3551 note) is amended by striking
13 “nine members, including two ex officio, nonvoting mem-
14 bers” and inserting “ten members, including three non-
15 voting members”.

16 **SEC. 60703. BUDGET AND INMATE POPULATION IMPACT OF**
17 **LEGISLATION ON THE FEDERAL CORREC-**
18 **TIONS SYSTEM.**

19 (a) IMPACT ANALYSIS.—

20 (1) WHEN REQUIRED.—Upon request by the
21 chair or ranking member of the Committee on the
22 Judiciary of either the Senate or the House of Rep-
23 resentatives with respect to legislation referred to
24 that committee that amends sentencing or correc-
25 tions policy or creates a new criminal penalty, the

1 Attorney General shall, before the final committee
2 vote on ordering the legislation reported, provide the
3 requesting party an impact analysis.

4 (2) CONTENTS.—The impact analysis shall con-
5 tain—

6 (A) an estimate of the Federal budgetary
7 impact of the legislation, both overall and bro-
8 ken down by each agency affected in the execu-
9 tive and judicial branches; and

10 (B) an estimate of the legislation’s 10-year
11 prison bed impact on Federal facilities.

12 (b) AMENDMENTS.—Upon request by the chair or
13 ranking member of the Committee on the Judiciary of the
14 Senate or the House of Representatives with respect to
15 any legislation ordered reported favorably by that com-
16 mittee with amendment, the Attorney General shall, not
17 later than 30 days after the request is made, provide the
18 requesting party with an updated impact analysis.

19 (c) INCLUSION OF IMPACT ANALYSIS OR STATE-
20 MENT.—The chair or ranking member shall include in the
21 committee report, or in additional, separate, or dissenting
22 views appended to the report, as the case may be, any
23 impact analysis provided at the request of that chair or
24 ranking member. If the Attorney General does not provide
25 an impact analysis in a timely manner, the chair or rank-

1 ing member shall instead include in the committee report
2 or views, a statement that the impact analysis was not
3 provided.

4 (d) EFFECT OF FAILURE TO COMPLY WITH RE-
5 QUIREMENTS OF SECTION.—The Attorney General shall
6 make every effort to provide an impact analysis required
7 under this section, and the requesting party shall make
8 every effort to give the Attorney General sufficient notice
9 to do so. However, failure to provide the impact analysis
10 does not give rise to any point of order regarding the legis-
11 lation. Failure by a chair or ranking member to include
12 matter as required by this section in a report or views
13 appended to the report does not give rise to a point of
14 order regarding the legislation.

15 **SEC. 60704. REPORTS.**

16 (a) ANNUAL REPORTS BY THE ATTORNEY GEN-
17 ERAL.—Not later than 180 days after passage of this bill,
18 and every year thereafter, the Attorney General shall sub-
19 mit to the Congress, a report that contains the following:

20 (1) Analysis of demographic (age, race/eth-
21 nicity, gender) data on Federal offenders, including
22 by offender demographics, the number and types of
23 offenses for which offenders in that demographic
24 have—

1 (A) been considered for prosecution by the
2 Department of Justice but not charged;

3 (B) been charged but charges were dis-
4 missed;

5 (C) been initially charged with mandatory
6 minimums that were not withdrawn or dis-
7 missed, listed by statutory citation of manda-
8 tory minimum;

9 (D) been charged in a superseding indict-
10 ment or subsequent information with manda-
11 tory minimums;

12 (E) plea bargained in exchange for pros-
13 ecutors not charging mandatory minimums, in-
14 cluding the type of mandatory minimum plea
15 bargained away;

16 (F) been initially charged with mandatory
17 minimums but were withdrawn or dismissed,
18 listed by type of mandatory minimum; and

19 (G) been convicted, the length of sentence
20 they received, and the judicial district in which
21 they were sentenced to track whether unwar-
22 ranted sentencing disparities are occurring in
23 certain districts.

1 (2) An analysis of current and projected sav-
2 ings associated with this title and the amendments
3 made by this title.

4 (3) Developments in training and development
5 and research on the Department of Justice in con-
6 junction with the Department of Defense, on non-
7 lethal tools of policing.

8 (b) ANNUAL REPORTS BY THE DIRECTOR OF THE
9 BUREAU OF PRISONS.—Not later than 180 days after
10 passage of this bill, and every January 1 thereafter, the
11 Director of the Bureau of Prisons, in consultation with
12 the Inspector General of the Department of Justice, shall
13 submit to Congress a report that contains the following
14 information, categorized by race, national origin, gender,
15 age, and religion:

16 (1) PRISON DATA.—

17 (A) The number of offenders entering pris-
18 on on a new offense.

19 (B) The average sentence length for a new
20 prison sentence by offense type.

21 (C) The number of offenders entering pris-
22 on on a revocation of supervision.

23 (D) The average sentence length for of-
24 fenders entering prison for a probation revoca-
25 tion.

1 (E) The average sentence length for of-
2 fenders entering prison for a supervised release
3 revocation.

4 (F) The average percentage of the sen-
5 tence imposed served in prison as compared to
6 community, home, or residential reentry center.

7 (G) The average percentage of prison sen-
8 tences served in prison by offense type for of-
9 fenders entering on a new offense.

10 (H) The number of offenders in solitary
11 confinement, including their race, gender, age,
12 reason for solitary confinement, length of stay
13 in solitary confinement, the number of total
14 stays in solitary confinement, the total time of
15 stay in solitary confinement, and the number of
16 those offenders with mental health issues, cog-
17 nitive deficits, substance abuse issues, or com-
18 bat-related post-traumatic stress disorder.

19 (I) Total prison population by offense type
20 and by the type of admission into prison.

21 (J) Recidivism rate by offense type.

22 (K) Offense rate after 3 years of release.

23 (2) DATA RELATED TO EXPANDED EARNED
24 TIME CREDIT AND RECIDIVISM REDUCTION PRO-
25 GRAMMING.—

1 (A) The number and percentage of offend-
2 ers who have earned time credit in the prior
3 year.

4 (B) The average amount of time credit
5 earned per offender in the prior year.

6 (C) The average amount of time credit
7 earned by offenders released from prison in the
8 prior year.

9 (D) Additional information as requested by
10 the Judiciary, Oversight, and other substantive
11 committees.

12 (E) A summary and assessment of the
13 types and effectiveness of the recidivism reduc-
14 tion programs and productive activities in facili-
15 ties operated by the Director of the Bureau of
16 Prisons, including—

17 (i) evidence about which programs
18 and activities have been shown to reduce
19 recidivism;

20 (ii) the capacity of each program and
21 activity at each facility, including the num-
22 ber of prisoners enrolled in each program
23 and activity; and

24 (iii) identification of any problems or
25 shortages in capacity of such programs

1 and activities, and how they should be
2 remedied.

3 (3) DATA RELATED TO RELEASE TO EXTENDED
4 SUPERVISION FOR CERTAIN MEDICALLY INCAPACI-
5 TATED AND GERIATRIC PRISONERS.—

6 (A) The number of offenders who peti-
7 tioned for release to extended supervision pur-
8 suant to section 3582(c)(1)(A) of title 18,
9 United States Code.

10 (B) The number of offenders who peti-
11 tioned and were denied release to extended su-
12 pervision pursuant to section 3582(c)(1)(A) of
13 title 18, United States Code, and the common
14 reasons for denial.

15 (C) The number of offenders released to
16 extended supervision pursuant to section
17 3582(c)(1)(A) of title 18, United States Code,
18 who were revoked in the previous year.

19 (c) ANNUAL REPORTS BY THE DIRECTOR OF THE
20 ADMINISTRATIVE OFFICE OF THE UNITED STATES
21 COURTS.—Not later than 180 days after passage of this
22 bill, and every January 1 thereafter, the Director of the
23 Administrative Office of the United States Courts, in con-
24 sultation with the Judicial Conference, shall submit to the

1 appropriate committees of Congress, and publish pub-
2 lically, a report that contains the following:

3 (1) PROBATION DATA.—

4 (A) The number of offenders sentenced to
5 probation in the previous year.

6 (B) The number of offenders supervised on
7 probation.

8 (C) The number of probationers revoked
9 for a technical violation.

10 (D) The number of probationers who were
11 convicted of a new felony offense and sentenced
12 to a term of imprisonment, in either a local,
13 State, or Federal facility.

14 (2) SUPERVISED RELEASE DATA.—

15 (A) The number of offenders placed on
16 postrelease supervision in the following year.

17 (B) The number of offenders supervised on
18 postrelease supervision.

19 (C) The number of offenders on supervised
20 release revoked for a technical violation.

21 (D) The number of offenders on supervised
22 released who were convicted of a new felony of-
23 fense and sentenced to a term of imprisonment,
24 in either a local, State, or Federal facility.

1 (3) DATA RELATED TO THE IMPOSITION OF
2 THE GRADUATED SANCTIONING SYSTEM.—

3 (A) The number and percentage of offend-
4 ers who have one or more violations during the
5 year.

6 (B) The average number of violations per
7 offender during the year.

8 (4) DATA RELATED TO THE IMPOSITION OF
9 EARNED TIME CREDITS.—

10 (A) The number and percentage of offend-
11 ers who qualify for earned discharge in one or
12 more months of the year.

13 (B) The average amount of credits earned
14 per offender within the year.

15 (C) The average probation sentence length
16 for offenders sentenced to Federal probation.

17 (D) The average supervision sentence
18 length for offenders released to supervised re-
19 lease.

20 (E) The average time spent on Federal
21 probation for offenders successfully completing
22 probation.

23 (F) The average time spent on supervised
24 release for offenders successfully completing su-
25 pervised release.

1 (5) DATA RELATED TO PROBLEM-SOLVING
2 COURTS.—

3 (A) Total number of participants.

4 (B) Total number of successful partici-
5 pants.

6 (C) Total number of unsuccessful partici-
7 pants.

8 (D) Total number of participants who were
9 arrested for a new criminal offense while in the
10 problem-solving court program.

11 (E) Total number of participants who were
12 convicted of a new felony or misdemeanor of-
13 fense while in the problem-solving court pro-
14 gram.

15 (F) Any other data or information as re-
16 quired by the Judiciary, Oversight, and other
17 substantive committees.

18 (d) DEFINITIONS.—In this title, the following defini-
19 tions apply:

20 (1) RECIDIVISM.—The term “recidivism”
21 means the return to Federal prison of an offender
22 not later than 3 years after the date of release.

23 (2) SUPERVISION.—The term “supervision” has
24 the meaning given that term in section 3609 of title
25 18, United States Code.

1 (3) OFFENSE RATE.—The term “offense rate”
2 means either misdemeanor or felony convictions
3 more than 3 years after the date of release.

○